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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 11, 2001.

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

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

PRAYER

The Reverend Tommy Nelson, Pastor, Denton Bible Church, Denton, Texas, offered the following prayer:

Our Father, You have made us as You have made all things. You have established the nations and their boundaries, You have ordained their leaders, their authority and the absolutes by which they rule. To You, who are the foundation of justice, of love and equality, we ask Your sovereign mercy.

Grant these men and women, whom You have vested, the wisdom to perceive Your pleasure, the skill to implement it, the courage to stand by the right, and the consistency and the integrity of life to merit the trust of this Nation, who has looked unto them. Encourage them and surround their families and marriages with Your blessing and help and truth.

Have mercies on this Nation through them, to walk in Thy way and know Thy peace.

In Thy Holy and Merciful Name we pray. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER pro tempore. 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The point of no quorum is considered withdrawn.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 pro tempore. Will the gentleman from Oregon (Mr. WU) come forward and lead the House in the Pledge of Allegiance.

Mr. WU led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1. An act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1) ''An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind'', requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. JEFFORDS, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. EDWARDS, Mrs. CLINTON, Mr. LIEBERMAN, Mr. BAYH, Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. HUTCHINSON, Mr. WARNER, Mr. BOND, Mr. ROBERTS, Ms. COLLINS, Mr. SESSIONS, Mr. DEWINE, Mr. ALLARD, and Mr. ENSIGN, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2216) ''An Act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes'', requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. STEVENS, and Mr. COCHRAN, to be the conferees on the part of the Senate.

WELCOMING THE REVEREND TOMMY NELSON, PASTOR, DENTON BIBLE CHURCH, DENTON, TEXAS

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

Mr. THORNBERRY. Mr. Speaker, on behalf of the gentleman from Texas (Mr. ARMEY), the majority leader, and my colleague the gentleman from Texas (Mr. HALL), it is my privilege to welcome as our guest chaplain today Tom Nelson, the Senior Pastor of Denton Bible Church in Denton, Texas.

Tom was born and raised in Waco and grew up in a family of four boys. He attended what is now the University of

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North Texas in Denton, where he played quarterback for the football team and earned his degree in 1973. From there, he attended Dallas Seminary.

Tom has been pastoring at Denton Bible Church for 23 years. With over 4,000 members, Denton Bible Church is the largest church in Denton. Beside the four services he leads each Sunday, Tom disciples over 30 young men and teaches two men's bible studies.

In addition, Tom has served as a national speaker for the Fellowship of Christian Athletes, Campus Crusade for Christ, and Navigators. He is the author of two books and three video series. His taped messages have been heard throughout the world. Tom and his wife Teresa have two sons, Benjamin and John Clark.

Once again, Mr. Speaker, it is my privilege to welcome Tom Nelson to the Congress of the United States. I would like to thank him for his leadership in the community of Denton and express my appreciation for his leading the House today in prayer.

SUPPORT FLETCHER-PETERSON BALANCED PATIENTS' BILL OF RIGHTS

(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, today I rise to express my strong support for a meaningful and responsible Patients' Bill of Rights recently introduced by my colleagues and friends, the gentleman from Kentucky (Mr. FLETCHER) and the gentleman from Minnesota (Mr. PETERSON).

We have been debating this issue for years, and it is time to give Americans what they need and what they deserve. This bill ensures that Americans will have access to medical care, including pediatric services, OB–GYN, specialists and emergency care. It further provides accountability by assuring those who make medical decisions which result in an injury are held responsible for their actions.

And this bill assures Americans can count on affordable health care. After all, what good is a Patients' Bill of Rights if millions of more Americans are unable to afford health care?

I call upon everyone in this Chamber to support the Fletcher-Peterson bill. It is a balanced Patients' Bill of Rights, which ensures that medical decisions are made by doctors and patients, and not by HMO gatekeepers or lawyers.

APPROVE FEDERAL FUNDING OF STEM CELL RESEARCH

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

Ms. ESHOO. Mr. Speaker, I was recently visited in my office here in Washington by two of my young constituents, Mary Lucas, 9 years old, and Kelsey Kagle, 15. They both have juvenile diabetes.

Mary Lucas, the 9-year-old, said something to me that has remained with me and I think always will. She told me that if we found a vaccine or a cure for diabetes, and if there was not enough for everyone, she would give up her share to someone who needed it more than her. Her unselfish words, I think, are instructive to us.

How will we cure juvenile diabetes? One promising method is by investing in stem cell research, which has the potential to cure diseases that afflict tens of millions of Americans today, diseases like cancer, Alzheimer's and Parkinson's.

According to a recent article in the New York Times, a study by the NIH sites the dazzling array of treatments that may result from research on both embryonic and adult stem cells. The report makes clear that embryonic stem cells are clearly superior to adult stem cells for stem cell research.

Most Americans understand that stem cell research is not about destroying lives, but prolonging and bringing quality to and curing American lives today. So let us get this out of political science and keep it in the hands of the real scientists that understand this, and let us take a giant step, Mr. President, and allow Federal funding for stem cell research.

WALK FAR FOR NATIONAL ALLIANCE FOR AUTISM RESEARCH

(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, these posters portray two beautiful, happy children, Bonnie and Willis Flick. What these pictures do not portray is that Bonnie and Willis cannot effectively communicate with their parents or their playmates because they live with autism.

In recent years autism has risen dramatically across our Nation, and although it typically affects 1 in every 500 children, in my hometown of Miami-Dade County, the rate of autism in young children has jumped to about 1 in every 250.

On Saturday, November 3, I will participate in Walk Far for NAAR, the National Alliance for Autism Research. This will raise funds for research projects and fellowships to fight this devastating disorder.

I ask my colleagues to join me in congratulating the chair of this year's walkathon, Patricia Cambo, and the co-chairs, Rene Vega and Dr. Michael Alessandri, as well as last year's co-chairs, Michelle Cruz and Marie Ilene Whitehurst.

Due to the success of Walk Far, the National Alliance for Autism Research more than doubled its level of funding for this year, and we hold promise that a cure for autism is just around the bend for Bonnie and Willis Flick and many other children with autism.

SUPPORT USE OF FEDERAL FUNDS FOR STEM CELL RESEARCH

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

Ms. DEGETTE. Mr. Speaker, why should we use Federal money for embryonic stem cell research? While it is a difficult medical-ethical decision to make sure we put controls in place, embryonic stem cell research promises new breakthroughs in science that will help literally tens of millions of Americans.

There are three reasons why we need to make sure this research is federally funded and federally supervised.

First, medical breakthroughs of underestimated value are available through funding of this research. A large body of successful work with mouse embryonic stem cells shows these cells are superior to adult stem cells in the development of what may be cures for diabetes, Parkinson's disease, Alzheimer's and other chronic diseases.

Second, Federal funding provide necessary oversight of stem cell research. This is the new frontier, and we need to make sure we keep control of it.

Finally, America has the greatest health, medical and science community in the world. Federal funding will help U.S. scientists keep pace with international researchers. We need to find the cure for diabetes, we need to find the cure for Parkinson's, for Alzheimer's and so many other diseases. Let us keep this research going.

FUND ADULT STEM CELL RESEARCH GENEROUSLY

(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, we must have stem cell research. Alzheimer's, Parkinson's and diabetes, these are all very serious diseases that have no cures. But our research must be ethical. Adult stem cell research holds the most promise for finding cures.

We should fund adult stem cell research, and fund it generously, but not embryonic stem cell research. Creating human embryos for research, experimentation, harvesting and destruction is not ethical. Killing one human life, even though very tiny, on the off chance of maybe one day saving another, is not ethical, moral, and, I should add, even legal to do with taxpayer money.

Since 1996, our laws ban government funding of research that involves killing human embryos. We should keep that ban. Now we have a study that shows that embryonic stem cells may

be too unstable to be of much use anyway, unless they are produced in huge numbers. But there is no such evidence that adult stem cells are unstable.

Adult stem cell research holds great promise. Adult stem cell research promises to help us find cures to diseases that have plagued mankind for centuries. Let us fund adult stem cell research, and fund it generously.

CHINA DOES NOT DESERVE TO HOST 2008 OLYMPIC GAMES

(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, China has executed 1,781 citizens in the last 90 days. That is more executions than the entire world performed over the last 3 years. China is now even executing citizens for pimping and prostitution. It is getting so bad that Chinese citizens, Chinese lovers, in fact, are afraid to kiss in public. Meanwhile, China says it is necessary to ensure ''social stability.''

Now, if that is not enough to power surge your electric chair, China is in line to host the 2008 Olympic games.

Beam me up. The Olympic games are designed to be a celebration of life, not death. China does not deserve to host these games.

I yield back the human rights abuses, the death and dying at the hand of Communist Chinese dictators.

□ 1015

GOVERNMENT SPENDING CAUSES DEFICIT SPENDING

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

Mr. BRADY of Texas. Mr. Speaker, Washington is out of touch with the real world again. Tax relief does not cause deficit spending, as we hear; spending causes deficit spending.

Washington spends every dime we send up here. That is the reason why this Congress stopped deficit spending in America. That is why this Congress stopped 40 years of dipping into the Social Security and Medicare Trust Funds, and that is why this Congress has started to pay down a good amount of the national public debt. Mr. Speaker, make no mistake. The very reason we sent money back home to the people is because we will spend every dime of it.

Look what we spend. Let us talk about the outhouse, the $1 million, two-seater outhouse that our National Parks and Wildlife built a year ago. Let us talk about the salmon. We spend $5 billion a year helping salmon swim upstream to their spawning grounds. We could put each fish in a first-class ticket seat and fly them to the top of the river each year and still save money. We have enough dollars for the priorities of America. What we do not have is enough for the priorities of silliness. Tax relief does not cause deficit spending, spending causes deficit spending.

STEM CELL RESEARCH IS PRO–LIFE

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

Ms. HARMAN. Mr. Speaker, I rise today to urge strong support in Congress and the administration for a vital field of medical research. Federal funding for embryonic stem cell research should not be caught up in the abortion debate. As many antichoice proponents have courageously noted, stem cell research is pro-life. It will save lives, not take them.

Let me review what we know about stem cell research.

First, research using embryonic stem cells is helping us understand and treat not just Parkinson's disease, spinal cord injuries, and Alzheimer's, but possibly heart disease, arthritis and cancer.

Second, stem cell research is going on today and should be subject to Federal guidelines. Research of the type described in the lead story in today's Washington Post is not permitted under NIH's ethical standards.

Third, adult stem cells are not able to develop into as many kinds of tissue as embryonic cells.

Fourth, the embryos used in stem cell research would otherwise be destroyed by fertility clinics.

Mr. Speaker, if the embryos used in this research are simply discarded, we discard with them the hope of patients across the country and the promise of a new generation of medical cures.

HYDROPOWER FOR CLEAN AND SAFE ENERGY

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

Mr. STEARNS. Mr. Speaker, we in the House will be marking up an energy policy this week, and part of this policy will include hydropower. Hydropower provides a clean and safe source of energy. Hydropower is the fourth largest source of total generation, making it an important part of America's energy supply mix. In addition to providing sustainable power at a low cost, hydropower production has significant environmental benefits. Hydropower production has no emissions. Every kilowatt of power that is produced from hydropower reduces the need to burn oil and coal to produce the same amount of energy.

I am pleased that the Republican energy package will include elements to assure that we maximize the potential of our existing hydropower facilities. While we work to implement policies and strategies to conserve energy, we must also work to increase energy supply to keep pace with growing demand. Mr. Speaker, I believe that maximizing the benefits of our hydropower resources is an important part of meeting that challenge.

CHOOSING TO BE RELEVANT TO SCIENCE

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

Mr. WU. Mr. Speaker, stem cell research offers the prospect for cures for diseases such as diabetes, Alzheimer's, and Parkinson's disease. It is a development of such great historic significance that I want to hearken back to another era when science was under threat from a theocracy.

About 400 years ago, Galileo Galilee was forced to recant the evidence of his eyes that the moons and the planets revolved around each other rather than all of them revolving around the Earth, as the church then insisted that we all believe. But even as the theocracy forced Galileo to recant his views, he was heard to mutter, ''But the planets do move.''

Mr. Speaker, just as the planets move, stem cell research will go forward. The only question is whether it goes forward in this country or in foreign countries; with government support or without government support; subject to NIH guidelines or subject to no ethical guidelines whatsoever.

Our choice here is not about stem cell research or not. Just as no theocracy can prevent the planets from moving, no theocracy can prevent stem cell research from going on. The only choice is whether we choose to be relevant to science.

AMERICA IS A NATION OF THE PEOPLE, BY THE PEOPLE, AND FOR THE PEOPLE

(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, do my colleagues know what? Our taxes were lowered on July 1. That means we will take home more of our own money. We can thank President Bush for that.

When I was home in Texas over July 4, I met Kris and Melissa Kelly who are constituents of mine, and I asked them, what are you going to do with that tax refund? They said they are going to put a down payment on a brand-new minivan for their family. Is that not what America is all about?

Instead of allowing the Federal Government to keep our hard-earned money, creating new and expensive government programs, we gave the people their own money back so they can buy the things they need.

So I salute President Bush for all he has done for the hard-working people of

this great Nation. America really is a Nation of the people, by the people, for the people.

STEM CELL RESEARCH

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

Mr. EVANS. Mr. Speaker, there should really be no debate about stem cell research, given the immense promise that it holds for a number of diseases. This is an issue that is of paramount importance to millions of Americans who stand to benefit from this groundbreaking research. I know, because I am one of them. I suffer from Parkinson's disease.

This debate is being mired down in the politics of abortion, but it has nothing to do with abortion. This is an issue of medicine. Stem cells are never derived from an embryo that a woman intends to be implanted into her womb, nor are embryos ever created for their use in stem cell research. Researchers only use embryos which were scheduled to be discarded.

Clearly, these embryos can be put to better use. The scientific promise of embryonic stem cells offer hope that simply did not exist a few years ago. We cannot afford to literally throw away such potential. Every day that we continue research brings with it astonishing possibilities for enhanced treatments and cures for now-irreversible diseases and injuries.

Let us come together as a body in support of stem cell research.

SUPPORT ETHICAL AND RESPONSIBLE STEM CELL RESEARCH

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

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of ethical stem cell research and in opposition to the destruction of human life. I firmly believe that we have a responsibility to respect and protect life at every stage.

The issue we face is not whether we allow this research. Both the ethical adult stem cell research that I support and the controversial embryonic research will continue on.

However, we must now decide if we are going to force taxpayers to fund this controversial embryonic research. Allocating Federal dollars for research that retires destruction of human embryos would require many Americans to fund something that they morally oppose. I urge the President and my colleagues to join me in supporting responsible and ethical stem cell research and standing for what is right and moving ahead with this research.

JULIAN C. DIXON POST OFFICE

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

Ms. WATSON of California. Mr. Speaker, on December 8, 2000, Julian Dixon, a Member of Congress, died of a heart attack at age 66. On that day, Congress lost an experienced leader, and California lost a tireless advocate. But the loss of Julian Dixon was felt the hardest in the 32nd Congressional District of California where Angelenos lost a beloved friend and neighbor.

Yesterday, I introduced a bill to rename a post office in the 32nd district as the ''Congressman Julian C. Dixon Post Office.'' This one small effort pales in comparison to the years of devoted service Julian provided to his community.

But as a friend and a school chum of Julian Dixon, I know that my neighbors in the 32nd Congressional District would be proud to have Julian remembered in this way. What an appropriate way to honor him, since he was well known for corresponding with his constituents by mail.

Mr. Speaker, I ask the entire California delegation, as well as any other Member, to join me in cosponsoring this piece of legislation.

FROZEN EMBRYOS ARE BEING ADOPTED

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

Mr. SMITH of New Jersey. Mr. Speaker, Hannah is a happy 2½-year-old little girl. She is a normal, healthy toddler discovering the joys of life. In a few days I hope to meet Hannah and when I do, I will reassure her that there is no such thing as a ''spare'' or ''leftover'' person.

Although she may not yet understand what that means, her parents sure do. They understand perfectly, because little Hannah used to be a frozen embryo in an invitro fertilization clinic. She was what those who support embryonic stem cell research—research that destroys human embryos—callously call ''spare'' and ''leftover'' embryos.

But Hannah is neither ''spare'' nor ''leftover,'' despite the fact that she spent a considerable amount of time in a deep-freeze tank that served as her frozen orphanage. The perky toddler could have been fodder for researchers, but instead today is talking a blue streak, and in a few years will go to school.

Mr. Speaker, the story of Hannah and other adopted embryos underscores why we should not spend Federal tax dollars to destroy human embryos to steal their precious stem cells. These stem cells are not ours to take. And given the breathtaking discoveries from adult stem cell research, which does not rely on destroying human embryos, arguments for federally funding embryonic stem cells is less persuasive than ever.

PUT POLITICS ASIDE AND SUPPORT STEM CELL RESEARCH

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

Ms. WOOLSEY. Mr. Speaker, I rise today in support of stem cell research. It is time for people on all points of the political spectrum to come together, support efforts to make stem cell research safe, legal and ethical. Stem cell research has the potential to unlock the door to medical knowledge for a host of diseases. We cannot allow America's health to be held hostage to politics, while medical research stagnates.

For people suffering from Alzheimer's or Parkinson's, or for those who have loved ones with these diseases, including cancer and juvenile diabetes, stem cell research represents hope for a cure. Yet by banning this research, either adult or embryonic research, we foreclose the possibility of improving or saving many, many lives. And who will pay the price? A mother fighting Parkinson's or a child battling juvenile diabetes. That is why I strongly urge my colleagues to put politics aside, support the promising scientific research of stem cell research.

□ 1030

RESEARCH MONEY SHOULD GO TOWARD ADULT STEM CELL RESEARCH

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

Mr. WELDON of Florida. Mr. Speaker, prior to coming to the United States Congress, I practiced internal medicine for 15 years, including treating many patients with diabetes, Alzheimer's disease, and Parkinson's disease. For that reason, I was very interested in this issue of stem cell research.

I have reviewed the medical literature on this issue. Today, most of the people advocating for the use of embryonic stem cells are bench researchers who like to use them because they tend to proliferate very nicely in the U.S. culture. That very same property makes them very problematic in using them in clinical applications.

There is today the use of adult stem cells in treating diseases. There is no use of embryonic stem cells in treating any diseases. Indeed, there is not even an animal model where we can take a rat with a disease and treat it with an embryonic stem cell.

Using embryonic stem cells in clinical applications is very problematic for the very same reason that the bench researchers like to use it, the cells tend to proliferate and behave like malignancies. It is not only ethical to use adult stem cells, it makes the most sense, and it is where the research money should be going.

EMBRYONIC STEM CELL RESEARCH IS A MEDICAL ISSUE

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

Ms. SCHAKOWSKY. Mr. Speaker, the issue of embryonic stem cell research has been misrepresented as one of abortion. It is not an abortion issue. Stem cell research is a medical issue, one that should transcend political lines and instead focus on human lives.

One such life is that of Carolyn Laughlin, a mother of two diabetic sons in my hometown of Evanston, Illinois, who wrote me this past April to share her family's struggle and urge my support for federally-funded stem cell research.

She said, ''Diabetes haunts my family every waking hour. Injections, blood testing, calculating food portions are constant companions of my sons. Overnight, I fear insulin reactions that will leave them unconscious. Long-term we face the concerns of kidney failure, blindness, and amputations.''

Most scientists are in agreement that embryonic cell research offers the greatest hope for families like the Laughlins. Federal funding guidelines assure that research will meet ethical standards and allow advancements to be made as quickly as possible in diseases like Parkinson's and Alzheimer's, cancer, heart disease, spinal cord injury.

The Laughlins and millions of other families are counting on us.

ETHICAL STEM CELL RESEARCH USES ADULT STEM CELLS

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

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in strong support of ethical stem cell research that uses adult stem cells instead of embryonic stem cells. Life begins at conception, and the use of embryos for research destroys young life.

I support the use of adult stem cells, not just because no young lives are lost, but also because research using adult stem cells has already produced exciting results. Large Scale Biology Corporation, a biotechnology company in the Second District of Kentucky, has produced a growth factor using tobacco-based plant proteins that causes adult stem cells to behave like embryonic stem cells.

Using their patented method, Large Scale Biology Corporation has successfully produced breast cancer and leukemia vaccines in conjunction with a joint Navy-NIH research team.

We all want to see diseases like cancer and Alzheimer's cured, so let us support a proven alternative that we can all agree on and is not controversial. I urge my colleagues and President Bush to support funding for adult stem cell research and oppose life-destroying embryonic stem cell research.

WE MUST ALLOW FEDERAL FUNDING FOR LIFE-SAVING EMBRYONIC STEM CELL RESEARCH

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

Mr. MCDERMOTT. Mr. Speaker, throughout time people have resisted scientific advancement. History is replete with the examples of fundamentalist religious leaders issuing scientific decisions based on absolutely no evidence.

It is deja vu all over again today with this current administration as they inject politics into the single most promising medical research of the century. The Bush administration is unfortunately not committed to research that would hasten medical discoveries, but rather, to hold science hostage to the Catholic vote.

Carl Rove, the President's chief political adviser, is concerned about the views of the Catholic Church because the Catholic voters are seen as a swing vote in the elections. This administration has degraded medical research and the tremendous potential of embryonic stem cell research into an anti-abortion vote.

The White House is currently reviewing the matter. In other words, they are looking at the polls. ''A responsible leader,'' and this is a quote, ''is someone who makes decisions based upon principles, not based upon polls or focus groups.'' The New York Times reminds us that President Bush said those words a few days before Election Day. Perhaps he needs to be reminded.

Without a microscope, one cannot even see what this debate is all about. The center of the controversy is a microscopic cluster of cells stored in test tubes like this one. It is smaller than the period at the end of a sentence.

When ORRIN HATCH says he can tell the difference between cells in the test tube and those in a woman's body, then we know that this is a nonsense argument. We should continue this research.

GUTKNECHT AMENDMENT ALLOWS ACCESS TO REASONABLY-PRICED DRUGS FOR SENIORS

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

Mr. GUTKNECHT. Mr. Speaker, later today we are going to have a very heated debate about a simple amendment that I am going to offer to make it clear what the Congress intended last year in terms of prescription drugs and allowing seniors and other Americans access to drugs from other places.

Much of the debate is going to revolve around this chart and the issue of safety. I just want to talk about a couple of these items here. For Glucophage, a commonly-prescribed drug for diabetes, in the United States the average price is $30.12 for a 30-day supply. That same drug made in the same plant sells in Europe for $4.11.

Mr. Speaker, a lot of people are going to say, what about safety? What about safety? Well, there is not a single piece of evidence, not one piece of evidence, that anyone has been injured by bringing legal drugs back into the United States where they have a prescription. That is a fact.

It is also a fact that 4.4 percent of the fruit and produce that comes into this country every day is tainted with serious pathogens.

Mr. Speaker, we are going to have a chance to vote on this amendment. We are going to have to decide whether we are going to defend and explain this chart, and say that Americans should not have the access to legal drugs from legal countries around the world.

URGING THE PRESIDENT TO ALLOW STEM CELL RESEARCH TO PROCEED

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

Mrs. MALONEY of New York. Mr. Speaker, I urge the President to allow stem cell research to proceed.

Along with the gentlewoman from Maryland (Mrs. MORELLA) and many others in this Congress, we have introduced House Resolution 17 that calls on Federal funding of human pluripotent stem cell research to continue.

As the recent statements by a number of prominent Republicans, such as Andy Card and Tommy Thompson, have said, they have come out in support of stem cell research. They underscore that this should not be a partisan issue. After a lengthy public comment period on August 25, the NIH published guidelines on human pluripotent stem cell research. Additionally, they accepted applications for research projects through March, 2001.

However, President Bush has put a hold on this work, calling for a review of the guidelines. I say to the President that it is estimated that over 100 million Americans are living with diseases like Parkinson's, Alzheimer's, diabetes. These people could be helped by stem cell research. We need to support science. We need to support medical knowledge. We need to support stem cell research.

EMBRYONIC STEM CELL RESEARCH DESTROYS LIFE

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

Mr. DELAY. Mr. Speaker, I rise in support of stem cell research, research that is ethical and which has been proven effective. The stem cell research I am referring to is derived from

adults, umbilical cord blood, and placental blood, to name just a few sources. I, however, am not talking about stem cell research extracted from human embryos.

We can and are saving lives with stem cells gathered from adults even more effectively than the stem cell research from embryos that some of my colleagues favor. We would think that this would be enough to convince folks where they should be on this important issue.

In case it is not, the fact that living human embryos would be deliberately destroyed in order to obtain their stem cells to me is absolutely appalling. Once we begin justifying the killing of human beings at one stage of development, we invite other troubling applications.

Stem cell research from human embryos establishes a bad precedent and is ethically wrong. Human life is too valuable. Let us condemn the logic of faulty research that extinguishes one life on the pretext of extending others. Instead, we should support the promising research methods that will save lives without ending others.

THE SUGAR PROGRAM

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

Mr. DAVIS of Illinois. Mr. Speaker, some of our colleagues defend the sugar subsidy as a no-net-cost program. If that was ever true, it is not true today. The sugar program costs plenty.

It costs tax dollars. Last year the Department of Agriculture spent $465 million on sugar subsidies.

It costs consumers. The General Accounting Office, a congressional agency, estimates that the people who consume and use sugar, which is all of us, pay an additional $1.9 billion a year because the Federal sugar subsidy keeps prices higher than they would be in a free market.

And the sugar program costs industry. Companies in my community, in my neighborhood, and other places throughout the country are moving away because the price is too high. That is unfair. It is unfair to consumers, it is unfair to workers, and it is unfair to America.

COMMITTEE ON ENERGY AND COMMERCE IS CRAFTING BALANCED, LONG-TERM ENERGY POLICY

(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, the Committee on Energy and Commerce of the House today starts working on a comprehensive energy bill. It is going to be a balanced, long-term approach on energy policy for the Nation.

We have made wonderful strides in the last 20 years in conserving energy in this country. The refrigerator that we can buy today down at our local appliance store is one-third more efficient than it was in 1972.

We also have to increase supplies of energy and reduce our reliance on foreign oil. We have to improve our energy infrastructure, strengthen it, and give ourselves safe pipelines and modern transmission grids and refineries to get the energy where it needs to be.

We have a wonderful opportunity this summer to craft a policy important to the future of this country and to every citizen who pumps gas into their car or pays the family electric bill. We should seize that opportunity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). Although some minutes have passed since the remarks that prompt the Chair to mention it, the Chair must remind all Members that remarks in debate in the House may not include quotations of Senators, except in making legislative history on a pending measure.

FLAG PROTECTION AMENDMENT

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

Ms. SANCHEZ. Mr. Speaker, I rise today in support of House Joint Resolution No. 36, the flag protection constitutional amendment.

The flag stands for all of us in this wonderful country, and the honor we bestow upon it as our symbol is as great as the contributions each of us should hope to make for our Nation.

If the Stars and Stripes could talk, I am sure that they would say, ''I am what you make of me. It is up to you to keep me raised high and flying. I am your belief in yourself, your dream of what a people may become. I am all that you hope to be and have the courage to try for.

''I am song and fear, struggle and panic, and ennobling hope. I am the day's work of the weakest man, and the largest dream of the most daring. I am the battle of yesterday and the mistake of tomorrow. I am the clutch of an idea and the reasoned purpose of resolution.

''I am no more than what you believe me to be, and I am all that you believe I can be. I am what you make of me, nothing more.''

Mr. Speaker, I consistently vote for this amendment because I believe that all Americans should be allowed to vote on whether to protect our flag.

THE LAW AND ETHICAL STANDARDS DEMAND DISCONTINUATION OF FEDERAL FUNDING OF DESTRUCTIVE HUMAN EMBRYO RESEARCH

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

Mr. PENCE. Mr. Speaker, adult stem cell research is pro-life, but destroying nascent human beings for research is not pro-life.

It is said that facts are stubborn things. Fact No. 1 in this debate, Mr. Speaker, is that Congress outlawed Federal funding of destructive human embryo research in 1996. When the Clinton administration authorized the use of Federal funding for embryo stem cell research, that law became yet another law trampled by the Clinton administration. I pray that President Bush and his administration will not follow suit.

Fact No. 2, Mr. Speaker: As Dr. Weldon said, not one medical treatment has been developed from research done on stem cells from human embryos. Virtually every advancement cited today on this floor was accomplished with adult stem cell research. Researchers describe the usefulness of embryonic stem cells as conjecture.

The Washington Post today alarmingly reports of the creation of human embryos for the express purpose of their destruction. I implore the President to make the morally right decision regarding embryo stem cell research. The ethics and the law demand that we discontinue Federal funding.

The President should do justice, enforce the law, and choose life so that we and our children may live.

□ 1045

CAMPAIGN FINANCE REFORM

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

Ms. DELAURO. Mr. Speaker, it is time to pass meaningful campaign finance reform legislation. Let us take soft money out of politics, let us restore integrity to our political system.

The bipartisan Shays-Meehan Campaign Reform Act has passed in this body twice before. We should finally move to make it law. Shays-Meehan bans soft money for national parties, it reins in campaign advertisements masquerading as issue advocacy, enhances disclosure of political expenditures, and provides the Federal Election Commission with the teeth it needs to enforce the law.

Unfortunately, the Republican leadership is determined to drive a stake through the heart of all campaign finance reform. They have introduced a sham alternative that is intended to delay, distract, and to ultimately kill real reform. The bill will not clean up our campaign finance system but rather allow even more money to flow through it.

Their bill would allow a wealthy couple to give $1.26 million in hard and soft money to a national party in an election campaign, and it allows Federal candidates to raise unlimited

amounts of soft money for State parties to spend on TV attack ads.

Let us stand up for clean elections, let us stand up for good political discourse in this country, let us stand up for real campaign finance reform.

STEM CELL RESEARCH

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

Mrs. MORELLA. Mr. Speaker, I rise to voice my support for stem cell research under the strict NIH guidelines. I want to thank the Members on both sides of the aisle who have joined with me, both pro choice and pro life, in support of this important research.

This is not a political issue, it is not a partisan issue, it is a medical issue and it is a human issue. It is, for some, a life and death issue. It affects our seniors, women and men; and it affects our children. It goes without saying that the children of this country deserve the best medical research that one can find.

I speak of the children with juvenile diabetes, known as the silent killer. More than 1 million Americans have Type 1, which is the juvenile diabetes, a disease that strikes children suddenly, makes them insulin dependent for life, and carries the constant threat of devastating complications. Someone is diagnosed with Type 1 diabetes every hour. It can and does strike adults as well.

In diabetes research, it is hoped that stem cells can be differentiated into insulin-producing islet cells. In essence, this would be a cure. There are children fighting cancer, and stem cell research offers them hope. Stem cell research will no doubt, in one way or another, touch all Americans. We cannot, we must not shut that door.

Mr. Speaker, I urge President Bush to keep the NIH guidelines in place.

STEM CELL RESEARCH

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

Mr. SHIMKUS. Mr. Speaker, many of us just came out of a meeting with the President, and after the meeting he was asked about this issue. He is conflicted. It is a difficult decision on stem cell research. He is not polling. I reject any argument that that has been done, and I am really disappointed in my colleagues for mentioning this. This has long-term implications.

One of my colleagues talked about Galileo and that the planets move and science. Science indicates that individual distinct life begins at conception and a distinct DNA, a distinct life entity is there. That is why to pro-life supporters, this is an abortion debate.

We should use adult stem cell research to cure these diseases. We should protect the most vulnerable. We should support life from conception to natural death.

FEDERAL FARM POLICY

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

Mr. SMITH of Michigan. Mr. Speaker, today, in a few minutes, we will take up the agricultural bill. In agricultural appropriations we do several things: we have a program in this country with our Federal agricultural policy that guaranties a farmer a minimum price that they can receive from the program commodity crops that they grow.

The problem we are dealing with in an amendment I will offer today says there should be a limitation on how much money goes to any particular producer. The limitation under current law is $75,000. In the bill that was debated under suspension, unavailable for any amendments 2 weeks ago, we increased that to $150,000.

I think when we consider that the giant farm operations are taking a lot of that price support money and realistically taking away from the small family farmer, we need to decide what Federal farm policy should be. I would ask my colleagues to consider an amendment of $75,000 per producer.

We have producers in this country that are now getting $1.2 million. The average size of farm in this country is 420 acres. We have farms up to 80,000 acres. We should be looking at helping family farmers with Federal farm policy.

THE JOURNAL

The SPEAKER pro tempore (Mr. COOKSEY). 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 pro tempore announced that the ayes appeared to have it.

Mr. HINCHEY. 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 366, nays 42, answered ''present'' 2, not voting 23, as follows:

[Roll No. 214]

YEAS—366

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
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 (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
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
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—42

Aderholt
Baird
Borski
Brady (PA)
Costello
Crane
Crowley
DeFazio
English
Green (TX)
Gutknecht
Hastings (FL)
Hefley
Hilliard
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McNulty
Menendez
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Ramstad
Sabo
Schaffer
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—2

Carson (IN)
Tancredo

NOT VOTING—23

Ballenger
Boucher
Cantor
Capuano
Clayton
Coyne
Dingell
Engel
Filner
Gutierrez
Hoyer
Hunter
Hutchinson
Jones (NC)
Knollenberg
Lewis (CA)
Norwood
Paul
Reynolds
Riley
Rogers (MI)
Scarborough
Weldon (PA)

□ 1117

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

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 214, I was unavoidably detained. Had I been present, I would have voted ''nay.''

MOTION TO ADJOURN

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

The SPEAKER pro tempore (Mr. COOKSEY). The question is on the motion to adjourn offered by the gentleman from New York (Mr. MCNULTY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 11, noes 405, not voting 17, as follows:

[Roll No. 215]

AYES—11

Boehlert
Clay
Conyers
DeFazio
Eshoo
Frank
Gekas
Holt
McDermott
McNulty
Tiberi

NOES—405

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
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
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
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
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
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
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)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Capuano
Coyne
Dingell
Dooley
Engel
Evans
Filner
Hutchinson
Knollenberg
Lewis (CA)
Maloney (NY)
Myrick
Nadler
Paul
Riley
Roemer
Weldon (PA)

□ 1135

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

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 215, I was unavoidably detained. Had I been present, I would have voted ''aye.''

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 2330 and that I may include tabular and extraneous material.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 183 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. 2330.

□ 1135

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.

2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 28, 2001, the amendment by the gentleman from New York (Mr. ENGEL) had been disposed of and the bill was open for amendment from page 49, line 9, through page 57, line 15.

Pursuant to the order of the House of that day, no further amendment to the bill shall be in order except the following amendments, which may be offered only by the Member designated in the request, or a designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

An amendment by the gentleman from Ohio (Mr. TRAFICANT) regarding Buy American for 10 minutes;

An amendment by the gentleman from Maine (Mr. ALLEN) related to total cost of research and development and approvals of new drugs for 10 minutes;

Three amendments by the gentlewoman from Ohio (Ms. KAPTUR) related to biofuels, BSE, and the 4–H Program Centennial, each for 10 minutes;

An amendment by the gentleman from Oklahoma (Mr. LUCAS) related to watershed and flood operations for 10 minutes;

Two amendments by the gentlewoman from Hawaii (Mrs. MINK) related to the Hawaii Agricultural Research Center and the Oceanic Institute of Hawaii, each for 10 minutes;

An amendment by the gentleman from Oregon (Mr. BLUMENAUER) related to price supports for 10 minutes;

An amendment by the gentleman from California (Mr. ROYCE) related to allocations under the market access program for 10 minutes;

Three amendments by the gentleman from Michigan (Mr. SMITH) related to the Food Security Act, the Agricultural Market Transition Act, and the nitrogen-fixing ability of plants, each for 10 minutes;

An amendment by the gentleman from California (Mr. BACA) related to Hispanic-serving institutions for 10 minutes;

An amendment by the gentlewoman from California (Ms. PELOSI) related to HIV for 10 minutes;

An amendment by Mr. BROWN related to abbreviated applications for the approval of new drugs under section 505(j) of the Food, Drug and Cosmetic Act for 20 minutes;

An amendment by the gentleman from Michigan (Mr. STUPAK), or the gentleman from New York (Mr. BOEHLERT), related to elderly nutrition, for 20 minutes;

An amendment by the gentlewoman from North Carolina (Mrs. CLAYTON) related to socially disadvantaged farmers for 20 minutes;

An amendment by the gentleman from New York (Mr. HINCHEY) related to American Rivers Heritage for 30 minutes;

An amendment by the gentleman from Ohio (Mr. KUCINICH) related to transgenic fish for 30 minutes;

An amendment by the gentleman from Minnesota (Mr. GUTKNECHT) related to drug importation for 30 minutes;

An amendment by the gentleman from Vermont (Mr. SANDERS) related to drug importation for 40 minutes;

An amendment by the gentleman from New York (Mr. WEINER) related to mohair for 40 minutes; and

An amendment by the gentleman from Massachusetts (Mr. OLVER), or the gentleman from Maryland (Mr. GILCHREST), related to Kyoto, which may be brought up at any time during consideration, for 60 minutes.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to strike the last word to permit me to engage in a colloquy with the distinguished chairman of our Committee on Agriculture, the gentleman from Texas (Mr. BONILLA).

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, I appreciate the efforts of the gentleman from Texas (Mr. BONILLA) to provide assistance to all of the farmers throughout our Nation. Our onion growers in Orange County, New York, have suffered devastating losses over the past 5 years due to weather problems and are in desperate need of meaningful assistance.

The small sums which crop insurance have paid to these onion growers due to their losses failed to provide anything close to minimal relief. Accordingly, our farming families continue to lose their farms. Individuals are being uprooted in and a traditional way of life is being jeopardized and a segment of our national food supply is being further diminished.

Our Hudson Valley onion growers represent one of the largest onion growing areas east of the Mississippi. These are the very upheavals which crop insurance was designed to prevent.

While I know it will come as no surprise to our distinguished chairman that our onion growers in Orange County are proud that they have sought very few government subsidies, however the current plight of these hardworking producers threaten the overall fate of our Hudson Valley, our State, and our Nation's agricultural industry. As their representative, I can no longer allow this devastating situation to go unnoticed and unassisted and will greatly appreciate the willingness of the chairman to work with me on this important matter.

Accordingly, can I ask the commitment of the gentleman from Texas (Mr. BONILLA) to work with me in the conference committee to provide assistance to our onion growers in Orange County, New York, who have incurred substantial crop losses due to the damaging weather-related conditions in 3 of the last 4 years?

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would first of all like to say that I hope that the constituents back home of the gentleman from New York (Mr. GILMAN) understand how hard he has been working on this issue.

Mr. GILMAN. I appreciate that.

Mr. BONILLA. This is not something that, as the gentleman is presenting it to us today, we are hearing for the first time. The gentleman has done yeoman's work on bringing this issue to our attention; and we know it is a very serious problem.

It is going to be a difficult issue for us to deal with, but I do commit to the gentleman that we will do what we can and whatever might be possible between now and conference to help the growers back home.

Mr. GILMAN. I thank the gentleman from Texas (Chairman BONILLA) for his encouraging words, and I look forward to working with him.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, $2,950,000, solely for carrying out section 804 of the Federal Food, Drug, and Cosmetic Act, to be available only after the requirements of section 804(l) have been satisfied.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $34,281,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $70,700,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION OF ADMINISTRATIVE EXPENSES

Not to exceed $36,700,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2002 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 379 passenger motor vehicles, of which 378 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2002 shall remain available until expended to cover obligations made in fiscal year 2002 for the following accounts: the Rural Development Loan Fund program account; the Rural Telephone Bank program account; the Rural Electrification and Telecommunications Loans program account; the Rural Housing Insurance Fund program account; and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary of Agriculture may hereafter enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives: *Provided*, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 715. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 716. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 717. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 718. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 720. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 721. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of

both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 722. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104–127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 723. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 725. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2003 appropriations Act.

SEC. 726. 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.

SEC. 727. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 728. In addition to amounts otherwise appropriated or made available by this Act, $4,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 729. Hereafter, refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 730. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 731. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking ''$25,000,000'' and inserting ''$26,000,000''.

SEC. 732. None of the funds appropriated or otherwise made available by this Act shall be used to issue a notice of proposed rulemaking, to promulgate a proposed rule, or to otherwise change or modify the definition of ''animal'' in existing regulations pursuant to the Animal Welfare Act.

SEC. 733. Notwithstanding any other provision of law, the City of Cabot, Arkansas, and the City of Coachella, California, shall be eligible for loans and grants provided through the Rural Community Advancement Program.

SEC. 734. Notwithstanding any other provision of law, the Secretary shall consider the City of Casa Grande, Arizona, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 735. Notwithstanding any other provision of law, the City of Saint Joseph, Missouri, shall be eligible for grants and loans administered by the rural development mission areas of the Department of Agriculture.

SEC. 736. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the City of Hollister, California, as meeting the requirements of a rural area for the purposes of housing programs in the rural development mission areas of the Department of Agriculture.

SEC. 737. None of the funds appropriated or otherwise made available by this Act may be used to maintain, modify, or implement any assessment against agricultural producers as part of a commodity promotion, research, and consumer information order, known as a check-off program, that has not been approved by the affected producers in accordance with the statutory requirements applicable to the order.

SEC. 738. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis (recently renamed the Division of Pharmaceutical Analysis) in St. Louis, Missouri, except that funds could be used to plan a possible relocation of this Division within the city limits of St. Louis, Missouri.

SEC. 739. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 2000; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit Office: *Provided*, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS

SEC. 740. (a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture shall use $150,000,000 of funds of the Commodity Credit Corporation to make payments as soon as possible after the date of the enactment of this Act to apple producers to provide relief for the loss of markets for their 2000 crop.

(b) PAYMENT BASIS.—The amount of the payment to a producer under subsection (a) shall be made on a per pound basis equal to each qualifying producer's 2000 production of apples, except that the Secretary shall not make payments for that amount of a particular farm's apple production that is in excess of 20,000,000 pounds.

(c) DUPLICATIVE PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market loss for apples to the extent of that amount that the producer received as compensation or assistance for the same loss under any other Federal program, other than under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) OTHER TERMS AND CONDITIONS.—The Secretary shall not establish any terms or conditions for producer eligibility, such as limits based upon gross income, other than those specified in this section.

(e) APPLICABILITY.—This section applies only with respect to the 2000 crop of apples and producers of that crop.

Mr. BONILLA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 74 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 Texas?

There was no objection.

AMENDMENT NO. 12 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. KAPTUR:

Add before the short title at the end the following new section:

SEC. ____. Of the amount provided in title I under the heading ''EXTENSION ACTIVITIES'', $500,000 shall be available to support the National 4–H Program Centennial Initiative, as authorized by the Act entitled ''An Act to authorize funding for the National 4–H Program Centennial Initiative''.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I intend to withdraw the amendment after a brief discussion due to an understanding with the gentleman from Texas (Mr. BONILLA) to look for funds for the celebration of the centennial anniversary of National 4–H as we move toward conference.

Also, I do this out of respect for the National 4–H leadership that has committed not to have those funds come at the expense of existing extension programs which are already stretched.

□ 1145

Our amendment would provide funding pursuant to an authorization that was approved by the House 2 weeks ago when we voted for S. 657, the National 4–H Program Centennial Initiative. The centennial will occur next year, but planning obviously needs to begin immediately. In fact, the President signed the relevant legislation yesterday. That measure was a companion bill to H.R. 1388, introduced by the gentleman from Iowa (Mr. GANSKE). That measure authorized $5 million for the National 4–H Council, with the expectation that those funds would be matched by private contributions, and it also assumed the Secretary could use the Fund for Rural America to finance some of the operations. However, there is money for neither of these options in the bill.

Now, I think every American has been touched in some way by 4–H. It operates in over 3,000 counties in each of our States and provides truly constructive opportunities to young men and women in both rural and urban areas. Just the fact that this magnificent organization has existed for a century is something all Americans can truly celebrate.

But should this appropriation bill move forward without at least beginning to address the funding issue, there is the risk that the support for the centennial initiative would come too late. The amount today that is in my amendment, $500,000, is only one-tenth of the amount that is necessary, but it would get the activity going and demonstrates we are serious about full support.

Over the coming months, between now and the final conference on the bill, proponents will be in a position to work to identify the right amount of resources needed for the program and to secure additional funds for this bill. While today's amendment suggests that $500,000 out of existing extension funds could be used, the long-term intention is to obtain an increase for extension to finance the activity.

So, Mr. Chairman, in withdrawing this amendment, let me just say that this Member, and I think the entire membership of the House, in voting for this centennial celebration, would want to assure the success of all activities related to it. The planning that must begin this year and all the celebrations in the year 2002, will touch thousands and thousands of lives of young people in our communities and all the good works that they do. The 4–H deserve the full support of this Congress, and we look forward to working with the chairman as we move toward conference.

The CHAIRMAN. Without objection, the amendment of the gentlewoman from Ohio (Ms. KAPTUR) is withdrawn.

There was no objection.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, just briefly, I would like to acknowledge the gentlewoman's hard work on this issue and commit to working with her as we move to conference to addressing the needs of our good 4–H people around the country.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the chairman very much for his openness and willingness to work with us as we move toward conference.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. PELOSI:

At the end of title VII, insert after the last section (preceding any short title) the following section:

SEC. 7____. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from California (Ms. PELOSI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a member of the Committee on Appropriations, I am pleased to rise and join the gentlewoman from North Carolina (Mrs. CLAYTON), a member of the authorizing committee, the Committee on Agriculture, in offering this amendment to ensure continued funding to reduce the burden of hunger for HIV–AIDS patients and children orphaned by AIDS in the developing world.

I commend the gentlewoman from North Carolina (Mrs. CLAYTON) for her leadership on this issue. She worked with us on this issue in the Committee on Agriculture as well as a member of the Congressional HIV Task Force. She developed this proposal, and her leadership has been very important, because this amendment affects so many millions of families worldwide.

I would like to thank the gentleman from Texas (Chairman BONILLA) and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), for their leadership on the subcommittee and their support for this amendment.

Mr. Chairman, I will submit my statement for the record, but I just want to make two quick points. Poor nutrition accelerates the progression of HIV to AIDS, and an adequate food supply is critical to any prevention and care strategy. When a family member becomes infected with HIV, household food production is undermined, limited financial resources are used for medical costs rather than crop production, and family members are forced to care for the sick, rather than work in the fields.

Starting last year, $25 million was provided through the Food for Peace program to reduce the burden of hunger for families impacted by AIDS through agricultural improvement, maternal and child health programs and direct distribution of food commodities. Today's amendment will continue this vital funding. I wish that we could have the number be higher in the future, but the $25 million called for here is a very, very important addition.

I thank my colleagues for their support of this important amendment.

Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), the real author of this amendment, and commend her for her tremendous leadership.

Mrs. CLAYTON. Mr. Chairman, I want to thank the gentlewoman from California for her leadership on this and also her continuous and longstanding leadership in fighting AIDS.

This is a unique opportunity to do good while doing well. The Food for Peace program allows us to make contributions all across world where there is suffering. What better effort than to direct $25 million of the Food for Peace program to intervene and make the quality of life of families who are suffering from AIDS, of children who are orphaned from AIDS, to make this as an opportunity.

As the gentlewoman from California (Ms. PELOSI) said already, this program is available to be a prevention-intervention program. We are increasingly

aware that the medication alone does not improve health by itself. Not only that, but because of the health condition of the individual, their productivity and ability to afford food has been decreased drastically.

I am very happy that the Republicans, as well as the Democrats, all support this, and I want to commend the chairman for his support of this amendment.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I rise to simply state that I am not opposed to the gentlewoman's amendment. A similar provision was included in the conference agreement last year as section 743 of our bill, without any objection of which I am aware. I would hope that we can quickly move to a vote on this issue, and commend the gentlewoman's work on this very important issue.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the distinguished chairman of the committee for his words of cooperation.

Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), the very distinguished ranking member of the subcommittee.

Ms. KAPTUR. Mr. Chairman, I want to compliment the wonderful, wonderful gentlewoman from California (Ms. PELOSI) and the gentlewoman from North Carolina (Mrs. CLAYTON). Would I not know that the two of them would do something this significant? What they are proposing is only to continue what the House had agreed to do in conference last year, and that is to use the food power of this country to help alleviate suffering around the world, and certainly the plague of HIV/AIDS.

Their effort uses the power of food in the most creative way possible. Yet the sponsors of the amendment and all who support it should keep in mind that the President's budget proposes a review of the 416 programs with an eye toward reducing their availability. So, those who utilize and understand these programs need to be prepared to speak out before these programs are eliminated or reduced.

I want to thank the gentlewomen for bringing this up before the full House to make sure that we effectively use the dollars that are there, and not permit the food surplus of this country to be subscribed in a way that would not be made available to those who truly need it globally. I support them in their efforts.

Ms. PELOSI. Mr. Chairman, I rise to join Representative CLAYTON in offering this amendment to ensure continued funding to reduce the burden of hunger for HIV/AIDS patients and children orphaned by AIDS in the developing world. I commend Representative CLAYTON for her leadership on this issue, which affects so many millions of families worldwide. I would also like to thank Ranking Member KAPTUR and Chairman BONILLA for their leadership on the Subcommittee and their support for this amendment.

We have all heard the staggering statistics—36 million people infected with HIV, 22 million deaths from AIDS, and nearly 14 million children orphaned. Archbishop Desmond Tutu has said, ''AIDS in Africa is a plague of biblical proportions. It is a holy war that we must win.'' It is indeed, and the battles in this war occur on many fronts.

Poor nutrition accelerates the progression from HIV to AIDS. In addition to the prevention, treatment, and infrastructure needs that must be addressed to stem the tide of the pandemic, we must also recognize that good nutrition is critical to any prevention and care strategy.

The impact of HIV/AIDS on poor families goes beyond the pain that accompanies the loss of a loved one. AIDS strikes people during their most productive years, and family income is cut by more than half when a parent is sick.

Household food production is undermined as limited financial resources are used for medical costs rather than crop production, and family members are forced to care for the sick rather than work in the fields. Many families must mortgage their land and sell productive assets, including livestock, to pay for food and medicine.

The U.S. has sought to reduce the burden of hunger that results from families' diminished ability to produce food. Starting last year, $25 million was provided through the Food for Peace program to improve food security through agricultural improvement, maternal and child health programs, and direct distribution of food commodities.

Today's amendment continues this vital funding. I thank my colleagues for their support of this important amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. PELOSI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Insert before the short title the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to eliminate the two river navigator positions, including the contract position, for the Hudson River and Upper Susquehanna/Lackawanna Rivers or to alter the tasks assigned to the persons filling such positions.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that ensures that two Federal positions designated as river navigator positions, including the contract positions for the Hudson River and the Susquehanna River, will continue to function, and that they will be funded in this appropriations bill.

I want to express my appreciation to the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), for working with us on this very important subject. I also want to express my appreciation to the gentleman from Pennsylvania (Mr. KANJORSKI), who has also been very deeply concerned about the continuation of these positions, particularly in his case the position of river navigator for the Susquehanna River, which is a river that flows through Pennsylvania as well as New York.

I believe that the language that we have arrived at here is language which is acceptable to the chairman of the subcommittee, and that the amendment will be accepted by him.

Before I ask him that, I just want to make the point that these two positions are very, very important. What they do is they coordinate all Federal programs on these two rivers. These two rivers are two very important rivers, the Susquehanna, of course, feeding into the Chesapeake Bay, and there are a great many Federal programs, including programs consistent with the Federal Clean Water Act and others, that are very important to these rivers and the people who live along them. Therefore, Federal coordination of all programs associated with these rivers is very important.

I thank the chairman of our subcommittee, the gentleman from Texas, for recognizing that importance, and I want to express to the gentleman my appreciation for the ability to work with him and express my pleasure in having had the opportunity to work with him on this important issue.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, I want to acknowledge the good amendment that the gentleman from New York is offering, and tell him that we are delighted to accept the amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I just want to thank the chairman for his support of our very able colleague from New York who has such a persevering record on attempting to get the American Heritage Rivers Initiative fully operational for the city of New York and for rivers immediately adjacent to and in his district, so that these local river conservation plans become more than plans, but, in fact, help us to preserve the precious fresh water resource

that is ours alone in this quadrant of the United States.

I would have to just say as the ranking member on the subcommittee, no Member has fought harder for this program than the gentleman from New York (Mr. HINCHEY), and the people of New York have sent the right man here to represent them.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on our Subcommittee on Agriculture of the Committee on Appropriations, for those very kind words, and for her diligent and very effective work on the committee. Once again, I want to extend my appreciation to the chairman of our subcommittee and also to the staff that works under his direction for their assistance in putting this amendment together and for its successful acceptance.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. SANDERS:

At the end of title VII, insert after the last section (preceding 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 for enforcing section 801(d)(1) of the Federal Food, Drug, and Cosmetic Act.

□ 1200

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this tripartisan amendment is offered by the gentleman from New York (Mr. CROWLEY), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from California (Mr. ROHRABACHER), and the gentleman from Texas (Mr. PAUL).

It is about lowering the cost of prescription drugs so that the American people do not have to pay by far the highest prices in the world for prescription drugs. It is about ending the national disgrace of tens of thousands of American citizens in New England, the Midwest, the Northwest, from having to go across the Canadian border in order to purchase the same exact prescription drugs that they buy at home for 50 percent of the cost or 60 percent of the cost or 20 percent of the cost.

It is about ending the absurdity of American citizens in California, Texas, Arizona, and the southern parts of our country of having to go to Mexico for the same exact reason.

It is about allowing women in the United States who are fighting for their lives against breast cancer so they do not have to pay 10 times more than the women in Canada for Tamoxifen, a widely prescribed breast cancer drug.

It is about telling the drug companies that they can no longer charge the American people $1 for drugs when those same exact products are sold in Germany for 60 cents, France for 51 cents, and Italy for 49 cents, the same exact products made by the same exact companies.

Mr. Chairman, for decades now, good people, Democrats, Republicans, in the House and in the Senate, have attempted to do something about lowering the cost of prescription drugs in this country so that the American people do not have to pay outrageously high prices for their medicine, so that doctors do not have to write out prescriptions knowing that their patients cannot afford to fill them. But year after year with lies, with scare tactics, with well-paid lobbyists and massive amounts of campaign contributions the pharmaceutical industry always wins. They never lose.

In the last three years alone the drug companies have spent $200 million in campaign contributions, lobbying and political advertising. In the last election cycle they doubled the amount of campaign contributions from 9 million to $18 million, and I have no doubt that they are prepared to double it again.

The issue today is not only the high cost of prescription drugs. The issue today is whether the Congress has the guts to stand up for their constituents, people who are being ripped off, people who are dying and suffering because they cannot afford sky-high prescription drug prices; or do we cave in again to the pharmaceutical industry that is spending so much money trying to buy our votes.

The pharmaceutical industry has endless amounts of money. Year after year the industry sits at the top of the charts in profits. The top 10 companies last year made $27 billion in profits. They have a lot of money to spend on Congress. Their top executives, well, they have a lot of money to spend too.

A report came out yesterday from Families U.S.A., which talked about the compensation of executives in the pharmaceutical industry.

At a time when Americans die and suffer because they cannot afford prescription drugs, you might be interested to know that the CEO of Bristol-Myers Squibb has unexercised stock options of over $227 million. Elderly people cannot afford prescription drugs, and this CEO has unexercised stock options of over $227 million. Pfizer has $130 million in unexercised stock options. Merck has $180 million, and on and on it goes.

Mr. Chairman, today in a tripartisan amendment, the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. CROWLEY), the gentleman from California (Mr. ROHRABACHER), the gentleman from Texas (Mr. PAUL), and I are offering an amendment that is exactly the same as the Crowley amendment that won overwhelmingly in the House last year by a vote of 363 to 12.

As was the case last year, this amendment will serve as a place-holder that will allow the Senate and conference committees to address the pricing loopholes contained in last year's bill.

Mr. Chairman, a lot of people here talk about free trade. In a globalized economy where we import millions of tons of beef, pork, vegetables, and all kinds of food products from virtually every country on earth, it is high time that we end the monopoly that the drug companies have on the importation and reimportation of prescription drugs in this country.

Prescription drug distributors and pharmacists should be able to purchase and sell FDA safety-approved medicines at the same prices as they are bought and sold in Canada, England, and every other major country. The passage of reimportation could lower the cost of medicine in this country by 30 to 50 percent and enable Americans to pay the same prices as other people throughout the world. In a Nation which spends $150 billion a year on prescription drugs, lowering the cost by a conservative 30 percent could result in a $45 billion-a-year savings.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

The gentleman seeks to solve one problem by creating another, and I am going to cite some very, very serious testimony here from the Food and Drug Administration that was presented in front of the gentleman from Pennsylvania (Mr. GREENWOOD) and his Subcommittee on Oversight and Investigations just last month.

At the hearing, the FDA stated, and I quote: "From a public health standpoint, importing prescription drugs for personal use is a potentially dangerous practice. FDA and the public do not have any assurance that unapproved products are effective or safe or have been produced under U.S. good manufacturing practices. U.S.-made drugs that are reimported may not have been stored under proper conditions or may not be the real product, because the U.S. does not regulate foreign distributors or pharmacies. Therefore, unapproved drugs and reimported approved medications may be contaminated, subpotent, superpotent, or even counterfeit."

The FDA also said, and I quote: "Under FDA's personal importation policy, FDA inspectors may permit the importation of certain unapproved prescription medications for personal use.

The current policy permits the exercise of enforcement discretion to allow entry of an unapproved prescription drug if: the product is for personal use, (a 90-day supply or less, and not for resale); the intended use is for a serious condition for which effective treatment may not be available domestically (and, therefore, the policy does not permit inspectors to allow foreign versions of U.S.-approved drugs into the U.S.); or there is no known commercialization or promotion to U.S. residents by those involved in the distribution of the product.''

There are several other points here, but the bottom line is, this could be a dangerous threat to consumers in this country. This is ironclad testimony from the FDA on indicating that this could be potentially dangerous.

The FDA has not officially permitted the importation of foreign versions of U.S.-approved medications, even if sold under the same name, because these products are unapproved, and the agency has no assurances that these products are safe or effective. I would like to inform my colleagues that both the Committee on Energy and Commerce, which is the authorizing committee for the FDA, and the administration strongly oppose this language and any other language allowing for importation of drugs.

So I rise in strong opposition. We will be hearing from other good Members from the Committee on Commerce as well in just a few minutes.

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

Mr. SANDERS. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the cosponsor of this legislation and a real fighter in terms of lowering the price of prescription drugs.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Sanders-Crowley-Rohrabacher-DeLauro-Paul amendment to help American families and seniors get the necessary prescription drugs at affordable prices. With spending on prescription drugs by seniors and others up by 18 percent last year to nearly $21 billion, we need to do everything that we can to make them safe, effective, and affordable, make these drugs accessible to those who need them.

One would think that this is a goal that we could rally around. But no, once again, we are being fought by the pharmaceutical industry. They oppose reimportation. That poses the question: What exactly are they for?

They are against the Medicare prescription drug benefit for all seniors. They are opposed to the Allen bill that would allow for pharmacists to be able to purchase at a discounted rate, the pharmaceuticals that Germany, France, Britain, and others can purchase. They are against across-the-board price reductions. They never tell us what they are for.

In fact, the only thing they seem to be for is extending their patents and seeing their profits increase.

Last year, the top 10 pharmaceutical companies earned $26 billion in profits. They oppose this amendment because the bill might cut into its considerable profit margin. They are waging a massive million dollar campaign to protect their agenda across the board. Over the past five election cycles, the Pharmaceutical Research and Manufacturers Association, the trade group for brand-name drug companies, gave nearly $360 million in political contributions, lobbying and advertising campaigns, to protect its legislative agenda.

Mr. Chairman, there are opponents of this amendment who raise the safety issue. The fact is that reimportation is safe. It has worked for years in Europe. Twenty-five percent of drugs consumed in European countries are reimported. This legislation requires all imported drugs to be the exact same FDA-approved medications that are sold in the United States. Pharmaceutical labels must comply with FDA regulations.

Last year, Dr. David Kessler, the former FDA Commissioner under Presidents Bush and Clinton, stated that U.S.-licensed pharmacists and wholesalers would be able to safely import quality prescription drugs. He believes the importation of prescription drugs can be done without causing a greater health risk to American consumers.

Let me just say that GlaxoWellcome is a British company. They send drugs to the United States, and they are perfectly well approved.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I absolutely believe that we need to control the cost of prescription drugs for seniors, but this is a terribly misguided way to do it. I understand that the people who speak for this amendment are very well motivated, but the fact is that they run the risk because they are tackling this issue indirectly rather than directly, they run the risk of allowing large numbers of adulterated drugs into this country.

It is one thing to fight for access to affordable drugs for seniors; it is another thing in the process to open our seniors up to the dangers of adulterated or expired drugs, and that is exactly what this amendment does.

If we take a look at what happened last year when we ran into a similar approach, try though the Congress did, we wound up producing an importation process which the Secretary of Health and Social Services said she could not certify as to efficacy or safety, and so that proposal could not go forward.

I would point out that every Member of the House has a letter from the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce, and the gentleman from Michigan (Mr. DINGELL), the ranking member, and various other members of the committee, which says the following: ''Despite anybody's best intention, if the Sanders amendment becomes law, our citizens will have no idea whether the source of their pills is an FDA-approved facility or an unregulated warehouse rented for the weekend by big business counterfeiters and larcenists seeking to penetrate the U.S. market. Drug counterfeiters present a severe and growing threat to the health and safety of the United States consumers.''

If we want to deal with this problem, in my view, the correct way is to support the Allen legislation, because that attacks this issue directly. It directly lowers the price that is charged to seniors; it does not force seniors to have to rely on questionable products introduced into this country by larcenist sellers and winds up threatening the health of senior citizens.

Mr. Chairman, I urge a ''no'' vote on this amendment.

Mr. SANDERS. Mr. Chairman, just as a point of fact, Donna Shalala did not implement last year because of safety. It had nothing to do with safety; it had to do with pricing loopholes.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who has done an excellent job on this issue.

□ 1215

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman from Vermont for yielding time to me. I want to show a couple of charts, because we are going to have several debates. This amendment is somewhat broader than the one that I have drafted, but it really revolves around a couple of important points.

One is the issue of price. I do not think anybody here today is going to dispute this chart. I did not make this chart. This was done by the Life Extension Foundation. The information is about 2 weeks old.

If we compare what Americans pay to what Europeans pay, and we are talking about Europe here, not Mexico, not Third World countries, but we are talking about Switzerland and Germany, where they do not have price controls, at some point we are going to have to explain to our constituents why we stand idly by and allow this chart to exist.

The issue they are going to raise, and it is going to be a red herring, is safety. Safety. Understand this, Mr. Chairman, every day millions of pounds of raw meat and vegetables come into this country, and we have checked with the FDA, it is the Food and Drug Administration, their own study in 1999 said that 4.4 percent of the produce coming into the United States has dangerous pathogens, including 3.3 percent have salmonella.

Do Members know what can happen if we get salmonella? We can get real sick. In fact, we can die. That is every day that is coming into the United States. Yet, there is no known scientific study where consumers in the United States have been injured importing legal drugs from G–8 countries, not one. As a matter of fact, if we had

heard that, it would be all over. I suspect the pharmaceutical industry would have that over every newspaper and on television.

The truth of the matter is that there is almost no risk to consumers to bringing legal drugs back into the United States.

They are going to talk about illegal drugs. Nothing in the Sanders amendment, nothing in my amendment, nothing that is going to be discussed today is about legalizing illegal drugs. We are not talking about the Medellin drug cartel, which incidentally does ship billions of dollars worth of illegal drugs into the United States, and the FDA is unable to do almost anything about it. What we are talking about today is law-abiding citizens that have legal prescriptions that are buying FDA-approved drugs from other countries.

If Members cannot explain that earlier chart, they should vote for this amendment and they should vote for my amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD), who is the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding time to me. I applaud the motives of the makers of the amendment. I voted for the measure of the gentleman from Minnesota (Mr. GUTKNECHT) last year. I have looked into the issue a lot further since then and now oppose it.

The previous speaker talked about the ability to assure that these drugs are safe. Our seniors need safe and cost-effective drugs, affordable drugs.

Here is what we found out. Institutions like this, counterfeiters, are able to produce drugs in vermin-filled, filthy, and unhygienic conditions. This is what they produce. They produce drugs, counterfeit drugs, that look exactly like the real thing. There is another example of that that we will put up of a drug that looks exactly like ours.

The point of the matter is, if we want seniors to have affordable drugs and safe drugs, help is on the way. This morning's Washington Post says, ''Bush Has Pharmacy Discount Card Plan.'' We are on the verge of providing senior citizens affordable drugs. We can assure that they are safe, and they are not dangerous drugs that are imported from rat-infested, filthy laboratories like this one.

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), our cosponsor.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Sanders amendment. We have to take a look at the substance here, instead of trying to be diverted away from the central point of what is going on by scare tactics.

I do not know if any Members have had calls come to their office last night, but I had calls. My office was flooded with calls from people who had been told that the Sanders amendment meant that marijuana and heroin and all sorts of drugs would be permitted to flow across the border. That type of scare tactics is unseemly in a debate as important to the health of the American people as the issue that we are discussing today.

It appears that the people on the other side of this issue are so afraid of the actual facts that they have succumbed to this type of scare tactic and dishonesty. That should play no part of this debate.

Let me note that we are being told that there will be a few Americans who will be hurt if we pass the Sanders amendment because some people will get hold of counterfeit drugs, some people will get hold of drugs that are not exactly regulated correctly and produced correctly.

Yes, a few Americans might be hurt, and let us admit that. But what we are talking about is the vast number of Americans who will be hurt if they cannot afford to buy drugs. Certainly the number of people who will be hurt by this is far less than the number of people who are deterred from taking drugs that are important to their health because they just cannot afford them.

This bill permits people, American citizens, and especially those who live near the borders of another country, to go across those borders and buy drugs that are being sold at a cheaper rate. Sometimes we have seen it to be half as much, a third as much, sometimes one-quarter or 20 percent the price across that border than what they would have to pay in the United States.

It makes no sense for us to talk about globalizing the economy and globalizing the world economy without letting our people benefit from the competitive advantages, the consumers' competitive advantages in dealing on an international market.

We believe, okay, in free trade. We believe in a competitive market and a global market. Let us let the American consumer benefit from that. What will happen if we pass this amendment is that there will be pressures, competitive and market pressures, on our own drug producers here in the United States to lower the price of their product in the United States as well. By defeating the Sanders amendment, we are not protecting anybody. What we are doing is keeping the prices high and protecting the pharmaceutical companies from competition.

I like the pharmaceutical companies, and I appreciate the good job that they have done for the American people and for the people of the world in developing new drugs. But that does not mean that they should be free of competition. That does not mean that they should be able to have differential pricing in one country versus another.

Let us stand up for the American people and also stand up for competition at the same time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was pointed out by the distinguished gentleman from Minnesota (Mr. GUTKNECHT) a moment ago that in this letter that comes from the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), and other subcommittee chairs, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH), it points out clearly, the ALS Association, the National Prostate Cancer Coalition, the Cystic Fibrosis Foundation, the Pancreatic Cancer Action Network, the National Kidney Cancer Association, the National AIDS Treatment Advocacy Project, all of these groups are adamantly opposed to the Sanders amendment.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is not about bringing illegal drugs in. This is about whether we are going to withhold the gold standard of the Food and Drug Administration in the United States of America.

In 1997, this House in a bipartisan way, and as a matter of fact, under suspended rules in a unanimous vote, voted to modernize the Food and Drug Administration. The one vigilant thing that every Member did was to assure that the gold standard, that stamp of approval that we say to the American people passes on from the FDA on manufactured pharmaceuticals, was maintained.

As a matter of fact, when my good friend, the gentleman from California, talked about global trade, one of our objectives with global trade was to harmonize the standards of approval so that we could reach the efficiencies of a global manufacturing base. We have yet today to reach harmonization standards with the EU because we cannot accept the Italian standard for drug approval.

But what this amendment does, it says we are going to defund any, any and all reviews at our borders of reimported or imported drugs. The gentleman from Pennsylvania (Mr. GREENWOOD) just showed the awful conditions where drugs are manufactured, where they look identical, where they are packaged identically. Today the DEA, the FDA, the Customs Department, they are all against this amendment. They are all against reducing the gold standard that we currently find at the FDA.

As a matter of fact, the executive director of the trade program at U.S. Customs had this quote: ''Counterfeit pharmaceuticals enter in both wholesale and retail quantities. Additional problems include expired material,

products that have not been approved by the FDA, products made in facilities under no proper regulation, and products not having the proper instructions for consumers to use.''

Mr. Chairman, we should not do this to the American people. We should maintain the gold standard.

Mr. SANDERS. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. CROWLEY), a cosponsor of this amendment.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Sanders-Crowley-DeLauro-Paul-Rohrabacher amendment. This language offered today is the same language I offered last year in the agriculture appropriations bill. We again offer this amendment as a first start to provoke a discussion and get real reimportation language enacted into law.

This is the only way Democrats and Independents can get heard on this issue. The GOP-controlled House authorizing committees are not doing their jobs. All we have seen to date was a hearing held earlier this month in the Committee on Commerce on the horrors of reimportation, and the arguments of that hearing have hardened my resolve in supporting reimportation legislation.

Why? In part because of the comments from that hearing, such as the opening statement of the chairman, the gentleman from Louisiana (Mr. TAUZIN), where he remarked on June 7 of 2001, ''The problem of counterfeit drugs is not just a phenomenon of the developing world. Our lucrative market and ineffective import controls are increasingly making the United States an attractive target for drug counterfeiters and diverters.

''Last month three counterfeit prescription drugs were found in the shelves of pharmacies of several States. It is not known whether these fake drugs were made in the United States or overseas, but such a cluster of counterfeits has not been seen for years in this country.''

The hearing proved that the FDA is unable to assure the U.S. public that it can prevent unsafe imports from entering this country at this point in time.

Yes, in fact counterfeit drugs are making their way onto the shores and onto the shelves of pharmacies around this country. The legislation that was enacted to stop it, the Prescription Drug Marketing Act enacted in 1987, which included Section 801(d)1 that we are striking funding for today, has not been successful in protecting consumers. It has been tremendously successful in protecting, though, the interests of the drug companies.

We as Democrats have been trying to pass legislation to find a remedy, a legislative remedy to address the spiralling cost of medications. Each time the leaders of the Congress have rebuffed us.

The GOP passed a fake prescription drug bill benefit last year so weak that 178 of their Members later backed my amendment to the agriculture appropriations bill last year making the reimportation a better alternative to lowering the price of prescription drugs than their party's plan.

This year, Congress expressed a collective round of laughter at the drug proposal advanced by the White House, representing one of the greatest feats of bipartisanship in recent memory.

Mr. SANDERS. Mr. Chairman, we have so many speakers who feel strongly about it that I ask unanimous consent that each side have an additional 7½ minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

Mr. BONILLA. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SANDERS. Does the gentleman not have people who want to debate the issue?

Mr. BONILLA. I object.

The CHAIRMAN. Objection is heard.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I would yield to no Member of this House in terms of my efforts to lower prescription drug costs for seniors in America. I support the efforts of the gentleman from Vermont (Mr. SANDERS) to allow importation of drugs from outside the United States.

However, this amendment is not the way to do it. If we look specifically at what this amendment does, it stops all funding for FDA in terms of importation. That is what the amendment actually does. That is a scary thing if we start to think about it.

What our subcommittee has done is actually we went essentially to the borders, which is to the airport location where drugs come in. We have also had hearings about drug labs that are taking place right now producing some of these importations.

This is not Novartis in Switzerland, this could be in some back alley somewhere in Mexico where it is not the drug, it is paint that is coming in. This amendment cuts out all FDA funding in terms of literally looking at the substance that would come into the United States of America, and zip, nothing. We could not review that if this amendment actually became law.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman knows this is not what we are doing. This is a place holder for the Senate and the conference committee to do what we did last year in developing a comprehensive bill and doing away with the pricing loopholes.

Mr. DEUTSCH. I support the gentleman's efforts, but again, as a place holder, we do not do place holders, we do real amendments. We do real law.

□ 1230

And, unfortunately, I understand the limitations that the gentleman had in the appropriations process, and that this was a way to raise the issue. It is an important issue, and I am glad it is being raised. But when we vote, we actually vote on real things. Members that support this legislation, in fact, are supporting no funding for the FDA to regulate drugs that come into the United States of America. If any of my colleagues had joined me in looking at the drugs that come in, I am sure they would vote against this amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to strongly oppose this amendment. However, I agree with the makers of the amendment and what they are trying to do. We all do, indeed, want to see the price of medications come down, especially for our senior citizens. But this is simply the wrong way to do it.

I am very fond of, for example, the President's initiative on a senior citizen's discount card. We should turn over every leaf to try to lower it. But the most expensive drugs there are are drugs that do not work.

Let us be very clear what this amendment would do to drug safety in America. This amendment would allow anyone, individuals and import companies, to import any drug with no FDA inspection for alteration, misbranding, or strength. Any company in the country, in the world, could ship any product in a bottle, label it any way they wanted, be totally fraudulent in their claim, while we sit here and ban the FDA from doing anything about it. If my colleagues liked the Mexican strawberries that poisoned our schoolchildren, then they are going to love the Red Chinese sugar pills labeled amoxicillin that allows the child's strep throat to become heart disease.

When a drug is prescribed, a doctor or dentist has to know with absolute certainty that the drug is precisely what he ordered. This bill will destroy that certainty and undermine the safety of American patients.

Vote ''no,'' then let us work together on a real effort to try to reduce the cost of prescription drugs for our senior citizens.

Ms. KAPTUR. Mr. Chairman, I was just rising to either ask unanimous consent to strike the last word to get some of my own time on this or to plead with the chairman to see if we could not even get a few more minutes on each side. We have more speakers than we had anticipated, and it is an important issue and lives actually hang in the balance on it. I wondered if we might take a few additional minutes on each side.

The CHAIRMAN. Is the gentlewoman making a unanimous consent request?

Ms. KAPTUR. I am.

The CHAIRMAN. What is that request?

Ms. KAPTUR. My request is to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

Mr. BUYER. I object.

Mr. SANDERS. Mr. Chairman, can I have a point of personal something or other?

On this issue of enormous consequence our friends do not want to add a few more minutes to debate? I think that is really unfortunate.

I want to ask the chairman again, the gentleman from Texas (Mr. BONILLA), who I know is a decent man and I respect his opinion, but we have many people here, so what is wrong with 5 more minutes on either side?

The CHAIRMAN. Is the gentleman making a unanimous consent request?

Mr. SANDERS. I am.

The CHAIRMAN. What is that request?

Mr. SANDERS. That the chairman grant us 5 minutes more so people on both sides can have the opportunity to debate this issue. Five minutes on both sides.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

Mr. BUYER. I object.

The CHAIRMAN. Objection is heard.

Mr. SANDERS. Mr. Chairman, may I know what the time frame is?

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 4½ minutes remaining and the gentleman from Texas (Mr. BONILLA) has 8 minutes remaining.

Mr. SANDERS. I would urge the other side to go ahead.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, why have all of us from the Committee on Commerce come up here to debate this issue and are opposed to it? Because this is exactly what happened. For 2 years we have been working on this project: reimportation. When it leaves this country and comes back into this country, we do not know what it is.

This is one post office, where 721 parcels came back in. We cannot tell what it is, how it got here, how it was made, what it even is made of. This is the yellow powder we speak of. This is boric acid and yellow highway paint. They do it to put on these pills which they put in this blister pack for Poncet. Nothing we can use medically in this country.

This is about drug safety. It is not priced for senior citizens. All of us Democrats, most of us Republicans, would like to see lower drug prices. This is drug safety. For 2 years we have been working on this issue. Do not limit the FDA's ability to do enforcement when these drugs like this highway paint are coming in and being put on pills and we are supposed to take it as a safe drug.

Reject this amendment. If you want to pass meaningful legislation, pass the Allen bill.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I do agree on one thing with the gentleman from Vermont (Mr. SANDERS). This amendment is important. It is important because if it passes, people will die, and that is no exaggeration.

Why would we ever want to permit a system that is one of the best in the world, like the FDA, which ensures that we have drug safety in our Nation, why do we want to open it up so we are not able to have that gold standard that a former colleague talked about? When people see an FDA-approved drug, they know about the efficacy and safety of that particular drug.

The Food and Drug Administration and the Customs Service have testified as recently as June 7th that ''Drugs being imported from outside the United States pose considerable risk to consumers because they may be counterfeit, expired, superpotent, subpotent, simply tainted, or mislabeled.''

American consumers should not have to worry that the drugs they take may be adulterated, just as the gentleman from Michigan (Mr. STUPAK) said, with yellow highway paint, which the FDA has found with imported drugs. Defeat the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I was going to ask a lot of other questions, however, some of them have been covered here on the floor already.

So, I wish to ask the gentleman from Vermont (Mr. SANDERS), we have been hearing about who is against this amendment, but could the gentleman give me an indication of who is for this? And, also, for the record, this was 363 to 12 the last time we took a vote on this.

Mr. SANDERS. Mr. Chairman, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, that is absolutely correct. Some groups supporting it are Public Citizens Network, the National Catholic Social Justice Lobby, the National Educational Association, Communication Workers of America, the Children's Foundation, the Alliance for Retired Americans, the Gray Panthers, and a number of other organizations. And I thank the gentlewoman for asking that question.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, all of us, all of us want to see lower drug prices, and all of us are frustrated by the high price of drugs. It does no good, though, to import these drugs if we cannot be guaranteed of their efficacy.

In my hand I have three packages of Viagra, all of them imported. Two of these packages are counterfeit. All the packages look the same. The holograms on the back are the same and the blister packs holding the pills are exactly the same in all three boxes. I am sure that two of these boxes are cheaper than the third, but I would ask my gentlemen colleagues if they would rather have lower prices, or which two of these boxes would they take?

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Sanders amendment, not because it is the perfect amendment but because I believe it is a step in the right direction.

During all this debate, few people, no one really, has asked why are drugs so much less expensive in other countries. The reason is because other countries do not allow the pharmaceutical companies to gouge their citizens, senior citizens or others.

In Canada, in all the rest of the G–7, there are caps on what the pharmaceutical industry can charge. In those countries the pharmaceutical industry sells lots of drugs, they make profits, and they do just fine. Only in America, only in America do we basically allow them to charge the highest prices in the world to seniors, who can least afford it.

That is why this is a step in the right direction. I do believe we need a prescription drug cap here in the United States so that our seniors are not discriminated against and our seniors no longer pay the highest prices in the world.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me this time. Congress does have an obligation to help Americans who cannot afford the prescription drugs that they need, and seniors deserve a voluntary universal prescription drug benefit under Medicare. We can all agree on that. But making it easier to bring counterfeit substandard medicines into the United States is not the way to help seniors get these medications, not the way to help families.

The Sanders amendment is a step backward. The FDA and the Customs Service have a huge challenge keeping counterfeit drugs out of this country. Consumers in New Jersey and California and Kansas can take prescription medicines today with the certain knowledge that they are putting safe, tested, clean medicines into their bodies.

It is not just agencies like the Customs Service that oppose this, it is also patients' groups, like the National Prostate Cancer Coalition, the Cystic Fibrosis Foundation, and the ALS Foundation. They all strongly oppose it. It is simply not the way to provide seniors with affordable prescription drugs. It would undermine confidence that doctors and patients have in their ability to make informed decisions about patient care.

PARLIAMENTARY INQUIRY

Mr. ROHRABACHER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. ROHRABACHER. During this debate we have had this photo displayed of what has been called a foreign drug lab. Several Members here believe that is a picture of a laboratory in the United States. How would I inquire as to the validity of that evidence that has been presented today?

The CHAIRMAN. The gentleman could ask the Members in control of the debate time to yield to him to give such an explanation.

Mr. ROHRABACHER. So who would I be able to ask that of?

The CHAIRMAN. A Member in control of time for this debate.

Mr. ROHRABACHER. Thank you very much.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Sanders amendment, which will literally endanger the safety of our constituents.

First, there is no doubt that we must and will act to help seniors with the high cost of prescription medicines, but this amendment is not the answer. Secondly, we debated this same issue a year ago. The only thing that has changed is that we now have confirmation from both the former Secretary of Health and Human Services, Donna Shalala, and her successor that this amendment could endanger our constituents.

Anyone who thinks the threat is not real, I would refer them to the recent testimony of the U.S. Customs Service and the recent news reports that counterfeit drugs are already coming into this country that pose a serious health threat to our citizens. This amendment would essentially make that practice legal and allow unscrupulous marketers to invade our markets and endanger our constituents.

Our Nation, with the FDA, has the world's gold standard for ensuring the quality and safety of medicines used by consumers here in the United States and around the globe. Let us not undermine these high standards for consumer safety.

Mr. SANDERS. Mr. Chairman, I would once again ask unanimous consent to ask the chairman now just for 3 minutes on each side of additional time, because we have many speakers who feel strongly about this; and I am sure the gentleman does as well.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

Mr. LUCAS of Oklahoma. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Ms. KAPTUR. Mr. Chairman, I would inquire of the Chair, I stood up before to ask for additional time as the ranking member of the subcommittee and could not get additional time. I wish to personally speak in favor of the Sanders amendment. Do I understand the procedures here to disallow me, as ranking member, the highest member of my party on this committee, from being allowed to speak on behalf of this amendment? Is there no procedure available to me to use today because of this unrealistic time limitation?

The CHAIRMAN. The gentlewoman can seek unanimous consent. The time is controlled by prior agreement.

Ms. KAPTUR. So could I ask unanimous consent, could I plead with the chairman of our subcommittee, to give us 2 additional minutes on each side to fully debate, not even fully debate, to partially debate an amendment of this consequence that would allow the ranking member to at least offer an opinion in favor of this amendment?

□ 1245

The vote last year was 363 to 12 in favor of the Crowley-Sanders amendment.

Mr. BONILLA. Mr. Chairman, would the Chair repeat the unanimous consent request.

The CHAIRMAN. The unanimous consent request is that each side would have 2 additional minutes for speakers controlled by the gentleman from Vermont (Mr. SANDERS) and the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, reserving my right to object, I do not object if the gentlewoman asks unanimous consent for 2 additional minutes to speak.

The CHAIRMAN. The unanimous consent request is that the gentlewoman from Ohio (Ms. KAPTUR) has 2 additional minutes to speak.

Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the Sanders amendment. Again I repeat, last year the vote on this issue passed overwhelmingly 363 to 12 in this House. Indeed the House has spoken. Let no one confuse what the issues are. First of all, drugs are already being brought into this country. People from my district go up to Canada and buy prescription drugs all the time. That is true for people from San Diego going to Tijuana; or New York to Niagra Canada. In fact, most drugs sold here are manufactured in Puerto Rico anyway! They are not even made in the United States, and we require the FDA to inspect those laboratories. So we are not talking about anything different with this amendment. We are talking about expanding an existing system that works and provides the safest drug and food supply in the world.

Mr. Chairman, some of my colleagues came up here and said this amendment poses a threat to consumers. The only threat to consumers is that our seniors and others cannot afford to buy the drugs that they need to keep them alive; that is the threat out there! No industry, no industry in this country should be allowed to keep prescription drugs away from people to save their lives.

Someone else talked about the effect of this amendment reducing the gold standard of drug inpsection. In fact with this amendment, we want to apply the gold standard of inspection more broadly to make more medications available that are approved by the FDA.

Let me say that we even inspect meat plants and license meat plants all around the world when they ship products in here. We can certainly do that more comprehensively for prescription drugs.

Finally, let me end by stating that when we went to conference on this important item last year, we offered four amendments to deal with some of the important regulatory questions that were raised by the FDA. We were defeated on a totally partisan vote each time. I will say to the Republican Party in this institution, they caused this amendment to be unworkable. Give us the right with this amendment to fix the system as we tried last year when we went to conference and our four amendments were defeated.

Mr. Chairman, we want to provide the safest food and drug supply to the people of this country. Allow us to do that. Again, support the Sanders amendment.

Mr. BONILLA. Mr. Chairman, what is the remaining time for each side?

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) has 3 minutes remaining; and the gentleman from Vermont (Mr. SANDERS) has 3 minutes remaining.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, we have heard a lot from the other side of the aisle about the FDA is the gold standard. It is fool's gold. Guess what? U.S. drugs are manufactured mostly in Puerto Rico with major components imported from China and India with no mandatory testing. None.

This bill would impose mandatory testing, a whole new regime. The EU has been doing this for 25 years. What is the result, counterfeit drugs and people dying? No. The result is drugs are much cheaper in the European Union; and in Britain they are on average 36 percent cheaper, and there has not been a single incidence of all of these chimaeras that are raised.

What really happened was the pharmaceutical industry was caught napping last year. The seniors that I have seen divide their pills in half, against doctor's orders, and I have seen spouses that have to choose, one gets drugs and the other does not. We are doing nothing about that. We are supporting the profits of this industry. If the other side reverses their vote from last year,

they will be held accountable by the tens of millions of Americans who cannot afford their pharmaceutical drugs. This is not about safety, it is about affordability, and it is about lives.

Mr. BONILLA. Mr. Chairman, we only have one remaining speaker, and we reserve the right to close.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The jurisdiction of the Committee of the Whole to enlarge the time prescribed by the Order of the House depends on congruent division of the time. The gentleman from Texas (Mr. BONILLA), therefore, has 2 additional minutes as a consequence of the 2 additional minutes granted to the gentlewoman from Ohio (Ms. KAPTUR).

Mr. SANDERS. Mr. Chairman, I do not object; but my understanding of the unanimous consent that the gentleman from Texas (Mr. BONILLA) gave was to give Ms. KAPTUR 2 minutes.

Mr. Chairman, I ask unanimous consent for 2 additional minutes for both sides.

Mr. LUCAS of Oklahoma. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, this is really an unfortunate circumstance that we are being forced as citizens of our country to have to reimport drugs that are manufactured in our country under our country's supervision in FDA-approved laboratories, but in order to be able to get affordable prescription medicines to our citizens.

Our citizens are paying 33 to 50 percent higher for the same drugs. This is no different from some of our agriculture farmers who recognize the importation of products that are manufactured here but sold overseas cheaper. It is cheaper to bring it in than it is to pay for it at the same level in our own country, and we are being put through this process.

Mr. Chairman, this amendment will allow us to get those safe, FDA-approved, reviewed and supervised prescription drugs to our seniors that need it. Our State needs this relief now.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, it seems to me that the honest opponents of this bill are focusing on the trees and, therefore, cannot see the forest. The forest is that Americans pay exorbitantly high prices for pharmaceuticals. We subsidize the price of pharmaceuticals everywhere else in the world.

If we were running this place properly, we would have an honest debate on a pharmaceutical drug program under Medicare. We are not going to have that. We would have an honest debate about health insurance for all Americans. We are not going to have that.

Mr. Chairman, this is the only vehicle that we are permitted. If Members want to move us closer to honest prices for pharmaceuticals for senior citizens and everyone else in America, vote for this amendment.

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 30 seconds remaining; and the gentleman from Texas (Mr. BONILLA) has 5 minutes remaining.

Mr. SANDERS. Mr. Chairman, is the procedure that the gentleman from Texas has the right to close?

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA), as the chairman of the subcommittee, has the right to close.

Mr. SANDERS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, it is a shame we have not had more time for this debate because our constituents do not have time to survive when they cannot afford prescription drugs because the drug companies are gouging consumers. Everyone in America knows this. It is time that this House takes a stand, as it did a year ago, to make sure that prescription drug prices are kept low. We have the ability to do that with the Sanders amendment, and we ought to vote to make sure that we hold the pharmaceutical companies accountable.

Mr. Chairman, it is time that we did that instead of the pharmaceutical companies reaching in and trying to control votes in this Congress. It is time we took a stand on behalf of senior citizens who are suffering because of the high cost of prescription drugs.

Mr. BONILLA. Mr. Chairman, I yield all remaining time to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

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

Mr. TAUZIN. Mr. Chairman, one of the former speakers complained about the scare tactics that have been used in discussions and debates on this bill. Let me assure Members, they need to be afraid of this amendment.

My mother, my 82-year-old mother, is a three-time cancer survivor and needs to be afraid of this amendment. This amendment effectively repeals an important consumer protection law designed to protect my mother and other consumers from bad drugs.

Mr. Chairman, the FDA was created not to protect pharmaceutical companies, whether they are here in the United States or foreign countries. The FDA was created to protect consumers like myself, my mother and everybody's mother from bad, illegal, counterfeit, dangerous drugs.

If Members do not believe there are people preparing those kinds of drugs and trying to send them to Members' mothers today, be afraid.

Let me read from testimony before the Committee on Energy and Commerce, Subcommittee on Oversight and Investigations hearing. This is about a U.S. Customs effort in Thailand called Operation Chokepoint. What they discovered in this kitchen cooking up drugs for America was 18.5 kilograms of powder steroids and Viagra. The processing took place on the counter of a filthy, vermin-infested kitchen and on the floor of a spare bedroom of the house. The tools and scales were never cleaned, and used for both steroids and Viagra. The British national who was running this operation had just been released from the hospital for hepatitis treatment, was still under medication, was processing and packaging these drugs with the assistance of a Thai female prostitute.

Mr. Chairman, the picture complained about is from Colombia. This is one of the kitchens in Colombia that is cooking up drugs for Members' mothers and mine, and importing them into the United States.

Mr. Chairman, the FDA was created and this important consumer protection law was created to protect our seniors and loved ones from this stuff. This amendment removes that protection.

I want to ask Members, in the interest of cheaper tires, are Members willing to repeal NHTSA, our Highway Safety Commission? Are Members willing to take away the consumer protections we have built around the law that says people cannot sell us tires that will blow up and flip our trucks over? In the interest of cheaper energy, are Members ready to repeal the EPA so anyone can do anything they want in this country to the environment?

Mr. Chairman, in the interest of cheaper toys and sleepwear, are Members ready to repeal the Consumer Products Safety Commission so our kids can have cheaper toys and sleepwear, but they might burn to death at night because sleepwear is flammable and nobody is looking after them?

Mr. Chairman, the FDA was created to protect us, not the companies; to protect my mom and other moms. When we passed this ban on reimportation, we did something very important. We said to our Secretary, unless we can satisfy that the drugs coming into this country are going to be safe, they are not going to kill my mother, they are not coming from these drug kitchens in Colombia and Thailand, unless the Secretary can satisfy us, keep the ban.

Do Members know what the Secretary said in the last administration? ''I cannot tell you that we can satisfy you that without FDA approval these drugs are safe.''

Yes, we all want cheaper drugs for our mothers and fathers; and yes, we are working on bills to do that. The administration is working on a project to provide discount cards to all seniors. Yes, we ought to be concerned about the high cost of those drugs, but are we going to trade drug safety for drug prices? Are we going to put everybody at risk for the sake of a cheaper drug?

I suggest to Members this is the wrong remedy for the problem. We can all agree that is a problem. We can all agree that there is something wrong about the way that drugs are priced in America, and we are working on something in the Subcommittee on Oversight and Investigations. We can all agree that the Medicare system ought to make drugs more affordable; and the copayment is too high when seniors need treatment for cancer therapy.

□ 1300

But this is a wrong remedy. This lets these operations become legal. It takes away the enforcement arm of the Government designed to protect our seniors from this kind of an operation and says from now on, This is legal, this is okay. You can cook it up in a kitchen in Colombia, and you can cook it up in a kitchen in Thailand, using whatever systems you want, whatever unsanitary conditions you want; and you can ship it into America because we think cheaper drugs are so important, we do not care how unsafe they are.

Mr. Chairman, this Sanders amendment is dangerous. It needs to be defeated.

Mr. GARY MILLER of California. Mr. Chairman, I rise today to speak in opposition to the amendment offered by my colleague from Vermont, Mr. SANDERS.

In 1988, Congress passed legislation that banned the reimportation of prescription drugs because it recognized that there was a significant risk to the American people associated with counterfeit, adulterated or sub-potent medication.

In fact, recognizing the importance of quality prescription drugs, Congress required not only that all domestic distribution centers be licensed, but also that the FDA develop a stringent set of guidelines to regulate domestic prescription drugs.

These guidelines called for detailed recordkeeping, including guidelines which outlined very specific temperature and humidity control parameters.

The Sanders Amendment clearly contradicts the reasoning behind these efforts and would instead allow unrestricted reimportation of prescription drugs.

Moreover, the Sanders Amendment would delete the provision which Congress passed last year directing the Secretary of Health and Human Services to demonstrate that any cost-savings derived from reimported drugs be passed to the American consumer.

Last December, then-HHS Secretary Donna Shalala found she could not demonstrate that the reimportation law would not jeopardize patient safety, nor could she demonstrate that savings would be passed on to consumers.

Moreover, Mr. SANDERS' amendment would likely lead to an increase in the flow of counterfeit drugs into the U.S., which is already a growing problem the Government cannot control.

At a June 7, 2001 hearing, Ms. Elizabeth Durant, Executive Director of Trade Programs at the U.S. Customs Service, testified that "perhaps as much as 90 percent of the pharmaceuticals that enter the U.S. via the mail do so in a manner that violates FDA and/or DEA requirements. . . . To offer an example, one seizure included a 3,000-tab shipment of a counterfeit drug with an expiration date of 1980. . . . We have counterfeit drugs. We have gray-market drugs. We have prohibited drugs and we have unapproved drugs. The whole gamut of illegal substances pass through our mail facility at Dulles. And this is a situation that is pretty much replicated around the country."

While I am concerned about the rising cost of pharmaceuticals in the U.S., I am more concerned that Mr. SANDERS' amendment would compromise the health and safety of millions of Americans who count on the quality and purity of pharmaceuticals approved by the FDA to treat their illnesses. What we cannot afford to do is knowingly expose American consumers to drugs and pharmaceuticals that may jeopardize their health, and yet that is precisely what the Sanders amendment would do.

Again, I urge my colleagues to put the welfare of Americans first and vote against the Sanders amendment.

Ms. LEE of California. Mr. Chairman, I rise in strong support of the Sanders/Crowley/DeLauro prescription drug reimportation amendment to the Agriculture Appropriations bill. This amendment will lay the groundwork for lowering the cost of prescription drugs in the U.S. by 30–50%.

This amendment will allow prescription drug distributors and pharmacists to purchase FDA-approved prescription drugs from anywhere in the world at competitive and reasonable prices.

It is a shame that millions of Americans are not able to afford the outrageously high cost of prescription drugs in this country. Their quality of life continues to deteriorate while we continue to limit their access to basic health necessities.

Citizens of the United States pay the highest prices in the world for prescription drugs. Many of our constituents will travel to Mexico or Canada to buy the same drugs for a lesser value. In my district in California, the average prices that senior citizens must pay are 97% higher than the prices that Canadian consumers pay and 96% higher than the prices that Mexican consumers pay.

For every $1 spent in the United States for prescription drugs, those same drugs are purchased in Switzerland for .65, the United Kingdom for .64, France for .51, and Italy for .49.

Why should patients have to continually compromise their health while being forced to decide which prescription drugs to buy and which drugs not to take because they cannot afford to pay for all of them. These patients cannot afford to pay such burdensome costs.

These patients are forced to gamble with their health when they cannot afford to pay for the drugs needed to treat their conditions. Every day, these patients have to live with the fear of having to encounter major medial problems because they were denied access to prescription drugs they could not afford to pay out of their pocket. Often times, these individuals must choose between buying food or medicine. With outrageously high energy costs in California right now, some seniors and other Californians have to choose between paying their electric bill or their drug bills. This is wrong!

All Americans should be entitled to medical treatment at affordable prices. The Sanders/Crowley/DeLauro amendment will allow these patients to buy the prescription drugs needed to lead a healthy and productive life.

This amendment will break the monopoly the pharmaceutical industry now has over reimportation.

Let's stop gambling with the lives of our patients and support this reimportation amendment in order to cut these outrageous prescription drug prices. Americans deserve the right to lead healthy lives by purchasing prescription drugs at reasonable and competitive prices.

Mr. PAUL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Vermont. As I am sure I need not remind my colleagues, many Americans are concerned about the high prices of prescription drugs. The high prices of prescription drugs particularly effect low-income senior citizens since many seniors have a greater than-average need for prescription drugs. One of the reasons prescription drug prices are high is because of government policies which give a few powerful companies a monopoly position in the prescription drug market. One of the most egregious of those policies are those restricting the importation of quality pharmaceuticals. If members of Congress are serious about lowering prescription drug prices they should support this amendment.

As a representative of an area near the Texas-Mexican border I often hear from constituents angry that they cannot purchase inexpensive quality pharmaceuticals in their local drug store. Many of these constituents regularly travel to Mexico on their own in order to purchase pharmaceuticals. Mr. Chairman, where does the federal government get the Constitutional or moral right to tell my constituents they cannot have access to the pharmaceuticals of their choice?

Opponents of this amendment have been waging a hysterical campaign to convince members that this amendment will result in consumers purchasing unsafe products. I dispute this claim for several reasons. Unlike the opponents of this amendment I do not believe that consumers will purchase an inferior pharmaceutical simply to save money. Instead, consumers will carefully shop to make sure they are receiving the highest possible quality at the lowest possible price. In fact, the experience of my constituents who are currently traveling to Mexico to purchase prescription drugs shows that consumers are quite capable of ensuring they only purchase safe products without interference from Big Brother.

Furthermore, if the supporters of the status quo were truly concerned about promoting health, instead of protecting the special privileges of powerful companies, they would consider how our current policies endanger safety by artificially raising the cost of prescription drugs. Oftentimes lower income Americans will take less than the proper amount of a prescription medicine in order to save money or forgo other necessities, including food, in order to afford their medications.

Mr. Chairman, I urge my colleagues to show they are serious about lowering the prices of prescription drugs and that they trust the people to know what is in their best interest by voting for the Sanders amendment to the Agricultural Appropriations bill.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

I rise in strong support of the Sanders/Crowley/DeLauro/Paul/Rohrabacher amendment.

This language offered today is the same as language I offered last year.

We again offer this amendment as a first start to provoke a discussion and get real re-importation legislation enacted into law.

This is the only way Democrats and Independents can get heard on this issue—the GOP controlled House authorizing committees are not doing their jobs.

All we have seen to date was a Commerce Committee hearing held earlier this month on the horrors of reimportation—and the arguments from that hearing have hardened my resolve in supporting reimportation.

Why?

In part because of the comments from that hearing, such as Chairman TAUZIN'S opening statement where he remarked on June 7, 2001:

> The problem of counterfeit drugs is not just a phenomenon of the developing world. Our lucrative market and ineffective import controls are increasingly making the United States an attractive target for drug counterfeiters and diverters. Last month, three counterfeit prescription drugs were found in the shelves of pharmacies of several states. It is not known whether these fake drugs were made in the United States or overseas. But such a cluster of counterfeits has not been seen for years in this country.

Yes, in fact, counterfeit drugs are making it onto our shores and the legislation that was enacted to stop it—the Prescription Drug Marketing Act (PDMA) enacted in 1987, which includes section 801(d)(1) that we are striking funding for today, has not been successful in protecting consumers.

It has been tremendously successful in protecting drug company profits though.

We, as Democrats, have been trying legislative remedy after legislative remedy to address the spiraling costs of medications—and each time the leaders of this Congress have rebuffed us.

The GOP passed a fake prescription drug benefit last Congress—so weak that 178 of their members later backed my amendment to Agricultural Appropriations last year making reimportation a better alternative to lowering drug prices then their Party Plan.

This year, Congress expressed a collective round of laughter at the Drug proposal advanced by this White House—representing one of the greatest feats of bi-partisanship in recent memory.

I recognize the safety concerns advanced by Commerce Chairman TAUZIN and Ranking Member DINGELL are legitimate and I greatly respect their diligence on this issue and their hard working in protecting American consumers—their motives cannot be questioned here.

But the current laws are not working, as we all readily admit.

Something new must be done.

We cannot protect people from medications by not allowing them to have any access to affordable drugs at all—and unfortunately that is more and more the case throughout the U.S.A.

I remember the thoughts of a local pharmacists who told me that American seniors pay the highest drug prices on Earth.

Some Members will oppose this amendment on fair grounds and for valid reasons—but we offer it as a starting point for discussion to get Congress to act and act this year to lower drug prices for Americans—especially our seniors.

Let me put this in perspective, I have a constituent in Long Island City, NY who must purchase 100 capsules of Prilosec every three months for his wife. He pays almost $400 for these drugs.

I have this letter from a gentleman who writes ''Isn't that an outrageous price for a medication my wife will have to take on a regular basis''.

Yes it is, sir.

Especially, in light of the fact that this same drug that costs $400 in Queens New York, would have cost him $107 in Mexico and $184 in Canada.

Price gouging is wrong and needs to be stopped.

Price Gouging medications is illegal in Canada and Mexico, and—surprise—their drug prices are half the cost of what they are in the U.S.—even for the same drugs, with the same FDA-approved label.

This amendment this year will allow for re-importation of FDA-approved drugs and will serve as an important place marker for more comprehensive reimportation language to be included by the Democratically-controlled Senate.

Americans are turning more and more to giant super stores for their consumer needs—because they can get great bargains at places like WalMart—but they have no such large wholesaler to purchase their medications.

Something that is not a luxury but a necessity.

What upsets me most is that the drug companies get away with it—they give super discounts to seniors in every other country in the world, because they know those governments would never allow for price gouging of their elderly.

But knowing full well they can commit gouging in the U.S.—they mark up their products well beyond what any reasonable senior can afford.

This price gouging must stop.

We can no longer, in good conscience, as a nation allow our seniors to ration their medications, or have to choose between paying their rent and purchasing their drugs.

Representative SANDERS and I are offering this reimportation amendment as the first of a three pronged approach to helping America's seniors afford their medications.

Besides reimportation, we argue for the passage of the Prescription Drug Fairness for Seniors Act by Congressman TOM ALLEN of Maine.

And I hope that all of the sponsors of this amendment will join me in this fight—the goals are the same here—lowering drug prices and protecting American seniors.

This legislation would automatically lower the drug prices paid by American seniors by an average of 40% overnight at negligible cost to the Government by mandating that the drug manufacturers sell drugs to seniors at the same price they sell them for in the other six major industrialized nations.

These two approaches lead us to our final and long term goal—that of a prescription drug benefit under Medicare.

We cannot have millions of Americans go without their medications.

We need to pass real reimportation language this year—and begin to lower the skyrocketing costs of drugs for Americans.

Mr. DINGELL. Mr. Chairman, once again I find it necessary to oppose amendments to the Agriculture Appropriations bill designed to gut the protection the Prescription Drug Marketing Act (PDMA) affords all Americans. Once again we find ourselves debating ill-conceived efforts to convince our people, particularly the elderly, that a panacea for high drug prices can be found in re-imports of American manufactured prescription drugs.

Make no mistake—despite the good intentions of their proponents, nothing in these amendments will lower drug prices one dime for consumers. Nothing in these amendments will benefit any consumer, directly or indirectly. Instead, consumers will be put at risk, because drug re-importation would be a welcome mat for crooks and frauds.

Foreign wholesalers were cut out of the drug distribution system in 1987 because of the flood of contaminated, counterfeit, and mislabeled products. These shady characters have taken advantage of the appropriate public outrage over drug prices to encourage America to once again open its borders to these dangerous drugs.

Proponents of the amendments argue that if the drugs are made in America they must be safe. They are wrong. Our Committee's investigation in the middle 1980's showed that American packaging and labeling was duplicated perfectly by counterfeiters entering their product as re-imports. Unfortunately, they had not duplicated the FDA vigilance that Americans believe is attached to such packaging. Counterfeit after counterfeit was imported into the U.S. as ''American Goods Returned'' before the PDMA put an end to it. Ask the women who took the two million counterfeit birth control pills—in packaging that duplicated Searle's—just how good the crooks are at graphic design. The cycles, the boxes they came in, and the instructions that accompanied the pills were knocked off perfectly in Spain and in Guatemala. The Spanish product had so much excess hormone that it caused excessive bleeding. The Guatemalan product contained no active ingredient so it went undetected, except, of course, for the unwanted pregnancies that resulted.

I could go on with many more examples such as the perfectly packaged Naprosyn from Mexico that contained aspirin as the only active ingredient. That must have come as a shock (or worse) to those hypersensitive to aspirin. Even the non-counterfeit products were often so poorly stored that safety was frequently compromised.

Did these counterfeiters and diverters produce any savings to the American consumer? We looked in depth at this $500 million a year market and found no evidence that consumers saved so much as a penny. No compensation was provided to unsuspecting consumers for all the risks they unknowingly assumed.

We should be able to find a way to address effectively the problem of high priced drugs and to protect consumers from risky products. The amendments offered today do neither, and should be rejected.

Mrs. MALONEY of New York. Mr. Chairman, I come to the floor today in support of the Sanders/Crowley/DeLauro amendment.

Prescription drug costs are a life and death issue for thousands of Americans. Making these life saving and health sustaining drugs affordable for our citizens, and especially our seniors, is simply the right thing to do.

Just look at the cost of prescription drugs in my district. Last year, I conducted three different studies in New York City that showed rampant price discrimination against uninsured seniors by pharmaceutical companies. Beyond a shadow of a doubt, New Yorkers are being skewered by inflated drug prices.

For instance, Tamoxifen—which is sold under the brand name Nolvadex—is the most frequently prescribed breast cancer drug in this nation. It is used by thousands of women across this state and across the country to treat early and advanced breast cancer. In fact, in 1998, total sales of Tamoxifen were over $520 million.

Women in my district who need Tamoxifen must pay ten times what seniors in other countries pay. According to the study I conducted, a one month supply of Tamoxifen costs only nine dollars in Canada—yet it costs over one-hundred dollars in my district. That means that, over the course of a year, a woman in my district will pay roughly twelve-hundred dollars more than women in Canada.

That's a price differential of over one-thousand percent. This is a life-saving drug that thousands of women need to survive. Many women in New York are forced to dilute prescriptions they need to fight breast cancer—forced to cut their pills in half or in thirds—in order to get by financially. No doctor recommends this. No person deserves this.

All eight of the drugs I studied cost at least forty percent more in my district than they do abroad. The average price differential with Canada was 112 percent, and with Mexico it was 108 percent.

Prilosec, an ulcer medication and the U.S.'s top prescription drug in dollar sales in 1998, cost $49.80 for a one month supply in Canada, but cost $121.83 for a one month supply in my Congressional District, that's a 145% price differential.

Prescription drugs costs are too high for America's families and are now the largest out-of-pocket health care expense for America's seniors.

Congress recognized this crisis last year when both the House and Senate passed a drug reimportation bill by wide margins.

Once passed, however, significant flaws were detected in the details of the bill that jeopardized our ability to ensure lower prices and safe products for U.S. consumers through the new policy.

The bill before us today tries to get us back on track by more explicitly preserving the Food and Drug Administration's authority to ensure the safety and efficacy of a system to reimport prescription drugs.

I urge passage of this reimportation amendment which would allow U.S. pharmacists and prescription drug distributors to purchase and sell locally FDA-approved medicines purchased from abroad. This measure should lower the price of prescription drugs, perhaps as much as 50%.

I strongly support adoption of the Sanders/Crowley/DeLauro amendment.

Mr. BLUMENAUER. Mr. Chairman, today the House of Representatives is faced with an amendment, offered by Representative SANDERS of Vermont, which attempts to address the problem of high drug prices in the United States. Seniors in the United States pay the highest prices in the industrialized world for prescription medicines and are often the victims of discriminatory pricing. This amendment, however, seriously undermines the current system that protects U.S. consumers from reimporting potentially tainted drugs from abroad and this is why I play to vote against this measure. We will likely consider additional amendments to the Agriculture Appropriations bill today that attempt to accomplish similar goals, but unless they address the need for strong consumer protections, I also plan to vote against these amendments.

Prescription drugs are an increasingly vital part of health care and are the fastest growing component of health care expenditures. Spending on prescription drugs is expected to continue to rise. Seniors, who comprise only 13% of the total population, account for more than a third of the annual expenditure on prescription drugs. The average senior uses 18 prescriptions a year and these vital prescriptions are absolutely essential to their quality of life. The rising costs of pharmaceuticals, combined with the increasing reliance on drugs for medical treatments, have created a serious threat to the financial security of a particularly vulnerable population, seniors who are on fixed incomes.

We must provide relief to seniors in the United States. My concern though is that this amendment would eliminate our ability to ensure the integrity of drug products and could put American consumers, especially our seniors, in serious jeopardy. Counterfeit medicines have already infiltrated the U.S. market and we must make sure that any reimportation proposal addresses consumer safety and the need for thorough drug inspections. It does seniors no good to allow the importation of less costly prescription drugs if we cannot also ensure their safety and efficacy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

Mr. BONILLA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. LUCAS OF OKLAHOMA

Mr. LUCAS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. LUCAS of Oklahoma:

Insert before the short title the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the total amount provided in title II under the heading ''WATERSHED AND FLOOD PREVENTION OPERATIONS'' (to be used to carry out section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), as added by section 313 of Public Law 106–472 (114 Stat. 2077)), and none of the funds made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who carry out the programs authorized by section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524) in excess of a total of $3,600,000 for all such programs for fiscal year 2002, by $5,400,000.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Oklahoma (Mr. LUCAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

The amendment that I am offering today will provide $3 million to be used for the rehabilitation of aging watershed dams. Public Law 106–472 authorizes USDA to assist local communities with rehabilitation of their aging flood-control dams constructed with USDA assistance. The authorizing legislation, which I authored, received widespread bipartisan support in both the Committee on Agriculture and on the House floor.

Since the authorizing legislation was signed into law, NRCS has been flooded with requests from communities for assistance on rehabilitation for their aging dams. As of March of this year, 434 communities have requested rehabilitation assistance on more than 1,400 dams in 35 States. The cost to rehabilitate these dams is estimated to be in excess of $500 million.

In fact, nearly 10,500 small watershed dams have been built in the United States since 1944. Many of these dams, which were built and designed with a 50-year life span, will reach their life expectancy over the next few years.

These watershed projects are extremely important to our communities. They provide flood control, municipal water supply, recreation, soil erosion control, water quality improvement, wetland development, and wildlife habitat enhancement on more than 130 million acres in this Nation. These dams benefit thousands of people's lives every day.

In fact, the small watershed program has proven to be one of our Nation's most successful public-private partnerships. The program represents an $8.5 billion Federal investment and an estimated $6 billion local investment in the infrastructure of this Nation. These completed small watershed projects have provided $2.20 in benefits for every $1 of cost. Very few Government projects can make that claim.

We must continue to build on this program that our predecessors started 50 years ago. I hope that my colleagues will support this very important amendment to begin the process of rehabilitating these dams before we have a tragic dam failure.

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

Mr. BONILLA. Mr. Chairman, I ask unanimous consent to claim the time in opposition notwithstanding my support of the amendment.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the amendment offered by my friend the gentleman from Oklahoma. I want to commend him for the work that he and his staff have put into the amendment. This amendment makes additional funds available to the Watershed and Flood Prevention Operations account specifically for the small watershed rehabilitation program that passed this House last year. This is a good amendment, and I urge all Members to support the amendment.

In fact, I think the amendment is so good that I have not heard one word of opposition from anyone on this amendment.

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

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. LUCAS).

The amendment was agreed to.

AMENDMENTS NO. 17 AND 18 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 17 offered by Mrs. MINK of Hawaii:

Insert before the short title at the end the following new section:

SEC. ____. Of the amount for the Department of Agriculture provided under the heading ''AGRICULTURAL RESEARCH SERVICE''–''SALARIES AND EXPENSES'' in title I, the Secretary of Agriculture shall provide $950,000, the same amount as was provided for fiscal year 2001, for the Hawaii Agriculture Research Center to maintain competitiveness and support the expansion of new crops and products.

Amendment No. 18 offered by Mrs. MINK of Hawaii:

Insert before the short title at the end the following new section:

SEC. ____. Of the amount for the Department of Agriculture provided under the heading ''AGRICULTURAL RESEARCH SERVICE''–''SALARIES AND EXPENSES'' in title I, the Secretary of Agriculture shall provide $1,603,000, the same amount as was provided for fiscal year 2001, for tropical aquaculture research for the Oceanic Institute of Hawaii for continuation of the comprehensive research program focused on feeds, nutrition, and global competitiveness of the United States aquaculture industry.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Both of these amendments go to the Agricultural Research Service. One has to do with the earmarking of $950,000 for the Hawaii Agricultural Research Center. The other is an earmark of $1,603,000 for the Oceanic Institute. Both of these programs are long existing and have been funded at this level in the past fiscal year. Both of these programs, the Oceanic Institute and the Hawaii Agricultural Research Center, are included in the President's budget.

I think that the importance of these two amendments is to recognize and to herald the tremendous contributions that these two centers have made, not only to Hawaii as a single State but to the entire United States and perhaps even globally with reference to the Oceanic Institute research.

The Hawaii Agricultural Research Center provides vital services to Hawaii's farmers, and particularly now with the loss of our sugar industry with only two plantations remaining, the existence of this center and its support is even more vital as the State struggles to find additional crops to grow on the vast acreages that are being fallowed as a result of the closure of the agricultural industry. We do have tremendous potential in coffee, tropical fruits, vegetables, macadamia nuts, and many other industries.

In respect to the Oceanic Institute, this program assists the expansion of aquaculture and feed manufacturing sectors and to develop new products, processes and markets for U.S. grains. The Oceanic Institute in Hawaii manages the program and is a world leader in feeds and nutrition technology with extensive experience in a variety of marine finfish.

Some of the program's research highlights in the past year have included the development of new feed formulations that enabled the production of market-size shrimp in only 8 weeks. The program has recently assumed a critical role in the development of a new technology package that offers the United States substantial worldwide competitive advantage in the domestic farming of marine shrimp.

It is because of the importance of both of these research centers that I rise today to ask this House to include specific designation of these two programs in allocation of funding for the overall Agricultural Research Service.

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

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. BONILLA. Mr. Chairman, it is my understanding that the gentlewoman is going to withdraw her amendments, but we are willing to work with the gentlewoman as we move toward conference on this issue. I know it is a very important issue to her.

Mrs. MINK of Hawaii. I thank the gentleman from Texas. It is very important that report language include these two projects. I am heartened to hear that the gentleman will work towards this effort when the matter goes to conference.

With that assurance, Mr. Chairman, I withdraw both my amendments.

The CHAIRMAN. Without objection, the two amendments are withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT:

At the end of title VII, insert after the last section (preceding 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 Food, Drug, and Cosmetic Act to prevent an individual who is not in the business of importing prescription drugs within the meaning of section 801(g) of such Act from importing a prescription drug that (1) appears to be FDA-approved; (2) does not appear to be a narcotic drug; and (3) appears to be manufactured, prepared, propagated, compounded, or processed in an establishment registered pursuant to section 510 of such Act.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Texas (Mr. BONILLA) each will control 15 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this debate is going to be very similar to the debate we had just a few minutes ago concerning the price of prescription drugs. I supported the Sanders amendment even though it was a bit broader than the amendment that I offer. I hope Members will take a few minutes to at least read the amendment that I am offering. Essentially what I am saying is, let us not stop law-abiding citizens from importing drugs from G–8 countries for personal use. The issue again is price. If Members do nothing else, please pay attention to this chart. Because at the end of the day, sooner or later we are all going to have to try at least to explain this, and there is no explanation.

Americans, it is a fact, it is a dirty little secret in three different ways, we are paying all the research cost for all the other countries in the world, and we are doing it in three ways: first of all in the prices that we pay for prescription drugs, as Members can see, anywhere from 30 to 70 to 80 percent more than other countries in Europe; secondly, we are paying for the research in the money that we put into the NIH and some of the other science programs here in the United States. It amounts to almost $14 billion a year

that the taxpayers are subsidizing research; and, finally, we subsidize the research through the Tax Code. When the pharmaceutical industry says, well, we are spending billions of dollars on research, that is true. The last year that we have numbers for, they spent about $12 billion on research. But do understand they pay hefty taxes, and as a result they can write off all of that research and in some cases they even qualify for research and development tax credits. So the real net cost to the pharmaceutical industry is far lower than most people say.

What we are saying in this amendment is the game has to stop. We have been subsidizing Europe for a long time. It is time for us to stop subsidizing the starving Swiss.

My amendment is very simple. It simply says that an individual who is not in the business of reimporting drugs shall have the right to bring those drugs in either on their person or by mail from any of the G–8 countries. This does not even include Mexico.

We heard this big safety issue. We are going to talk a little bit about that. The truth of the matter is most of the safety issues that were talked about in the previous amendment exist today. We are not changing anything. We are not going to legalize illegal drugs. We are not going to tell people that they can bring in adulterated drugs. We are talking about law-abiding citizens that have a legal prescription that are bringing in FDA-approved drugs made in FDA-approved facilities.

We have a problem right now, as I mentioned earlier, in terms of contamination on all of the food and produce we bring in. Yet we do not hear this ballyhoo because there is not a company out there, there is not an industry out there like the pharmaceutical industry that stands to make billions of dollars.

Make no mistake, at the end of this debate, this is about money. I believe my simple little amendment that simply opens the door for personal importation could at the end of the day save American consumers upwards of $30 billion. Now, if Members wonder why individuals and groups have been spending millions of dollars over the last couple of weeks, it is about money.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again we have an effort here to solve one problem by creating another, and in fact it could create a series of additional problems. Let me just mention once again a few of the facts that have been stated clearly by the Food and Drug Administration. This presents a clear danger, a potential danger, a serious threat to consumers who could use drugs that are dangerous, that have not been stored under proper conditions, have not been manufactured properly, do not conform to the standards of drug manufacturing in our country. This is simply something that, as we have just heard in the debate in the last half-hour or so, would not be in the best interest of consumers.

We are all in agreement here on both sides of the political aisle that we want to do something about the high cost of drugs in this country, but we want to do it the right way and not add language on an appropriations bill that is not supported by anyone who has been working on this issue in a very serious and sincere way on the authorizing committee for many months now.

I rise in strong opposition to this amendment and would urge its defeat.

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

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Mr. GUTKNECHT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just bring to the attention of the body that last year a much broader amendment than the one that I am offering, that would have had blanket reimportation, passed this House by a vote of 363-to-12. So we are talking about a very targeted amendment to essentially reinforce what the Congress said last year on a bill that passed the House overwhelmingly, passed the Senate overwhelmingly, and was signed by the President. So we are not opening new ground.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for once again bringing up a good, commonsense amendment to help seniors throughout this country, seniors in my district. My district in Florida, the median age is 47. My district has more Medicare recipients than any other district in the Nation, save one.

The seniors in my district worked hard their entire life and do not expect a free lunch from government. However, what I do hear from my seniors is the frustration about the disparity of prices here in the United States and overseas. I have hardworking and informed seniors who recognize that their heart medicine is 60 percent cheaper in Canada than in Florida. They do not know, and I cannot explain, why United States seniors, in the age of free trade and NAFTA, cannot take advantage of lower prices for products in another country.

Mr. Chairman, I am a free trader. I believe bringing the elements of free trade will solve many issues in America, whether it is the outrageous costs to consumers of the anti-free trade sugar program or whether it is a difference for seniors in drug prices across our border. Americans are free to buy pork chops, fruit, and other food from across the border. Why can we not do the same with FDA-approved drugs?

The amendment of the gentleman from Minnesota (Mr. GUTKNECHT) is carefully drafted to concentrate on personal use of FDA-approved products made in FDA-approved facilities. It allows Americans to have greater access to cheaper drugs. It is a commonsense measure that deserves everyone's support.

I fully recognize that this amendment alone will not solve the problem of high drug prices, and I oppose price controls on prescription drugs or other products. I have no interest in bashing the pharmaceutical industry because I recognize how important they are, especially for the future production of new drugs. However, I believe that this bill will introduce an additional source of needed supply to help lower prices. It is something that should be a starting point to allow the free market to work to the benefit of all seniors, and I urge a yes vote.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Chairman, it is with great respect that I rise in opposition to the amendment of my good friend, the gentleman from Minnesota (Mr. GUTKNECHT). I did support this last year. But since that time, as a Member of the Committee on Commerce, we have held numerous hearings on the safety of drugs and the possibility of reimporting these drugs; and I have seen very direct evidence that has caused my concern to change enough to oppose that amendment this year.

We have seen films of laboratories overseas that produce counterfeit drugs. We know that drugs are tampered with overseas. The effectiveness of it is sometimes wasted because of age. The FDA has no way to protect our American citizens from this type of action; and my concern is when it is all said and done, when somebody is actually hurt because of this or someone actually dies because the medicine is paint and not really medicine, what are we going to do about it? What is that consumer going to do? Who is that consumer going to seek redress from?

Surely they cannot expect the real drug company to stand up and stand behind their product. How are they going to get to Europe and who are they going to sue there? How are they going to find these people to be adequately and fairly compensated for these injuries and deaths that are surely going to come into this?

Because of this, I do have concern, even though as I said before I voted for this last year, and I would urge my colleagues to oppose this amendment this year.

Mr. GUTKNECHT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise in support of the Gutknecht amendment. Let me say as one of the Members of the subcommittee who tried to shepherd through last year's reimportation bill, I find it incredulous that every single person who has spoken today against the Sanders amendment or the Gutknecht amendment voted for both of them last time.

Now, of course, there was not a recorded vote on the amendment of the

gentleman from Minnesota (Mr. GUTKNECHT) but there was the amendment of the gentleman from Vermont (Mr. SANDERS), or rather the amendment of the gentleman from New York (Mr. CROWLEY) which was identical to the amendment of the gentleman from Vermont (Mr. SANDERS), and every person who was in favor of it is opposed at this time and that is interesting, because I understand PHRMA, the trade association for the pharmaceutical companies, has spent millions of dollars this week advertising against this.

Needless to say, this is a very critical issue. I have constituents who have to go to Canada to get drugs for their children, one of whom has a very severe form of epilepsy. This woman is a single mom and not able to afford to buy this drug in the United States because in Canada, of course, it is only a third of what it costs here in the United States.

The Gutknecht amendment simply allows the reimportation of American-manufactured drugs, in approved, safe FDA facilities, to be brought back here without punishment. I think that it is very important in a nonelection year to be in favor of lower prescription drug costs.

I might also add that safety really is not an issue with regard to the Gutknecht amendment. And it preserves all of the FDA's legal duty to approve all imports. And under the current law, FDA's mandate is to stop drugs that appear to be unapproved; and nothing in the Gutknecht amendment changes that. So I would certainly urge all of those people who supported this and other bills last year to vote for it again this year.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN), the author of the Hatch-Waxman Act.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the Gutknecht amendment. I am opposed to it because the amendment is so vaguely drafted it can be interpreted as either ineffective or dangerous, but under no reading is it worth doing. I strongly agree with all of those who have argued that pharmaceutical prices are too high, and that drug companies discriminate against U.S. citizens in their pricing policies. I would urge the Committee on Commerce to take up legislation to right this wrong, but the Gutknecht amendment does not fix the problem.

My reading of the amendment is that a drug must be FDA approved to be allowed to be imported under this amendment. Since under the law a drug cannot be FDA approved unless it is accompanied by appropriate labeling and since virtually no foreign drug will have this labeling, I believe that few, if any, drugs will be allowed to be imported under this amendment.

There is a different reading of the amendment that it would allow importation if the basic chemical substance has been approved by the FDA. If this is the case, the amendment is dangerous because it would allow drugs to be brought in without allowing FDA to ensure that they are not adulterated not misbranded and are indeed the right dosages and strengths. Moreover, all the consumer labeling that we have worked so hard to assure will be missing.

Under this reading, once FDA approves a drug in theory it may not ensure that it is safe and effective in practice. So that is the choice. Is the amendment ineffective or bad? Either way, I oppose it and urge all of my colleagues to join me in asking that the House investigate the high cost of prescription drugs and the price discrimination that is practiced against Americans.

This amendment, while many see good in it, I see no redeeming value in it because it will either be ineffective or dangerous, and I urge opposition to it.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, on this amendment, with all due respect to the author of the amendment, it is a poorly drafted amendment. What it says is the FDA has to approve drugs if they appear to be FDA-approved drugs and do not appear to be a controlled substance and appears to be manufactured or processed in an establishment registered pursuant to section 501.

Well, look at these drugs we found in our investigation. Again, energy and commerce has done this investigation. This is Hong Kong, 1999, here is the counterfeit. Here is the genuine. It appears to be the same, even though they are not. Here is one from 1986, Great Britain. This is Zantac. Again, there is a counterfeit; and there is a genuine. Everything appears to be the same all the way down to the blister pack, all the writing, everything on here.

The Gutknecht amendment says this ''all appears.'' I do not think we want ''to appear'' with the health and safety of our people. Where is the safety net for our senior citizens underneath this amendment? We cannot allow reimportation if it ''appears'' okay.

The FDA, the Customs do not have the resources to open up every one of these and make sure it is the real thing. We have had example after example given here under the Sanders amendment and now the Gutknecht amendment. Do not allow this amendment to go through because it appears that the senior citizen is going to be helped out, or the single mother, or whoever it may be. They cannot be distinguished.

To run the tests are $6,000 to $8,000 per test to determine if it is the genuine thing. There are letters in the offices of my colleagues from the U.S. Department of Justice. There are letters in the offices of my colleagues from the FDA asking us not to approve the Gutknecht amendment, not to approve the Sanders amendment; and I would submit both of these letters for the RECORD as they are both the FDA and the Department of Justice Drug Enforcement Administration opposition to these amendments.

DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, July 11, 2001.

Hon. W.J. TAUZIN, *Chairman,*
Hon. JOHN D. DINGELL, *Ranking Member,*
Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER DINGELL: Thank you for asking the Drug Enforcement Administration (DEA) to comment on two certain proposed amendments to H.R. 2330. In furtherance of the efforts of the Energy and Commerce Committee, the DEA is pleased to address the importation of drugs in the United States and submits the following comments on the proposed amendments. These proposed amendments would prohibit the Food and Drug Administration (FDA) from using any of its funds received under the Agriculture Appropriations Act to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act (FDCA) that pertain to the importation of prescription drugs. We oppose both of these proposed amendments because they would hinder the ability of federal law enforcement officials to ensure that drugs are imported into the United States in compliance with longstanding federal laws designed to protect the public health and safety.

One of the proposed amendments would prohibit the FDA from using any of its appropriated funds to prevent a person ''who is not in the business of importing prescription drugs'' from importing from certain specified countries ''FDA-approved'' prescription drugs that are not controlled substances. This proposal would be in conflict with the Controlled Substances Act (CSA), which is DEA's governing statute. The basic foundation of the CSA is the ''closed'' system of distribution of controlled substances, under which all persons in the legitimate distribution chain (manufacturers, wholesalers, and retailers) must be registered with DEA and maintain strict accounting for all transactions. This regulatory scheme, administered by DEA, is designed to prevent diversion of controlled substances into illicit channels. However, DEA can maintain no control over the distribution chain and prevent diversion where American consumers purchase their drugs abroad. Somewhat similarly, the law that the FDA administers (the FDCA), cannot be effectuated where American consumers purchase their drugs abroad. Among the ways that the FDCA protects the American public is by requiring good manufacturing practices, proper labeling, and safe handling to prevent adulteration. There is no way to ensure such protections to American consumers if they are allowed to purchase drugs from foreign sellers without FDA oversight.

We recognize that the proposed amendment states that it does not apply to controlled substances. However, despite this wording, the proposed amendment would provide a potential loophole that could be exploited by traffickers in controlled substances. Every day, prescription drugs, including controlled substances, are illegally shipped into the United States by mail or private carrier. Those who ship controlled substances in this fashion do not label their packages as containing controlled substances. Under the proposed amendment, drug traffickers could send shipments of controlled substances into the United States marked ''FDA-approved noncontrolled substance'' and the FDA would be powerless to

take any investigative steps or to assist the United States Customs Service (USCS) or DEA in intercepting these illegal shipments.

An additional concern with the proposal is the use of the phrase ''an individual who is not in the business of importing prescription drugs.'' This terminology is vague, impractical, and inconsistent with that use historically in American drug laws. The FDCA and the CSA have always used the concept of ''registration.'' Under the FDCA, only those manufacturers registered with the FDA may import prescription drugs. Under the CSA, persons must be registered with DEA to import controlled substances.[1] Moreover, it would be an undue burden on law enforcement (and a benefit to traffickers) to require the government to prove that someone is ''in the business of importing prescription drugs'' before even commencing an investigation. Many unscrupulous persons would simply claim they are ''not in the business of importing prescription drugs'' in order to stifle investigation of potential criminal activity.

[1] The CSA makes an allowance for individuals to import and export small amounts of controlled substances that are medically necessary while traveling to and from the United States—but only for the legitimate personal medical use of the traveler and in strict compliance with DEA regulations; not by mail or private carrier. 21 USC 956(a); 21 CFR 1301.26.

As with the proposed amendment described above, another proposal would likely be exploited by drug traffickers. This proposal would prevent the FDA from enforcing section 801(d)(1) of the FDCA (21 USC 381(d)(1)), which prohibits the reimportation into the United States of prescription drugs, except by the manufacturer of the drug. Under this proposal, a drug trafficker could stymie legitimate efforts by the FDA to assist in preventing illegal drug shipments into the United States simply by attaching a deceptive label to the shipment (e.g., by labeling a shipment of controlled substances as containing ''FDA-approved, reimported prescription drugs'').

DEA, FDA and the USCS are currently facing enforcement challenges on many fronts with respect to prescription drug importation and smuggling. Information obtained from the USCS indicates that there is an increased volume of prescription drugs being imported through the mail as a result of the Internet. Although the CSA clearly prohibits importation of controlled substances in this manner, the FDA and USCS must inspect each package to ascertain the contents. Identifying a drug by its appearance and labeling is not an easy task. From a practical standpoint, inspectors cannot examine drug products and accurately determine the identity of such drugs or the degree of risk they pose to the individual who will use them. This is particularly true since these drugs are often intentionally mislabeled. Shipments from countries identified in the section 804(f) of the FDCA have been the source of a large amount of controlled substances that have been illegally imported. Additionally, the USCS inspectors on the southern and northern borders must determine whether each traveler entering the United States with a drug is complying with the FDCA and the CSA. By preventing the FDA from enforcing certain provisions of the FDCA regarding the importation of drugs, these amendments could be a windfall for criminals, giving them a new way to hide their activities behind a new restriction on law enforcement.

For these reasons, we respectfully oppose the foregoing amendments to H.R. 2330. Thank you for your attention to this mater. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

WILLIAM B. SIMPKINS,
Acting Administrator.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, FOOD AND DRUG ADMINISTRATION,

Rockville, MD, July 10, 2001.

Hon. W.J. ''BILLY'' TAUZIN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.
Hon. JOHN DINGELL,
Ranking Minority Member, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND MR. DINGELL: Thank you for your continued interest in the safety of medicines available in the United States. This is in response to your letter of July 5, 2001, regarding Representative Gil Gutknecht's proposed amendment to the FY 2002 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriation bill, and in follow-up to questions raised by Committee staff.

As you know, the amendment offered by Mr. Gutknecht would prohibit the Food and Drug Administration (FDA or the Agency) from using appropriated funds to enforce section 801 of the Federal Food, Drug, Cosmetic (FD&C) Act to prevent an individual from importing for personal use a non-controlled substance, prescription drug that is approved by FDA and offered for import from a country referred to in section 804(f) of the FD&C Act.

Your questions are restated, followed by the Agency's response.

1. Section 801 of the FFDCA requires the FDA to take certain actions when the drug presented for import ''appears from the examination of such samples'' to be manufactured in insanitary conditions or adulterated or misbranded, among other things. The Gutknecht Amendment, however, requires the FDA to make a determination about whether ''a prescription drug [has been] approved by such Administration'' when presented for import. Isn't it true under present law FDA is not required to determine whether or not a drug is approved prior to import, and that the Gutknecht Amendment imposes a higher standard on the Agency? If so, what mechanisms would FDA have to implement to determine whether a drug is FDA-approved when presented for importation?

Yes, the Gutknecht Amendment does create new substantial duties for the Agency:

1. It requires FDA to first determine whether or not an imported drug is approved before the Agency can take action against the drug; and,

2. It dramatically increases the burden of proof the Agency must meet in deciding whether to refuse the importation for personal use.

Prescription drugs imported for personal use are rarely, if ever, accompanied by data from the manufacturer that is sufficient to establish—with certainty—whether the drug was in fact produced at a facility holding a valid FDA approval under the conditions and labeling requirements specified in that approval. An Agency official may be able to visually identify the drug and determine whether the drug ''appears'' to be approved under current law. However, meeting the standard of certainty required by the amendment—that is, determining whether the drug is, or is not, approved—would require the Agency to compile evidence and make judgments and determinations far beyond that required under current law.

To compile such evidence, FDA could perform laboratory analyses on random samples from each shipment, a process that is time-consuming, resource-intensive, and expensive. Depending on the nature of the drug and the dosage form, we estimate a single test can cost between $6,000 and $15,000. This would, at best, serve to determine whether the drug is the drug identified in its labeling and is composed of the FDA-approved formulation. However, first, FDA would have to develop such testing methodologies, and substantially increase Agency laboratory capability to handle the anticipated influx of products needing to be validated. FDA would also have to determine if that drug is made in a facility registered with FDA.

Another potential method to determine identify is to try to trace the product back to the manufacturer. However, FDA lacks oversight of foreign wholesalers and pharmacists. A trace back may be feasible if the imported product is labeled with a lot number, which can be traced back to the manufacturer, although, without laboratory testing, it is possible that the drug and its labeling are counterfeits. However, small shipments of medications for personal use usually do not provide the lot number and may be composed of medications from multiple lots.

If enacted, the Gutknecht amendment would, in many instances, make it virtually impossible for FDA to stop the personal importation of adulterated or misbrande3d drugs from the identified countries that pose public health risks because of the insurmountable burden on the Agency to first demonstrate that these drugs are not approved products.

2. The Gutknecht Amendment would also require the FDA to determine from what country a prescription drug is being imported. Does the FDA presently have the duty to make such a determination?

No, currently FDA does not have the responsibility to determine the country from which a product is being imported. This would be a new duty for FDA. In addition, the amendment could be construed to allow the importation of approved drugs stored or handled in countries not listed in section 804(f) of the FD&C Act as long as the final country from which the drugs are shipped is listed in 804(f). For example, FDA and the U.S. Customs Service conducted a pilot study earlier this year at the Carson international mail facility in California. FDA identified a large volume of imported drugs originating in Vanuatu, a country not listed in 804(f), but transshipped through New Zealand, a country that is listed in 804(f). Many countries, even some of those listed in 804(f), lack adequate controls on transshipment. This amendment would seriously impair FDA's ability to ensure that such drugs are not subpotent, counterfeit, contaminated, or otherwise a threat to public health and safety.

3. Section 801(g)(1)(A)(i) prohibits the FDA from sending ''warning letters'' to individuals who are not in the business of importing prescription drugs, unless the Secretary makes a determination that ''importation is in violation of section 801(a) because the drug is or appears to be adulterated, misbranded, or in violation of section 595[.]'' The Gutknecht Amendment would allow individuals not in the business of importing prescription drugs to import prescription drugs if the drugs are FDA-approved. If the Gutknecht provision were to pass, the FDA's inquiry would be whether the drug is approved, not whether it is misbranded or adulterated. Could the FDA still send warning letters to individuals not in the business of importing prescription drugs if the prescription drugs appeared to be adulterated and/or misbranded?

If the drug is FDA-approved and imported from a country referred to in 804(f) of the

FD&C Act, under this amendment, FDA could not issue such a notice as the first step in preventing the importation even if the product is adulterated or misbranded. Only if FDA first determines that the drug is either not approved or is approved but not imported from a country referred to in section 804(f) and, is adulterated or misbranded, may FDA send such a notice to the importing individual if he or she is not in the business of importing prescription drugs.

As you know, under current law, FDA can send a warning notice if it first makes a determination that the imported drug appears to be adulterated, misbranded, or it is not approved by FDA, or is in violation of other provisions of section 801. Under the amendment, FDA must determine if the drug is or is not FDA-approved and from what country the drug is imported, even if, it also determines that the product is adulterated or misbranded.

Thank you again for your interest in this issue. Please let us know if you have further questions.

Sincerely,

WILLIAM K. HUBBARD,
Senior Associate Commissioner for Policy, Planning, and Legislation.

Let us not be fooled by the real thing. Let us make sure it is the real thing and not a counterfeit. Reject this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in terms of those pictures, I just want to point out that those happened years ago and are not happening now. Most importantly, I believe I am correct, those drugs were actually purchased on shelves in the United States. These are not drugs being brought in by Americans going to other places.

Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for yielding me the time.

Mr. Chairman, whether the idea comes from a Republican or an Independent or a Democrat, who is trying to lower the outrageously high cost of prescription drugs in this country, there goes the pharmaceutical industry again, which has spent $200 million in the last 3 years to make sure that women in this country who have breast cancer have to pay ten times more for Tamoxifen than they do in Canada. The gentleman from Minnesota (Mr. GUTKNECHT) has a good idea. It will save substantial sums of money for millions of Americans.

I should point out, by the way, that the concept of reimportation that we are talking about today has been in existence for 25 years in Europe; and I do not know of one problem that has existed there. Let us stand up today to the pharmaceutical industry. Let us support this amendment. Let us support my amendment. Let us represent the people back home rather than the big money interests who would defeat both of these amendments.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, let me just say that the women of this country who have breast cancer desperately want Tamoxifen but they do not want counterfeit Tamoxifen, and that is the problem with some of these amendments. There are a number of problems with this amendment, and that is why I rise in opposition to it.

First of all, the terms of this amendment are vague; and it is not even clear how it is intended to function. For example, the amendment only applies to an individual who is not in the business of importing prescription drugs. Who is this person, and what business is this person in?

The key question is: Why does one want to give a person not in the drug-import business free rein to import drugs?

Secondly, the amendment makes a number of references to the requirement that these incoming drugs appear to not violate certain FDA rules and are not controlled substances. The problem with this approach is one cannot tell whether or not they are, in fact, safe drugs. On the Committee on Energy and Commerce, we saw some drugs that looked perfectly fine and they were made out of yellow paint. So one cannot tell upon inspection whether or not they are a controlled substance or whether or not they are legitimate.

Third and most importantly, this amendment directly affects section 801 of the Food, Drug and Cosmetic Act. This section is the safety section which provides the U.S. Customs Service and FDA the ability to process and examine foreign shipments of drugs to prevent potentially tainted, adulterated, or counterfeit drugs from being delivered to unsuspecting customers.

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Defunding, or doing anything to undermine this section, will obviously lead to serious problems.

I would suggest, Mr. Chairman, if this amendment passes, this will not do anything to help legitimate cheaper drugs coming into this country, and instead what we should probably do is hammer signs into the ground at the borders announcing, welcome to the U.S., drug counterfeiters and criminals. You are welcome here in the land of opportunity.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I stand in support of the Gutknecht amendment, and I think there are two reasons we should focus on this. Number one is cost, and number two is safety.

I have to ask Members, 435 Members, how many have heard the story from a senior citizen about someone in El Paso, Texas, or Detroit, Michigan, or some other border city, who has to take Lipitor or some other prescription drug on a regular basis, and they go to the neighborhood pharmacy and it is $60; but they can go over the border and get the exact same drug made by the exact same American pharmaceutical company, exact same dosage, same box, for $20?

Now, we all, if we have been doing our homework on prescription drugs, have heard that story. And that is what we are talking about. We are talking about letting our constituents, not just seniors, but young mothers and families, save lots of money.

Just listen again to the differences in these prices. Allegra, in U.S. dollars, $69; in Europe, $20. Lipitor, in America, $52; in Europe, $41. Premarin, $17 in America; $9.90 in Europe. Prozac, $71 in America; $44 in Europe.

These are real dollars. This is not just like the difference in gasoline, as you drive from town to town and State to State.

But we have to ask ourselves, if we allow more competition, will it not bring down the prices? Certainly it will. Do our constituents deserve this? Absolutely they do.

I want to also talk about safety, because is it safe not to take your Lipitor, is it safe not to take your Prozac, is it safe to not take your Zyrtec? This is the issue that seniors and everyday Americans are faced with, not taking their drugs because it is too expensive to.

We appropriated $23 million to the FDA. We are not bypassing them. We are saying control this, but let us give American consumers the savings.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I would confess that the Gutknecht amendment sounds good on the surface, but when you begin to scratch that surface, it is not so good. In fact, as some have suggested this afternoon, it is outright dangerous. Americans want a standard of excellence, and this amendment, at least the way it is worded, simply does not work.

Under present law, the FDA can stop drugs at the border if they appear to not be approved. That is sensible. If something looks bad, it certainly should not be allowed into this country. But under this amendment, it says that the FDA cannot stop a drug if it appears to be in compliance, even if it is not approved.

The FDA simply does not have the resources or the manpower to enforce an amendment of this magnitude, and as my colleague from Michigan (Mr. STUPAK) suggested a little bit earlier, this amendment could actually legitimize counterfeiting of drugs.

I would urge my colleagues to vote no on this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the Gutknecht amendment. I practiced medicine for 15 years, internal medicine. I treated diabetes, heart disease. I wrote a lot of

prescriptions, 100 to 200 prescriptions a day.

Most of the criticisms that have been raised by this amendment I think can be worked through and solved. What this really boils down to is there are millions of senior citizens in the United States who cannot afford their prescription drugs, and, for many of them, going to Canada or doing a mail order arrangement is a very nice solution to the cost problems.

To say that this is so dangerous, to me, I think, is a little bit of a red herring. In terms of the appearance language, as I understand it, that is the standard in the law as it currently exists. The gentleman from Minnesota (Mr. GUTKNECHT) was just following the current standard in the law.

This amendment will help a lot of people. The majority of seniors have a prescription plan that is paid for by their previous employer, so this is not going to affect them. But, for those in need, and I used to take care of those people, this can be very, very helpful.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we all want to do whatever we can do to lower the prescription drug costs for patients, and the sponsors of this amendment obviously intend to do just that. My friend the gentleman from Minnesota (Mr. GUTKNECHT), that is what he is after. But there is more to this than just lowering the cost. The corresponding cost to public safety under this amendment is simply unacceptable.

Under this amendment, overseas scam artists can counterfeit a label, claiming their product is a brand name, and we ban the FDA from even investigating? Would you vote to ban the FDA from investigating medications prescribed in this country? Even when they suspect exactly what is happening, the FDA is banned from investigating.

Mr. Chairman, I, too, wrote a lot of prescriptions as a practicing dentist for 25 years before I came here. I can tell you, America's health providers must know beyond any doubt that the medicines that they give their patients are what they say on the label.

Now, I know that some medications can come in, and it does save some people some money. But I do not want it imported through the port of Savannah to be spread out through my State, not knowing what is in that medicine.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentleman for introducing this amendment today, which is similar to his amendment which was passed with broad support last year during the consideration of the agriculture appropriations bill.

Living in a border State, many of my constituents are burdened with large prescription bills and travel to Canada to purchase their medication. This is a hard trip for these people who are driven to such an extreme because of the high cost of prescription drugs in this country.

Most of my constituents who board buses to Canada are elderly and in need of medication to manage chronic conditions. They rely on these medications to keep them out of costly and unnecessary hospital care. This amendment enables Americans to obtain their medications from Canada through personal reimportation.

We must ensure that all of our constituents have access to these more affordable prescription drugs. Certainly reimportation is not a panacea, it is not the answer to this problem in itself, but it is a step, and it is a step, an important step, in the right direction, and important to the constituents that we represent.

Mr. Chairman, I urge my colleagues to support the Gutknecht amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, there are some concerns that have been raised here by the DEA. They sent a letter to the gentleman from Louisiana (Chairman TAUZIN) and the ranking member, the gentleman from Michigan (Mr. DINGELL), dated July 11, 2001, which I will refer to and have placed in the record. When you look at the actual language, two of the concerns that they raise in the debate here today is this issue of appearance.

Under the present law, the FDA can stop drugs at the border if they appear not to be approved. That is sensible and workable. But the new Gutknecht amendment shifts the burden. The Gutknecht amendment says the FDA cannot stop a drug if it appears to be in compliance. If it appears to be in compliance.

Then it goes even one step further. It says you cannot prevent an individual who is not in the business of importing a prescription drug. This is going to be a safe haven for defense lawyers. They are going to love this. They are going to attack a lot of cases.

Let me refer here to the DEA. DEA says, you know, this will create an undue burden on law enforcement to require the government to prove that someone is in the business of importing prescription drugs before even commencing an investigation. Many unscrupulous persons will simply claim they are "not in the business of importing prescription drugs" in order to stifle investigations of potential criminal activity.

Mr. Chairman, we try to create laws with the best of intentions, and we create loopholes in the process, because sometimes there are things that get beyond us. The last thing we want to do is to send a signal to the international drug cartels, stop hiding your cocaine and your heroin. I tell you what, just put it in the form of an aspirin, label it, and it will come into the country. That is the wrong thing that we do not want to do.

I think this is a well-intentioned amendment, but completely misguided. Please vote against the Gutknecht amendment.

Mr. Chairman, I include for the RECORD the letter from the Drug Enforcement Administration to the chairman and ranking member of the Committee on Energy and Commerce.

DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, July 11, 2001.

Hon. W.J. TAUZIN, *Chairman,*
Hon. JOHN D. DINGELL, *Ranking Member,*
Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER DINGELL: Thank you for asking the Drug Enforcement Administration (DEA) to comment on two certain proposed amendments to H.R. 2330. In furtherance of the efforts of the Energy and Commerce Committee, the DEA is pleased to address the importation of drugs in the United States and submits the following comments on the proposed amendments. These proposed amendments would prohibit the Food and Drug Administration (FDA) from using any of its funds received under the Agriculture Appropriations Act to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act (FDCA) that pertain to the importation of prescription drugs. We oppose both of these proposed amendments because they would hinder the ability of federal law enforcement officials to ensure that drugs are imported into the United States in compliance with longstanding federal laws designed to protect the public health and safety.

One of the proposed amendments would prohibit the FDA from using any of its appropriated funds to prevent a person "who is not in the business of importing prescription drugs" from importing from certain specified countries "FDA-approved" prescription drugs that are not controlled substances. This proposal would be in conflict with the Controlled Substances Act (CSA), which is DEA's governing statute. The basic foundation of the CSA is the "closed" system of distribution of controlled substances, under which all persons in the legitimate distribution chain (manufacturers, wholesalers, and retailers) must be registered with DEA and maintain strict accounting for all transactions. This regulatory scheme, administered by DEA, is designed to prevent diversion of controlled substances into illicit channels. However, DEA can maintain no control over the distribution chain and prevent diversion where American consumers purchase their drugs abroad. Somewhat similarly, the law that the FDA administers (the FDCA), cannot be effectuated where American consumers purchase their drugs abroad. Among the ways that the FDCA protects the American public is by requiring good manufacturing practices, proper labeling, and safe handling to prevent adulteration. There is no way to ensure such protections to American consumers if they are allowed to purchase drugs from foreign sellers without FDA oversight.

We recognize that the proposed amendment states that it does not apply to controlled substances. However, despite this wording, the proposed amendment would provide a potential loophole that could be exploited by traffickers in controlled substances. Every day, prescription drugs, including controlled substances, are illegally shipped into the United States by mail or private carrier. Those who ship controlled

substances in this fashion do not label their packages as containing controlled substances. Under the proposed amendment, drug traffickers could send shipments of controlled substances into the United States marked ''FDA-approved noncontrolled substance'' and the FDA would be powerless to take any investigative steps or to assist the United States Customs Service (USCS) or DEA in intercepting these illegal shipments.

An additional concern with the proposal is the use of the phrase ''an individual who is not in the business of importing prescription drugs.'' This terminology is vague, impractical, and inconsistent with that used historically in American drug laws. The FDCA and the CSA have always used the concept of ''registration.'' Under the FDCA, only those manufacturers registered with the FDA may import prescription drugs. Under the CSA, persons must be registered with DEA to import controlled substances. Moreover, it would be an undue burden on law enforcement (and a benefit to traffickers) to require the government to prove that someone is ''in the business of importing prescription drugs'' before even commencing an investigation. Many unscrupulous persons would simply claim they are ''not in the business of importing prescription drugs'' in order to stifle investigation of potential criminal activity.

As with the proposed amendment described above, another proposal would likely be exploited by drug traffickers. This proposal would prevent the FDA from enforcing section 801(d)(1) of the FDCA (21 USC 381(d)(1)), which prohibits the reimportation into the United States of prescription drugs, except by the manufacturer of the drug. Under this proposal, a drug trafficker could stymie legitimate efforts by the FDA to assist in preventing illegal drug shipments into the United States simply by attaching a deceptive label to the shipment (e.g., by labeling a shipment of controlled substances as containing ''FDA-approved, reimported prescription drugs'').

DEA, FDA and the USCS are currently facing enforcement challenges on many fronts with respect to prescription drug importation and smuggling. Information obtained from the USCS indicates that there is an increased volume of prescription drugs being imported through the mail as a result of the Internet. Although the CSA clearly prohibits importation of controlled substances in this manner, the FDA and USCS must inspect each package to ascertain the contents. Identifying a drug by its appearance and labeling is not an easy task. From a practical standpoint, inspectors cannot examine drug products and accurately determine the identity of such drugs or the degree of risk they pose to the individual who will use them. This is particularly true since these drugs are often intentionally mislabeled. Shipments from countries identified in the section 804(f) of the FDCA have been the source of a large amount of controlled substances that have been illegally imported. Additionally, the USCS inspectors on the southern and northern borders must determine whether each traveler entering the United States with a drug is complying with the FDCA and the CSA. By preventing the FDA from enforcing certain provisions of the FDCA regarding the importation of drugs, these amendments could be a windfall for criminals, giving them a new way to hide their activities behind a new restriction on law enforcement.

For these reasons, we respectfully oppose the foregoing amendments to H.R. 2330. Thank you for your attention to this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

WILLIAM B. SIMPKINS,
Acting Administrator.

Mr. GUTKNECHT. Mr. Chairman, I yield myself the balance of my time.

First of all, I just want to make it clear to all Members the word ''appears'' is what is in the statute today. We are using exactly the same standard. If Members would like a copy, we certainly can get it to you.

Ultimately, it comes down, as I said earlier, to this chart. Now, if Members can explain this chart, if they can defend this chart to their constituents, then go ahead and vote against my amendment.

It is a very simple amendment. Earlier today we had a special guest who came and spoke to the Republican Conference, all the way up from Pennsylvania Avenue. I took some notes, and here are some of the things that he said. We all ought to pay attention. He said all wisdom does not reside here in Washington. We trust the people.

Do we really? Do we trust the people to make decisions about their own health care?

It is important to do what is right for the American people, he said. This is not a world of the perfect, he said.

Finally, he said, and I quote, ''We have to be a Nation of free trade.''

Mr. Chairman, if we believe in free trade, if we believe in empowering the American people, should they not have a right to be able to import legal, FDA-approved drugs from G–8 countries?

This amendment does not even include Mexico. It does not include narcotics. My amendment does not include codeine. This is a very simple, small amendment to say to the FDA, stop pestering law-abiding citizens. Stop pestering those senior citizens who are trying to save $37 on their Coumadin. That is ridiculous, it is indefensible, and this Congress ought to stop it.

We are going to either stand today for free trade in America for consumers, we are going to stand for our senior citizens who are being gouged by the big pharmaceutical companies, or we are not, and we are going to have to make that choice, and every one of us is going to have to defend that vote. There are many votes we are going to take in the next year, and many of them we are not going to hear about again. But, I guarantee, this is one we are going to hear about, because we are going to be asked by our senior citizens, who did you vote with? When you had the chance to decide, were you with them, or were you with us?

This is a simple amendment that says law-abiding citizens should have access to legal FDA-approved drugs from FDA-approved facilities, and it excludes narcotics. How simple is that?

Now, last year a similar amendment passed this House, a much broader amendment, passed with over 370 votes.

This is a time for choosing. Do we believe in free trade? Do we believe in competition? Do we believe that free trade is only about helping the big corporations, or is it about helping our consumers?

We have a chance to make a very clear message to the FDA, to the bureaucracy, that they work for us, not the other way around.

Mr. BONILLA. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would like to clarify that the Bush administration has sent us a letter clearly opposing any amendment such as being offered now that could result in unsafe, unapproved or counterfeit drugs.

Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. BURR).

The CHAIRMAN. The gentleman from North Carolina is recognized for 2 minutes, 45 seconds.

Mr. BURR of North Carolina. Mr. Chairman, this is not about ''them or us.'' This is not a fight between Americans about what our policy is going to be. This is a question of whether we are going to keep the promise to all Americans to protect the gold standard of the pharmaceutical inventory in this country.

We currently through the FDA have compassionate use exceptions. We have the ability for individuals to cross the borders at Mexico, where there are 1,500 pharmacies in Tijuana, and we watch that very carefully. But we have also learned from that experience that we cannot determine the difference between real and fake.

□ 1345

What this amendment does is it defunds the enforcement mechanism at the FDA. It says that by defunding section 801, we do not allow the FDA to do any of these things that we see on this chart.

Let me go down a few of them. We prohibit drugs that contain filth. We defund the ability to stop drugs manufactured under unsanitary conditions. We defund our ability to stop drugs packaged in potentially unsafe containers. We defund our ability to enforce drugs made with unsafe filler additives.

In a hearing of the Subcommittee on Oversight and Investigation, we had Customs and DEA testify that they found drugs manufactured in Colombia; and visibly, one could not tell the difference between that and the real thing except one: it had no active ingredient. Therefore, it did nothing. The yellow color came from leaded yellow highway paint. It also contained boric acid, floor wax; and this is what this amendment would allow people throughout this country to purchase and to take only with whatever health conditions it might cause.

This would defund our ability to assure quality or purity that falls below our standards. It would not let us enforce drugs that are diluted; drugs that have false or misleading labels; drugs with labeling that does not identify the

manufacturer, packer or distributor; labeling that does not include the name and quantity of active ingredients; labeling that does not require adequate warning. And, most important, this would defund any effort by our enforcement mechanism to stop drugs that do not comply with child-resistant packaging requirements under the Poison Packaging Act.

Mr. Chairman, it could not have been said better than by the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce: ''I wrote this provision because we had counterfeiting years ago. If we change this provision, we will have counterfeiting in the future.''

Defeat this amendment. Stand up for the safety of our pharmaceuticals in this country.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Gutknecht amendment.

Like the Sanders amendment, this amendment would expose our constituents to potentially unsafe and harmful drugs. We all want to do more to help our seniors with access to affordable medicines but exposing them to potentially unsafe medicines as a way to do so is unacceptable.

As Members of the authorizing committee will rightfully argue, any proposed changes to the consumer safety standards in our country—a system that now ensures our medicines are the safest in the world—should only be done after thorough investigation and consideration.

To date, that investigation has shown that the Customs Service and the FDA are already overwhelmed at the border and at international mail facilities with drugs being shipped in for personal use and only a small portion of those shipments are currently investigated for their safety. In fact, our health and safety experts are recommending that we strengthen protections against these imported mail order drugs, not weaken them.

And if you won't heed the warnings of the experts, listen to the people who rely on us to keep their medicines safe. The ALS, Lou Gehrigs's Association wrote with their concerns:

> This amendment would deprive the FDA, pharmacies and thus, our patients and families of the confidence we now have that our medicines are safe, have been properly stored, and are not counterfeit.

The Gutknecht amendment would only compound the safety risk to our constituents of counterfeit and unsafe medicines. I urge opposition to the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT) will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. KUCINICH:
>
> At the end of title VII, insert after the last section (preceding any short title) the following section:
>
> SEC. 7____. None of the funds made available in this Act for the Food and Drug Administration may be used for the approval or process of approval, under section 512 of the Federal Food, Drug, and Cosmetic Act, of an application for an animal drug for creating transgenic salmon or any other transgenic fish.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 15 minutes.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment today to ensure the livelihood of commercial fishermen and protect our oceans, lakes and streams. This amendment is a reasonable and moderate safeguard. It will delay FDA approval of genetically engineered fish for 1 year.

This amendment is necessary because commercial fishermen and environmentalists have raised concerns that GE fish may pose ecological risks that have not been carefully considered by Federal marine agencies. This amendment corrects this situation by providing a 1-year moratorium, giving Congress the opportunity to investigate and authorize an agency with environmental expertise clear authority to regulate the environmental impacts of genetically engineered fish.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I recognize that there are legitimate concerns for the safety of genetically engineered animals, including transgenic fish. However, I am concerned that the proposed amendment would actually delay advancement in the state of scientific knowledge. It would prevent FDA from reviewing any applications related to transgenic fish. The process of consulting with sponsors and reviewing applications that advances scientific understanding in both the public and private sectors, I do not wish to halt this learning process.

Furthermore, in reviewing these applications, FDA addresses the safety of the animal, the environment, and the consumer. In addition, the sponsor must assure that the transgenic fish are contained and not introduced into the environment or the food chain until safety is assured. This is a responsible approach. The scientific integrity and discipline of the drug-approval process makes it a reliable, effective, and safe venue for advancing scientific knowledge and getting needed products to the marketplace.

So I oppose this amendment, and I urge my colleagues to do the same.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I would just like to say in response that what we are proposing here is not to block research, but to block FDA final approval. Our approach would mean that the FDA would have to actually do more research. Scientists from Purdue University and the University of Minnesota have raised a number of serious questions about the ecological impacts of genetically engineered fish. These risks include genetically engineered fish escaping from ocean pens into the environment, which would impact wild populations of fish. Studies show that genetically engineered fish are more aggressive, consume more food, and attract more mates than wild fish. These studies also show that although genetically engineered fish will attract more mates, their offspring will be less fit and less likely to survive. As a result, some scientists predict that genetically engineered fish will cause some species to become extinct within only a few generations.

As a result of genetically engineered fish producing unfit offspring that are more successful in mating, the Purdue scientists predict that if 60, 60 genetically engineered fish were introduced into a population of 60,000 wild fish, the species would become extinct within only 40 fish generations. They refer to these disturbing results as the trojan gene effect.

Here we can see why a genetically engineered fish, this would be represented as a genetically engineered fish and is, in fact, what we are speaking about, as opposed to two conventionally developed fish, and we see the difference in size. What happens is, if they are released into the wild, they become much more attractive for mating; but they are not as fit. Their offspring are not as fit to survive, and eventually we end up with an extinct species.

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

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH), denying the Food and Drug Administration's scientific experts the funding necessary to review the application of transgenic fish.

I oppose this amendment because it does not give the FDA, the experts in this field, the power to make informed decisions about the safety of transgenic fish. Congress does not possess the depth of scientific knowledge needed to determine the safety of transgenic fish. We should go forward with the review. There is also already a comprehensive regulatory process at FDA's Center for Veterinary Medicine to evaluate any risk associated with transgenic species.

Now, the fundamental flaw also in the Kucinich amendment is that it is not restricted just to transgenic salmon, but applies more broadly to transgenic fish. For example, the amendment would severely hamper ongoing research efforts, including catfish research. Catfish is the Nation's largest aquaculture sector, providing over $500 million in revenue to farms covering over 190,000 acres in 13 States and is extremely important to my home State of Mississippi. Also, research on transgenic catfish is targeted to the development of disease-resistant stocks and novel veterinary medicine. This research is vital because catfish farmers can identify disease and, once identified, can remove the single greatest barrier to improved farm production and human health.

Mr. Chairman, U.S. agriculture producers and consumers have benefited greatly from advances in transgenic technology and in plant sciences. These new tools allow farmers to produce better products, while reducing chemical use, which provides a tremendous benefit to our environment. In addition, biotechnology holds the keys to eliminating world hunger and wiping out global poverty. While this technology has not been used widely in animal production, the promise for results similar to those that we have seen within the realm of plant science is evident.

Let me just close real quickly by saying, oppose the Kucinich amendment. Stand for sound science. Do not stick our heads in the mud. This is a great technology that will make species stronger, healthier and better.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

For the record, this amendment does not restrict any research funding. I will say it again. This amendment does not restrict any research funding. Now, in case my colleagues did not hear that, this amendment does not restrict any research funding. It only restricts FDA funding related to their approval of the fish, but they do not do research. Any research funding comes from other USDA research accounts, and that is not impacted by this amendment.

Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO), whose work on this amendment I appreciate.

Mr. DEFAZIO. Mr. Chairman, let us just get this straight one more time: no impact on research. Companies that are investing in research are free to continue to research. They are free to continue to consult with the FDA.

But what we want is a full scientific analysis of the potential impact of the release of these transgenic fish into the environment. That is what we are talking about. The FDA has no qualifications in the area of environmental science. They admit it. They have deemed, under their authority, that transgenic fish are new drugs. Therefore, they have the authority to pass on the viability of a new drug and the safety of a new drug; but the drug that they are approving is a living fish, a fish that will grow at many times the rate of its natural cousins; and it will outcompete them for food, outcompete them for mating activity, and ultimately bring extinction.

Mr. Chairman, in the Pacific Northwest we are spending $400 million a year to try and recover endangered salmon. Just a few of these transgenic salmon released into the environment could wipe out some of the remaining stocks which are struggling to survive.

□ 1400

We are spending $400 million on one side and we are going to release something that threatens that on the other side. ''Well, we will not release them. We will put them in net pens.'' They get out of them all the time. Storms come, they slosh out. Birds come, pick them up, then they drop them. That is an accepted fact.

They say, ''Do not worry, they will not be able to mate.'' Then the same companies that are manufacturing these transgenic fish admit that, ''Actually, our process is not quite foolproof, some probably can mate. But do not worry about it, do not worry about it, we do not think there will be a problem.''

The companies go on to say that they have not evaluated the problem. They have not evaluated the potential impact on native fish stocks. They have not evaluated the environmental impacts. But they say, ''Do not worry, the FDA has approved it.''

The FDA has approved transgenic fish as a new drug, not as a living creature to be released into the environment to interbreed with existing species. This is extraordinary.

The agency that should have jurisdiction perhaps would be the National Marine Fisheries Service. They know about fish. Maybe it would be the Environmental Protection Agency. They know a little bit about the environment. No, we are doing this in the FDA.

Here is what the agricultural coordinator for the National Marine Fisheries Service said. He was surprised to hear that the FDA was overseeing the environmental review regarding new salmon and making decisions on such things as whether fish would be grown in net pens.

Mr. Rhodes said, ''The National Marines Fishery Service, not the Food and Drug Administration, has the expertise to make such decisions and would need to be involved.'' That was May 1 of last year. Yet now we are rushing forward for the profits of a few companies to endanger the environment of the United States and the world. These fish should not be released into our environment until we fully understand the effects.

This amendment does not affect consultation between the FDA and the manufacturers, it does not in any way impact their research or their development, but it does say, ''Before we allow you to put them into the common environment of the United States of America, into our bays, our tributaries, our rivers, or even our ponds, because sometimes they get out of there, too, we want to know what the potential impact is on other species of fish.''

That is all we are asking for here. It is a simple request: Bring in an agency that knows something about fish, not the people at the FDA. Find one person at the FDA who has a degree in marine biology and I will buy dinner. There are not any over there. They do not know a darned thing about this issue or the potential impacts on the environment and other species of fish.

So this is a very, very prudent and conservative amendment. I urge Members to adopt it.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise reluctantly to oppose this amendment today, because of my respect for the gentleman from Ohio (Mr. KUCINICH), a good friend of mine. But I think his amendment that would cut off funding for the FDA to go through the approval process or issue the final approval is bad policy.

I do not believe the anti-biotech position is supported by the facts. Even the Washington Post in this Monday's editorial entitled ''Food Fight'' called efforts to ban biotech murderous nonsense. Let me read from the article.

''Is this technology safe? No test has suggested that genetically-engineered crops harm human health. On the other hand, a lack of plentiful, cheap food harms human health enormously. Half the children in South Asia and one-third in sub-Saharan Africa are malnourished today. Among other consequences, these children suffer iodine deficiency disorder, which causes mental retardation, and vitamin A deficiency, which causes blindness.

''Some anti-genetic activists say the poor will not be able to afford or benefit from these new genetic products.'' They say also that the so-called ''green revolution'', which was supposed to conquer hunger and in their view did not, ''the green revolution, which involved improving seeds and fertilizers and pesticides, actually more than doubled cereal production in South Asia between 1970 and 1995. Despite enormous population growth during that period, it reduced the malnutrition rate in the world from 40 percent to 23 percent.''

So what the green revolution began, the gene revolution can continue. Today's amendment would stop the approval process or the approval. I think that is a mistake. I urge my colleagues to oppose the amendment.

Mr. KUCINICH. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have heard several times on the floor that this does not stop funding for research, all it does is stop funding for final approval by the FDA of that research. We might as well stop funding for research, because who is going to put money into the research if there is no provision for final approval for use of that research once it is done?

The FDA has the legal authority to regulate products derived from transgenic animals. Although significant public and private research to develop commercially useful transgenic fish is ongoing, none have completed the FDA process at this time. Products regulated as new animal drugs in the United States are subject to rigorous premarket requirements to determine effectiveness, to ensure food, animal, and environmental safety. This process includes targeting animal safety, safety to the environment, and safety for consumers who eat foods derived from genetically-engineered animals.

The Center for Veterinary Medicine intends to use various approaches, including a contract with the National Academy of Sciences, to identify further environmental safety issues associated with the investigation and commercial use of transgenic animals.

To do this, the agency will cooperate closely with other Federal and State agencies that have related authorities, such as the Fish and Wildlife Service and the National Marine Fisheries Service, in the case of transgenic Atlantic salmon. Last year, the U.S. National Academy of Sciences concluded that the regulatory system for biotech foods is appropriate and effective.

These are some of the reasons why this amendment is strongly opposed by a coalition of agricultural interests, including the American Farm Bureau Federation, the American Soybean Association, the Grocery Manufacturers of America, the National Corngrowers Association, the National Cotton Council, the National Fruit Processors Association, and many, many more.

Mr. Chairman, I urge my colleagues to reject this step back into the dark ages.

Mr. KUCINICH. Mr. Chairman, I yield 2¼ minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the subcommittee.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to compliment my colleagues, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Oregon (Mr. DEFAZIO), for bringing this extremely important issue before the full House as we debate this 2002 agriculture appropriations bill.

Let me say to the gentleman that I think what is so important about what he has done is he has drawn a line in the sand. He is saying to us that before we cross the line between the green revolution and the genetic revolution, somebody here in Congress had better pay attention that our government is not even properly structured to deal with this significant scientific leap.

We are not talking about the marriage of genes between necessarily like species that have mated in nature, or pollinated in nature. But rather, we are addressing the injection of growth hormones into fish that have never mated, producing species that we have never seen the likes of, and nature has never seen the likes of since the dawn of time.

From an administrative standpoint, we could ask ourselves, who is in charge of fish, anyway? We cannot even get the government of the United States to inspect fish that is coming over our borders and causing people to get sick across this country.

So who is in charge of fish? We have the Commerce Department, with NOAA, the National Oceanic and Atmospheric Administration. We have the Interior Department with the Fish and Wildlife Service. We have the USDA, with the Food Safety Inspection Service. We have the EPA, which issues these advisories such as ''Do not eat fish from Lake Erie but one per week because of mercury levels being too high.''

I can tell the Members this, that we know today that we have half as many fish in our oceans as we did 25 years ago. This diminishment of the natural system of oceanic fish production is a serious international problem. If we think about the dawn of genetic engineering, this is but another transgenic product that we should be concerned about when it is released from containment into the natural environment. We do not know its consequences on the ecosystem, in the same way as we do not know the consequences of transgenically-altered plants in the natural environment. We are ill-equipped as a country to deal with these issues in any intelligent way, so we sort of get into using current unprepared bureaucracies, like FDA, which this amendment addresses.

Mr. Chairman, nothing in the gentleman's amendment stops research. But what it does is it says let us take a pause for thought here with the FDA. Let us take a look as a Congress to investigate and authorize the appropriate agency with environmental expertise and clear authority to regulate the impacts of these genetically-engineered fish, wherever that might be.

I fully support the amendment and urge adoption of this amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, there is a reason America has the highest standards and the safest foods in the world, safer than Europe, more nutrition than Asia, using less pesticides and preserving more of the environment than any other Nation in the world. The reason is that time and time again America has refused to inject politics into our food safety process.

However, that is what this amendment does. It contaminates our scientifically sound food safety process with politics. There is no scientific reason for the moratorium. The FDA already requires all food applicants, whether they are scientifically improved or not, to meet their highest safety standards, not just for human food consumption but for animal welfare and environmental safety.

This amendment not only does not contribute to food safety, it actually harms it, because it says no matter how beneficial, no matter how strong and valuable this research is, we cannot even consider it. This does discourage research into aquaculture breakthroughs which help us develop fish stocks that are healthier, more abundant, and more immune to disease.

That is important not just to farm catfish, not because we have decimated the world's fishing, but it helps to save the 30 percent of fish killed needlessly each year because of illness. If fish are healthy, the food is going to be healthy.

Finally, this amendment feeds the European hysteria, and feeds upon normal people who have not thought about the progress and benefits of biotechnology, too. The fact of the matter is that we produce more food on less land, more environmentally safe food with less pesticides in America and around the world because of biotechnology.

At Texas A&M, which I represent, we work with the Medical Center in Houston to develop plants and vegetables that have cancer-fighting oxidants. As we said here today, scientists have rice that will address the vitamin A deficiency which could help prevent 500,000 children each year from going blind in this world.

This is a risky amendment. This is a scientifically unsound amendment. Most importantly, it injects politics into food. Let us keep the politics out of food safety and in Washington where it belongs.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to point out, there seems to be some misunderstanding about the purpose of this amendment. It is not a ban, it is a 1-year moratorium to begin to study the effects on the environment, on consumers.

I also want to point out that something the Washington Post cited on May 19, 2001, basically supporting the approach of the gentleman from Oregon (Mr. DEFAZIO).

Mr. Chairman, the Post points out that the FDA has classified what they call genetic enhancement, these bigger fish, as a drug for animals. Now, follow this. The FDA says it is a drug for animals. That technically means, according to the Post, the main task of its review will not be to look at the effects of the fish on the environment or fish

on the consumer, but to study the effect of the growth hormone on the fish. That is all the FDA does.

So here we have people advocating the right of fish to have growth hormones, and saying that that is more important than the right of people to be defended against possible adverse human health consequences, or the right that we have and the responsibility we have to protect our environment.

Protecting the right of fish to have growth hormones, indeed. Something smells fishy about the opposition, which would want to protect the right of fish to have growth hormones. That is all the FDA does here.

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

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise, very respectful of the gentleman offering the amendment, to oppose the amendment offered today.

While I, too, have concerns for the safety of our food that has been genetically engineered, we need to continue the FDA's oversight and expertise in this area. Handcuffing the FDA by prohibiting their review process has very broad policy implications.

The risks associated with transgenic fish, and specifically salmon, are overstated. Claims that transgenic salmon will create genetic pollution are unfounded because only sterile all-female stock would be commercialized, virtually eliminating any risk of crossbreeding with wild salmon.

Legislating the approval process of FDA has far-reaching implications which could negatively impact future innovations to improve our food supply and our health.

□ 1415

We have a world to feed, Mr. Chairman, and I urge my colleagues to oppose the amendment.

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the gentleman who preceded me in the well quoted from The Washington Post on an editorial about plants. Let us read the editorial The Washington Post wrote about fish. ''The ecosystem may or may not be ready for the first genetically engineered salmon, but the regulatory system emphatically is not. Environmental issues will be covered, the FDA promises, but the environmental and marine specialists who could best address them are housed at other agencies, and no law requires the routine involvement in decisions about the handling of genetically modified organisms that might get released into the environment.''

The gentlewoman who preceded me in the well said there will be virtually no risk because they will be sterilized. But the companies who manufacture these fish admit they cannot sterilize them all. Come on, they are not perfect. So some of them will get into net pans that will not be sterile, and we know some of the fish in net pans will get out. But if we are lucky, it will not be the ones who are not sterile; and if we are really lucky, if they are the ones who are not sterile, they will get caught before they breed. But if they breed, they could cause an unmitigated environmental disaster.

That is why a huge number of organizations, of fishers across the United States, bicoastal, and on the Gulf oppose the release of these fish before we know their potential impact on the environment.

Mr. KUCINICH. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) has 2¼ minutes remaining and the gentleman from Texas (Mr. BONILLA) has 5 minutes remaining.

Mr. KUCINICH. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, we have only one remaining speaker and the right to close, therefore I would reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

This amendment puts the scientific decision-making process into the hands of the best scientists for the job. I oppose the FDA making environmental decisions on GE fish. The FDA does not staff fish scientists, does not staff fish scientists, and has not consulted with the National Marine Fisheries Service or the Fish and Wildlife Service.

The following passage is from an article in The Washington Post.

> Edwin Rhodes, aquaculture coordinator for the National Marine Fisheries Service, said he was surprised to hear that the Food and Drug Administration was overseeing the environmental review regarding new salmon and making decisions on such things as whether fish would be grown in net pans. Mr. Rhodes said the National Marine Fisheries Service, not the Food and Drug Administration, had the expertise to make such decisions and would need to be involved.

So I think we have to look at the scientific issues here. And does this sound like the FDA is adequately addressing the environmental concerns that are raised? It does not. But a 1-year delay would give Congress the opportunity to make sure that the National Marine Fisheries Service and the Fish and Wildlife Service are included in the process. I want to make sure that Congress will include the appropriate scientists in the approval process.

This amendment is about a 1-year moratorium to give us the chance to make sure that the right decisions are being made, or else, my colleagues, we may soon see a version of Frankenfish which will exterminate whole species of fish. We have an obligation to consumers to look at this and not to jump to a hasty decision which would involve the FDA giving approval for fish when in fact the FDA is not involved with health issues and environmental issues relating to consumers.

This amendment is strongly supported by commercial fishermen, including the Pacific Coast Federation of Fishermen's Association, the Alaska Trawlers Association, and the Washington Trawlers Association because their struggling industry, industries important to this country, cannot afford a negative ecological impact on the wild fish species that they depend on for their livelihood.

Vote for this amendment. It is to protect our people's health, our environmental health, and it is only for a 1-year moratorium.

Mr. BONILLA. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I rise in opposition to this amendment; and I want to approach this from really just a broad and general perspective.

If we look over the next 25 years, the world's population is going to increase by 2.5 billion. This 2.5 billion increase in population is going to be occurring primarily in the developing countries of the world. When we look at the tremendous demand for food, and in particular for protein, in order to ensure that these people are going to have adequate nutrition, we have to be ensuring that we are investing in new science and research that is going to ensure that we have the capacity to produce these food products.

My concern with the amendment that we are considering today is, one, that it will circumvent our science-based regulatory process. I am concerned that it will set the process back, that it will ensure that we can have politics that can intercede all too often that will preclude our ability to ensure that we can see progress in the development of these new technologies.

One of my colleagues earlier today in this debate mentioned we have half as many fish in the ocean today as we did some few decades ago. A lot of this is due to overfishing and fishing that was occurring because of the demand to provide an adequate food source for a lot of people today. When we are looking at the potential for this technology, the technology that can be advanced through transgenic fish, this is something that in many ways could almost relieve some of this pressure on our natural fisheries by ensuring that we can continue to see progress in the commercial production of food and fish products.

So I think this is another argument for us to ensure that we are again continuing this science-based process. Some of the concerns that my colleagues raise I think are adequate. We ought to ensure we are using the most appropriate science. But FDA today is required, when they are considering the approval of these new transgenic

products, to have a dialogue, to be consulting with EPA, with U.S. Fish and Wildlife, and the National Marine Fisheries Service and NOAA, as well as USDA.

Furthermore, it is this amendment that would preclude that continued research and investigation through those bodies that have the scientific expertise. In fact, this amendment would set back our ability to fully understand the science and the threat that transgenic fish might pose for human consumption as well as the threat it might potentially pose to the environment.

Once FDA is confident that, through their investigation and the scientific process, that there is not a significant or marginal threat to both consumers as well as the environment, before anyone can even get a permit to produce transgenic fish, they are also going to have to go through a permitting process at both the Federal and the State level; that they will have to be dealing once again with EPA and other agencies, the National Marine Fisheries Service and U.S. Fish and Wildlife and EPA, which will be mandatory. So we have another safeguard there to ensure we will have adequate protections to the environment to ensure that we will not see any negative impacts.

In closing, I just ask my colleagues to respect the process. One of my colleagues earlier said that this is an amendment to protect the ability to use hormones in fish. Nothing could be further from the truth. Opposing this amendment is to protect a science-based process, to protect a process that will ensure that we will be able to reach out to the best scientists in the country that we have available to ensure that we will have adequate protections. And when we go through that process, we also then will have the promise. We will have the promise that we can see the increase in food production, in this case, in the production of fish, that can meet the protein and nutritional needs of hundreds of thousands if not billions of people that are going to be populating this Earth.

I ask my colleagues to vote ''no'' on this amendment.

Mr. KIND. Mr. Chairman, I want to thank you for the opportunity to speak on behalf of this amendment and urge my colleagues to support the amendment which would preserve funding for the American Heritage Rivers Initiative. I also want to extend my gratitude to my colleagues for introducing this important amendment.

The Heritage Rivers Initiative is entirely voluntary and locally-driven. This program is composed of local river pilots who work for a federal agency. These pilots help communities locate the resources they need to improve water quality, reduce flood losses, and promote environmental and riverfront development along some of the nation's significant waterways, including the Upper Mississippi River.

This program has been extremely successful in the designated areas along the Upper Mississippi River that include 58 communities in Illinois, Iowa, Minnesota and Missouri. Along the Upper Mississippi River, the American Heritage Rivers Initiative has been instrumental in bringing communities together to link existing trails and greenways, establish and improve interpretive centers, restore habitat and promote riverfront revitalization. I fully support this program, and I also support the proposed designations of Alma and Prairie du Chien, Wisconsin.

Thank you again for the opportunity to speak in support of this amendment and the American Heritage Rivers Initiative.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to the amendment from the gentleman from Ohio. This proposal is a thinly disguised attack on biotechnology. It would prohibit the Food and Drug Administration from using finding to review and approve applications for salmon and fish improved from biotechnology.

This amendment not only wastes money that already has been spent assessing the health and environmental safety of these biotech fish, it also would prevent FDA from meeting its obligations to review new foods under the Federal Food, Drug and Cosmetic Act.

Current law and regulations require applicants who wish to bring a new fish on the market to undergo a ''new animal drug'' review process by the Center for Veterinary Medicine. In meeting these requirements, an applicant must meet rigorous safety standards, which include strict requirements on animal welfare, the environment, and human health. This premarket review process ensures that the products of biotechnology are safe to grow and eat.

It is interesting to note that while research to develop commercially-viable biotech fish is well underway, none has completed the FDA review process. This amendment would effectively end current research projects and would put future private and public research efforts to improve quality and lower cost at risk.

Today, for example, disease is the biggest impediment to improved production of farm-raised catfish. This amendment would seriously undermine research that could improve these yields and reduce losses from disease.

Quick-growing biotech salmon could reduce the pressure on wild fish stocks that are used for feed. Salmon farmers also use only sterile, all-female stock to prevent cross-breeding with wild populations. The gentlemen's amendment would throw out all of the research and capital that were used to develop these new varieties and that is needed to move toward more sustainable fish production and harvesting.

FDA's policy on biotechnology has been in place for nearly ten years and has allowed the safe introduction of wholesome and safe food. Incidentally, FDA's policy applies to all foods, not just those produced using biotechnology. The gentleman's amendment implies that biotech foods are inherently different and more risky than foods produced using traditional techniques such as cross breeding. There is no scientific evidence to justify this assertion.

Rather than incite unfounded, ideologically-driven fears of this technology, we should recognize the incredible potential of biotechnology. Biotechnology will help alleviate hunger in the developing world, promote more environmentally-friendly and sustainable farming practices, reduce pressures on arable land, and create new markets for farmers.

Mr. Chairman, make no mistake: this is a measure aimed at stopping aquacultural biotechnology. FDA's current regulatory process should not be short circuited. I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. 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 Mrs. CLAYTON:

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.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have agreed to present my amendment with the understanding that the chairman is going to work with us during conference, and

then I will withdraw it. But he has graciously allowed us to get the argument into the RECORD.

This amendment is an en bloc amendment and has three phases to it. The first part is to indeed allow for justification for the outreach to small and disadvantaged farmers. The reason why we need these extra resources for small and disadvantaged farmers is because small farmers, all farmers are having difficulty, but small farmers and disadvantaged farmers and minority farmers are especially having difficulty.

We are all aware of the issue around farmers not being able to get credit, farmers not being able to get the technical assistance, farmers not being able to keep up with the new technology. Well, providing monies to what we call the 2501 program allows them to do that. So we are asking for an increase to indeed have those resources.

The second part of this amendment would include the research. Now, I understand that many people have problems where we are suggesting the money should be coming from. But the issue we want for our colleagues to understand on this, is that the research and extension for the 1890 institutions has been woefully underfunded. I brought this chart so it could be put in as part of the RECORD. Indeed, this is the national research initiative, the competitive grant in the 1999 fiscal year, where we could find the records. All of the seventeen 1890 colleges got 5/10 of 1 percent of the money.

Now, why is this an inequity we want to bring to the attention of my colleagues? Well, most of the small farmers and disadvantaged farmers are more concentrated where the 1890 institutions are. And to the extent that they are not allowed to provide the research to add to the understanding of the research in those areas it would be indeed an error.

The third part of this amendment was the whole issue of capacity building. The capacity building of the grant would allow the opportunity to provide monies for graduate students, for professors, and those who would have the opportunity to build up the capacity of these universities. Now, I understand that this is perceived as impossible, as being too expensive. Is it too expensive to make these 1890 universities, some 17 of them, as capable as any other university? It adds to the capacity of the American rural structure. It adds to the capacity and the research that we are providing new people about the understanding of our food and our fiber.

So I would ask my colleagues as we move forward to support this.

Mr. Chairman, I am glad to be joined by one of the cosponsors of this amendment. Her particular interest was the research, but she is interested in all parts of the en bloc amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from North Carolina for allowing me the opportunity to work with her. I also thank the chairman of this committee and the ranking member for their leadership and their concern.

This is not a new attempt. This is an initiative that we worked on with the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies and the authorization committee last year dealing with the 1890 land grant colleges. I am on the Committee on Science, and I know the value of R&D. I also know the value of the history of farmers as well as those farmers in the African community.

But generally speaking, the history of the land grant colleges were around the rural communities in particular. They came out of the soil, if you will. In fact, many of the colleges still have very large agricultural programs now and teach agricultural science, such as Prairie View A & M.

□ 1430

It is interesting we are not in this amendment asking, if you will, to take over the percentages and the dollars given to other colleges, in particular the 1862 land grant. But what we are highlighting is that the research dollars to the 1890 land grant is less than 1 percent. It is .5. So the opportunity for innovative research that can help in nutrition, that can help in agricultural science as it relates to the research done with farm animals, if you will, if an urbanite can suggest that particular type of research, soil research, environmental research, coming from these kinds of campuses, dealing with small farmers is an enormous asset to what is a very important part of our economy, and that is farming and food and agriculture.

So I would simply ask and join the gentlewoman from North Carolina in asking for our amendment to be supported along the lines of research in enhancing the opportunity for these colleges. In my State it is Prairie View A & M, but there are many, many colleges that can benefit by this research. It is, again, not to take away, it is to enhance.

I would hope that we would want to enhance the opportunities for research among these particular colleges. I ask for support of this amendment.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 10 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand clearly that we are to work on this in the weeks ahead and the months ahead to try to address the concerns of the gentlewoman from North Carolina and would like to inquire if the gentlewoman from North Carolina is still intending to withdraw her amendment.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I do, but I do have another speaker, if the gentleman will allow me to do that.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mrs. CLAYTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on the Subcommittee on Agriculture of the Committee on Appropriations.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for yielding time to me.

Mr. Chairman, I wanted to publicly acknowledge the incredible work that the gentlewoman from North Carolina (Mrs. CLAYTON) has done in proposing this amendment along with the gentlewoman from Texas (Ms. JACKSON-LEE). Were it not for their vision and leadership last year, we would not have had any increase to these accounts.

Without question these colleges and institutes have such an enormous impact in our country, but also can be pivotal institutions for advancement in other countries. I envision the day when these additional dollars will be able to link these institutions to even some of the most underdeveloped areas of Africa. There, I think, cooperative research projects could benefit both nations, the farmers of both nations, the people of both nations.

I also want to thank both the gentlewomen from North Carolina (Mrs. CLAYTON) and the gentlewoman from Texas (Ms. JACKSON-LEE) for taking a hard look at the full potential of these historically black colleges and universities and the Tuskegee Institute and the needs of our smaller African American farmers.

In supporting this amendment, I am reminded of my travels to one State where there were significant civil rights suits against the U.S. Department of Agriculture. It was unbelievable to me that loans were not being made to very worthy endeavors by minority farmers for food processing. We run into this age-old problem of discrimination even by some of the local loan committees that still exist across this country.

I think that these universities and the Tuskegee Institute and these colleges can help lead America forward in a very important way. They can be of special assistance because of the trust with which they and their researchers are held by the very communities that we want to assist.

Mr. Chairman, I would have to say to these two gentlewomen—who really cannot be viewed as only gentle for some of what they have to address in serving at the national level and dealing with some of the issues that we contend with—that they are leading America forward in this new millennium in a way that is so vitally necessary. They certainly have my support in their intentions to increase funding in these categories.

Mr. Chairman, I know the gentlewoman wishes to withdraw the amendment at some point, but hopefully as we move toward the Senate, we will be able to take my colleague's excellent recommendations and enact them into law through conference.

Mrs. CLAYTON. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the ranking member for the sensitivity and enormity of her leadership in feeding the world.

I wanted to restate something that is crucial: The kind of partnerships that can be established between the historically black colleges and developing nations in terms of nutrition and agriculture science and opportunities to enhance their ability to provide food for themselves, which is a great problem in developing nations.

I thank the gentlewoman from Ohio (Ms. KAPTUR) for her leadership. I thank the gentlewoman from North Carolina (Mrs. CLAYTON).

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, certainly we know in most of those places it is women who are raising most of the food and feeding their villages. We know that the historically black colleges and Tuskegee Institute will be especially sensitive to that. Without a doubt their reach can be worldwide.

Mrs. CLAYTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank all of those who are sensitive to this issue; but I want to raise the issue of the contribution that small family farmers and minority farmers are making to the vitality of the agricultural community. And to the extent we help them, and 2501 is that outreach program, it is administered by nonprofit groups and 1890 colleges, and that is why it is essential to get sufficient funds for it.

The research that the gentlewoman from Texas (Ms. JACKSON-LEE) emphasized so strongly, already there is a connection between the developing countries. Tuskegee is doing biotechnology in Nigeria. There is a program, Farmers to Africa, Farmers to Caribbean. 1890 is taking sustainable agricultural know-how to these small, struggling countries to transfer the knowledge we have. So Americans are doing good and well at the same time.

Finally, the capacity-building of the 1890 colleges is sustained to add to the credibility and the strength of our higher education system. Research is an important part of agriculture, and to that extent we want to strengthen all of the land grant colleges, and this allows us to strengthen the 1890 land grant colleges.

Mr. Chairman, I thank the chairman for his willingness to work with us as we go forward in the conference committee.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. BACA

Mr. BACA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BACA:

Page 74, after line 21, insert the following new section:

SEC. 741. The amount otherwise provided by this Act in title I under the heading ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' for an education grants program for Hispanic-serving Institutions (7 U.S.C. 4231) is hereby increased by $16,508,000.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from California (Mr. BACA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of my amendment to increase funding for USDA grants for Hispanic-serving institutes for agricultural research. Hispanic-serving institutes, or HSIs, are the backbone of Hispanic college education. These schools have great research capabilities and have much to offer, but because they do not have a land grant or are not necessarily historical, they sometimes do not receive all of the resources they deserve.

I salute the efforts of the chairman, the gentleman from Texas (Mr. BONILLA), on behalf of the Hispanic-serving institutions on his work towards allowing HSIs to gain a foothold into agricultural research grants. Yet I am certain that the gentleman from Texas (Mr. BONILLA) would agree with me that these schools merit more funding, especially to increase the growth and development of Hispanics in our institutions.

Mr. Chairman, 41 percent of all USDA research project proposals for HSIs are funded. Forty-one percent is a remarkable success rate for proposal acceptance. We obviously have a great resource here that we are not using nearly enough, and we need to tap into that.

In addition, I would like to ask Secretary Veneman and the administration to understand that these institutions are important to the Congressional Hispanic Caucus, and we will work and fight for more resources.

FY 2000 HIGHER EDUCATION HISPANIC-SERVING INSTITUTIONS EDUCATION GRANTS PROGRAM TOTAL FUNDS AWARDED TO STATES AND LEAD INSTITUTIONS

State and lead institution	Awards
California:	
Hartnell Community College	$299,932
California State University—San Bernardino	150,000
West Hills Community College	300,000
New Mexico:	
New Mexico State University	149,585
Luna Vocational Technical Institute	150,000
Puerto Rico: University of Puerto Rico	148,770
Texas:	
Texas A&M University—Corpus Christi	149,974
Palo Alto College	299,992
St. Edwards University	299,875
University of Texas at Brownsville	263,664
Houston Community College	299,995
Texas A&M University—Corpus Christi	161,313
Texas A&M University—Kingsville	55,664
Total	2,728,764

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. BACA. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I want to commend the work of the gentleman from California (Mr. BACA) on this very important issue on Hispanic-serving institutions, and I want to also express my gratitude for his acknowledging what this subcommittee has done; and also what has been done historically on the Subcommittee on Labor, Health and Human Services and Education over the last few years in a bipartisan way to take care of many of the problems that exist at many institutions in terms of funding.

Mr. Chairman, as I discussed with the gentleman before, we are willing to work to see if there is a possibility at all to try to increase this number down the road. We do not know if that is going to be possible, but we certainly will make every effort. We have given increases in this bill over the last 2 years as well, and we are doing all we can; and we certainly will continue to do that.

Mr. BACA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from California (Mr. BACA) for his leadership in bringing this issue to the attention of our subcommittee. The gentleman from California is particularly well suited to sensitizing the Congress for the extra attention that needs to be put to identify those institutions serving higher numbers of Hispanic populations, and to help to place those in a more competitive position with larger and more established institutions that tend to have first call at the U.S. Department of Agriculture, even in their research protocols.

Mr. Chairman, I assure the gentleman that he will have my full support in identifying ways to move funding to those institutions to reach a broader array of the American public, and, as with some of the other institutions we were talking about a little bit earlier, particularly those serving African American populations, to look also toward a global role for those institutions because of their inherent bilingual capabilities and the historic ties

that exist, certainly with Latin America and other places.

So we do not have a narrow view of only one State or even our own country, but we have this tremendous resource in our own country if we but see it and enhance it.

Mr. Chairman, I thank the gentleman for coming to us and for being the leader in this Congress and for bringing this issue to our attention. California could not have sent a more capable representative here, and the gentleman certainly has my pledge to work with him as we move toward conference to see if we cannot do it better in this new millennium than perhaps some of those who served here in the past.

Mr. BACA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlewoman for her comments. We all realize that it is important to support institutions such as the HSIs, and I appreciate the lead that the gentleman from Texas (Mr. BONILLA) has taken in the past years ensuring funding, and I look forward to working with him in the future in conference committee to increase funding for this wonderful grant program.

Mr. Chairman, I understand that my amendment is subject to a point of order. I concede to that point of order, and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 20 offered by the gentleman from Vermont (Mr. SANDERS); amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT); amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH).

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

AMENDMENT NO. 20 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 20 offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 267, not voting 7, as follows:

[Roll No. 216]

AYES—159

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bereuter
Berry
Bishop
Blagojevich
Bonior
Boswell
Brady (PA)
Brown (OH)
Burton
Capito
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clement
Condit
Conyers
Costello
Cramer
Crowley
Cummings
Davis (IL)
DeFazio
Delahunt
DeLauro
Doggett
Emerson
Engel
Evans
Fattah
Filner
Flake
Frank
Gephardt
Gibbons
Gilchrest
Goodlatte
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Hooley
Hunter
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Largent
Larson (CT)
Leach
Lee
Lewis (GA)
Luther
Maloney (NY)
Mascara
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Miller, George
Mink
Mollohan
Moran (KS)
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Otter
Owens
Pallone
Pastor
Payne
Peterson (MN)
Petri
Platts
Pomeroy
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Ross
Rothman
Royce
Sabo
Sanders
Sandlin
Sawyer
Scarborough
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shadegg
Shays
Shows
Skelton
Slaughter
Smith (MI)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tancredo
Taylor (MS)
Thune
Thurman
Tiahrt
Tierney
Turner
Udall (NM)
Waters
Watson (CA)
Watt (NC)
Weiner
Wexler
Wilson
Woolsey
Wu
Wynn

NOES—267

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Cardin
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Everett
Farr
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kilpatrick
King (NY)
Kingston
LaHood
Larsen (WA)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moore
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Osborne
Ose
Oxley
Pascrell
Pelosi
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Schrock
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Toomey
Towns
Traficant
Udall (CO)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Capuano
Coyne
Dingell
Knollenberg
Lewis (CA)
Paul
Riley

□ 1508

Messrs. LATOURETTE, HOYER, MANZULLO, PHELPS, BARTLETT of Maryland, WALDEN of Oregon, Ms. HART, Ms. KILPATRICK, Ms. VELÁZQUEZ, Mrs. NORTHUP, and Ms. ROYBAL-ALLARD changed their vote from ''aye'' to ''no.''

Mr. LARSON of Connecticut and Mr. ROSS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 216, I was unavoidably detained. Had I been present I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT), on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 324, noes 101, not voting 8, as follows:

[Roll No. 217]

AYES—324

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burton
Calvert
Cannon
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Evans
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pastor
Payne
Peterson (MN)
Petri
Phelps
Pickering
Platts
Pomeroy
Portman
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (NM)
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—101

Armey
Baker
Berman
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Borski
Bryant
Burr
Buyer
Callahan
Camp
Cantor
Collins
Crane
Culberson
Cunningham
Davis, Tom
Deal
DeGette
DeLay
Dooley
Doolittle
Dreier
Ehrlich
Eshoo
Etheridge
Everett
Farr
Ferguson
Frelinghuysen
Gallegly
Graves
Greenwood
Grucci
Herger
Hoeffel
Holt
Honda
Hostettler
Houghton
Hulshof
Hutchinson
Jefferson
John
Johnson, E. B.
Johnson, Sam
Keller
Kerns
Lewis (KY)
LoBiondo
Lofgren
Markey
Matheson
McCarthy (MO)
McCollum
McCrery
McKeon
Miller, Gary
Miller, George
Moran (VA)
Myrick
Nethercutt
Norwood
Obey
Oxley
Pascrell
Pelosi
Pence
Peterson (PA)
Pitts
Pombo
Price (NC)
Pryce (OH)
Radanovich
Rogers (KY)
Roukema
Rush
Ryun (KS)
Saxton
Sessions
Sherman
Skeen
Smith (WA)
Souder
Spence
Stupak
Sununu
Tanner
Tauzin
Thomas
Tiberi
Towns
Udall (CO)
Upton
Visclosky
Watts (OK)
Waxman
Weller

NOT VOTING—8

Capuano
Coyne
Dingell
Knollenberg
Lewis (CA)
McKinney
Paul
Riley

□ 1522

Ms. LOFGREN changed her vote from ''aye'' to ''no.''

Ms. KILPATRICK, Ms. ROYBAL-ALLARD, Mrs. JoANN DAVIS of Virginia, Ms. MILLENDER-McDONALD and Messrs. SANDLIN, GRAHAM, ROGERS of Michigan, BECERRA, ROEMER, WHITFIELD and PICKERING changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 217, I was unavoidably detained. Had I been present I would have voted ''no.''

AMENDMENT NO. 13 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 279, not voting 9, as follows:

[Roll No. 218]

AYES—145

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bentsen
Berkley
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Capps
Cardin
Carson (IN)
Clay
Clement
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dicks
Doggett
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank
Gilchrest
Gonzalez
Goode
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Waters
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—279

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dooley

Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kilpatrick
King (NY)
Kingston
Kirk
Kolbe
LaFalce
LaHood
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—9

Capuano
Coyne
Dingell
Knollenberg
Lewis (CA)
Oxley
Paul
Riley
Watson (CA)

□ 1532

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 218, I was unavoidably detained. Had I been present I would have voted "no."

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUMENAUER:

Insert before the short title at the end the following new section:

SEC. ____. Effective three months after the date of the enactment of this Act, none of the funds appropriated or otherwise made available in this Act may be used to pay the salaries or expenses of personnel of the Department of Agriculture to make price support available (in the form of loans, direct payments to producers, or other subsidies) with respect to an agricultural commodity in the absence of a report to Congress by the Secretary of Agriculture that (1) fully specifies the amount of Federal funds being used to provide such price support and (2) describes the full effect of import quotas and tariffs imposed by the United States to protect such commodity.

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

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

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer an amendment that would direct the Department of Agriculture to submit a report to Congress that details the full amount of Federal funds being used to provide price support and describe the full effects of quotas and tariffs imposed on our Government protecting commodities.

Mr. Chairman, we have a strange patchwork of policies that date back two-thirds of a century to the Depression Era, back to a time when there were 6 million family farmers, when 25 percent of our population lived on the farms. Today, we have a crazy patchwork of programs that have serious environmental impacts, which is why this amendment has been endorsed by Friends of the Earth and the Environmental Working Group, but it also has distorting impacts as far as the economy is concerned. It is estimated that worldwide, there are over $150 billion in extra costs that are added; and for the United States consumer, it is the equivalent of a 3 percent food sales tax, and the most regressive because of the impacts this has on the poor who spend more, $18 billion a year.

We deserve, Mr. Chairman, the opportunity to see the big picture before we move forward with other elements that deal with agriculture, that deal with international trade.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MILLER) to speak to a specific example of the impacts that we are concerned about.

Mr. MILLER of Florida. Mr. Chairman, I rise in support of this amendment, and I thank the gentleman for introducing it.

All we are asking for is transparency, and let me use the illustration of the sugar program that was passed in 1996, when we were told, no cost to the American taxpayer. Well, let us look at the facts. Let us look at the facts.

First of all, GAO says it cost $1.9 billion for the American consumer. The American consumer is the American taxpayer, so it cost $1.9 billion. Last year, the Federal Government had to buy $430 million worth of sugar, and it does not have any use for it. It is having to store it. We are spending $20 million a year to store all of this sugar that we have no use for, and yet we were told that it had no cost. The price of sugar in the United States is more than double what it is elsewhere around the world, as if the Federal Government were a major purchaser of sugar, whether it is in VA hospitals or schools and such.

In addition, under the environmental issue, sugar is a major contributor to the pollution of the Everglades. We are going to spend $8 billion to clean up the Everglades, and we are going to pay a lot of that cost because the sugar program is causing the problem.

So these agriculture programs that say, oh, it does not cost the Government anything, we do not know what it costs us. It has direct costs and it has indirect costs, and all this amendment says is let us have transparency, and let us figure out what it really costs.

Mr. BLUMENAUER. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I appreciate the gentleman from Oregon bringing this important amendment to the floor.

It is also important to remember that in 1996, this Congress brought the Freedom to Farm Act to this floor. The professed plan was to phase out farm subsidies in 7 years by spending $36 billion on additional subsidies.

Well, 7 years later we have spent over $80 billion instead of $44 billion, and that has not even been enough for subsidy supporters. In emergency funding for agriculture alone, Congress has spent an additional $38 billion. That means we either made a very bad guess back in 1996, or we are dealing with very bad public policy.

Today we find that the Freedom to Farm Act that was supposed to free America from farm subsidies while freeing American taxpayers from price supports, has actually backfired; and now. Congress once again is paying two, three, even four times the amount of subsidies that we pledged to the American people in 1996.

Congress passed welfare reforms for struggling, single parents; and now Congress needs to pass similar reforms for the American farmer. Americans should not continue paying people for not planting their crops.

The Freedom to Farm Act failed because Congressional courage failed all American taxpayers. We need to look at these misguided policies again, and stop subsidy payments that continue to cost American taxpayers billions of dollars.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

I would hope that we on this floor of both parties, people of disparate philosophical orientations, could agree on

one thing: the American public deserves to know the big picture, how much it costs, who is paying, and the impacts of these programs so that we can make the appropriate decisions for agriculture, for the environment, and sound economic policy.

I understand there may be some question as to the acceptability of this amendment, that it may be subject to a point of order and I respect that, and I will be willing to withdraw my amendment. But I hope that we can work with the members of this subcommittee to be able to work to make sure that we have the information available to protect the environment, to provide sound agricultural policy, and be able to deal with our trade responsibilities in the international arena.

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

PARLIAMENTARY INQUIRY

Mr. BONILLA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BONILLA. Is the gentleman going to withdraw his amendment?

Mr. BLUMENAUER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT NO. 1 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. 1 offered by Mr. TRAFICANT:

SEC. ____. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

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

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

I would like the appropriators, if they would, to listen to my brief remarks, and the other Members. We just celebrated a great holiday, the independence of the United States of America; and right down here on the Mall when the national symphony was performing in celebration of our great democracy and republic, vendors were handing out souvenir small, plastic American flags that were made in China. The national symphony is performing, people are in Washington to celebrate this great holiday, and the vendors are distributing small flags that I will send over; I do not have them with me. This is ridiculous.

Mr. Chairman, this is a very simple amendment. It gets right to the point. Anybody that has violated our Buy American laws will not be eligible to get money under the bill.

I would ask that it be approved, as it has been to other bills.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BONILLA), the distinguished chairman in his first term, and I commend him for his work.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for yielding me this time. I want to commend the gentleman for offering this amendment. We support the amendment and would hope that we could move to a vote quickly on this amendment.

Mr. TRAFICANT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR), my distinguished colleague.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for proposing this Buy American amendment to this bill as well as many other bills that he has been successful in achieving this added language. I would not only like to support the gentleman on this effort, but to work with him to assure that both the letter and spirit of the law, as the gentleman has been able to pass here regarding Buy American, are working in every program of our government, let me point out, for example, the Department of Defense's purchase of food commodities, should be oriented toward U.S. farmers, U.S. produced commodities, not food brokers that might acquire their product from foreign sources.

Mr. Chairman, I just want to commend the gentleman and say I support the Buy American Act, and congratulations to the gentleman for bringing this Buy American amendment to America's attention.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentlewoman's comments. One of the reasons for the technicalities is that they say the Buy American law does not deal with service contracts, and we are going to address ourselves to that through the authorizing process. So the gentlewoman is exactly correct.

I ask for an ''aye'' vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. SMITH of Michigan:

Add before the short title at the end the following new section:

SEC. ____. Section 135(a)(2) of the Agricultural Market Transition Act (7 U.S.C. 7235(a)(2)) is amended by striking ''2000 crop year'' and inserting ''2000 and 2001 crop years''.

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I presume that nobody is going to oppose this amendment, except maybe on a point of order. It is language that now exists over this past year for American farmers, and I simply want to bring to the body's attention that this amendment concerns a matter of fairness and equity to American farmers.

Very simply, my amendment would maintain the number of farmers eligible for the price support program that we have in the Federal Government.

□ 1545

We have a price support program that provides that if market prices fall below a certain level for these programs' crops, someone is eligible for an LDP, a loan deficiency payment, or a commodity nonrecourse loan.

Under the provisions of the law, though, technically, only those individuals that were enrolled in farm programs and designated their program crop acreage back in the late 1980s are eligible for this kind of support.

So what we did last year is allow every American farmer, those cattle and livestock farmers, those dairy farmers that did not have program crops and report them back in the 1980s, to be eligible for that same kind of federal price support as those individual crop farmers that had program crops.

We are basing our farm programs on antiquated crop history that was established from 1986 to 1991. This amendment provides that those other farmers that today are growing that corn, that rice, that cotton, the soybeans, that corn, will still be eligible for the Federal Government price support program.

It is a matter of fairness, and I say to the gentleman from Iowa (Mr. LATHAM), the deputy chairman, that the Senate has indicated they are interested in putting this in the Senate version of their agricultural appropriation bill. It is important that we, as quickly as possible, tell the American farmers, that otherwise might not be eligible for this kind of support help, that we intend to pass this amendment.

We had it in the chairman's mark of the appropriation bill supplemental. That bill was changed with the Stenholm substitute. This amendment needs to be accomplished. I would ask the leadership in their efforts, when we

go to conference, if this is in the Senate bill, can we move ahead on this amendment?

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I appreciate very much the gentleman from Michigan's interest in this matter.

I understand there is strong bipartisan support to remedy this inequity in our farm program laws. I support the gentleman's efforts to accomplish this.

I am sorry that, because of the legislative nature of this amendment, the bill before us today is not the appropriate vehicle for this provision. However, I look forward to working with the gentleman in the future on this problem, and if the provision is in the Senate bill, we will consider this correction in our conference committee. I thank the gentleman for his efforts.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise to bring to the body's attention an amendment I have prepared that concerns a matter of fairness and equity to American farm policy. Very simply, my amendment would maintain the number of farmers eligible for Loan Deficiency Payments (LDPs) under language included in last year's Agricultural Risk Protection Act (Crop Insurance Reforms).

The explanation for this need is as follows: for farmers to be eligible for LDP payments under the current farm bill, they must have had their land enrolled in farm program acreage back in 1986–91 crop years. This means that farmers that have decided to go into farming in the past ten years have not been eligible to receive loans or LDP's unless they have purchased farmland that was enrolled in the 1986–91 acreage. This would also include those farmers that did have acreage enrolled at the inception of the base acreage allotments, but later shifted acreage from another use into program crop production. For instance, if a corn/soybean farmer that also grazes some land enrolled in program acreage decides to shift that grazed acreage into corn/soybean production, his new cropping acreage would not be eligible for the Loan Deficiency Payment.

This problem was recognized last year and LDP eligibility was expanded to include farmers not enrolled in program acreage—language included in Crop Insurance legislation. However, this provision was only for crop year 2000, and another legislative remedy is needed for crop year 2001.

My amendment, which I have also introduced as a stand-alone bill, H.R. 2089, would do just that. The idea of LDP eligibility equity has garnered strong bipartisan support within the Ag Committee, and was included in Chairman COMBEST's original mark for the 2001 Crop Year Economic Assistance Act that was voted on earlier this week (H.R. 2213), but was narrowly eliminated along with all other fiscal year 2002 spending that was included in the mark.

The Congressional Budget Office estimates that approximately 98.6 percent of program crop production is eligible for LDP payments. While that number is significantly high and captures most commodity producers, it is still unfair for the other 1.4 percent to be ineligible simply because those farmers are not enrolled in farm program base acreage. It is important that we enact this provision and eliminate this loophole that places some farmers at a competitive disadvantage. I urge members to vote for passage of this amendment so that we may correct this problem.

The CHAIRMAN. Does the gentleman from Iowa (Mr. LATHAM) insist on his point of order?

Mr. LATHAM. I reserve a point of order, Mr. Chairman.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Michigan (Mr. SMITH) is withdrawn.

AMENDMENT NO. 30 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SMITH of Michigan:

Add before the short title at the end the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who permit the payment limitation specified in section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(a)(2)) to be exceeded in any manner (whether through payments in excess of such limitation, permitting repayment of marketing loans at a lower rate, the issuance of certificates redeemable for commodities, or forfeiture of a loan commodity when the payment limitation level is reached), except, in the case of a husband and wife, the total amount of the payments specified in section 1001(3) of that Act that they may receive during the 2001 crop year may not exceed $150,000.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Thursday, July 28, 2001, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am disappointed in this amendment because earlier I had an indication from the Parliamentarian that this would be in order. We added some language that apparently is now going over the line in terms of legislating in an appropriation bill.

But let me just emphasize the importance of policy as we consider this amendment. The question befor this body is should the huge, large agricultural farm corporations get the most benefit from Federal agricultural programs? This amendment reinstates the $75,000 limit for payments.

Our agriculture programs, ever since we started these programs in the 1930s, have tended to benefit the large, and very large farmers, so in part the large farmers have bought out the small farmers because they have had the advantage in farm program payments.

My amendment, reinstates the $75,000 payment limitation on loan deficiency payments and it makes it a real $75,000 limitation on these producers. At the same time, and I would call this to the attention of the ranking member and chairman, at the same time, this amendment allows spouses of these farmers to be considered an equal partner in the farm operation, in other words, be eligible for the $75,000 payment limitation.

What we do now is make those spouses jump through, if you will, bureaucratic hoops to become qualified. We require such action as requiring the spouse to borrow money in their own name, put it into the farm operation, and then they can be eligible as a separate partner.

This amendment says that married couples would have the $150,000 payment limitation.

Let me go little further on what this amendment really does. Historically, net benefits from loan deficiency payments have been capped at $75,000 per producer, but this limit was doubled in the bill that went through on special orders a couple of weeks ago.

The increased payments to producers over the current $75,000 limit are estimated to be over $350 million. The huge, giant farmers are taking $350 million over and above the $75,000 limitation. This benefits only the very largest farmers.

The average farm size in the U.S. is about 420 acres, but one would have to raise 4,000 acres of corn at current prices to exceed or to go over the $75,000 limitation. There are many large farm operations that exceed 20,000 acres, so they are taking all of this extra money in and, in effect, taking it away from the family farmer.

Amazingly, this flawed system has allowed payments over $1 million to go to some of these farmers. Farmers that receive these large subsidies, and the grain traders that profit from expanded production, oppose this amendment. I think it is so important that we consider this kind of policy in terms of focusing the benefits on the small- and moderate-sized family farm operations.

This amendment accomplishes several things. It gives the spouse of a farmer the same kind of considerations as a partner. It provides that we hold to the $75,000 payment limitation, at a time when we are considering being frugal in our spending so that we do not start reaching into the Medicare and Social Security trust fund. It says,

let us save that $350 million that is spent on those huge farmers by locking in the limit that would also apply to the nonrecourse loan and the forfeiture provisions or the commodity certificates that are offered to that farmer if they exceed the limitation.

Mr. Chairman, I would urge this body to consider the kind of agricultural farm policy that we want for the future of American agriculture.

Mr. Chairman, I have an amendment concerning payment limitations for marketing loan gains and loan deficiency payments (LDPs) to farmers, as well as limits on benefits received through the USDA commodity certificate program and nonrecourse loan forfeitures. This amendment would cap payments to individual farmers from these programs at $75,000.

Mr. Chairman, few people are aware that many of our farm commodity programs, for all of their good intentions, are set up to disburse payments with little regard to farm size. Often in our rush to provide support for struggling farmers we overlook just where that support is going.

The limit on price support payments to farmers was increased when we passed H.R. 2213, the 2001 Crop Year Economic Assistance Act on June 26th. Historically, net benefits from loan deficiency payments and marketing loan gains has been capped at $75,000 per farmer. However, H.R. 2213, which passed under the suspension calendar and was not subject to amendment, doubled the benefit cap to $150,000. Even this limitation is exceeded when USDA authorizes a commodity certificate program to pay farmers that reach the payment limit.

The increased costs to government by doubling the benefit cap from the current $75,000 limit is estimated at over $50 million. Furthermore, additional payments to large producers received through the commodity certificate program are staggering—over $320 million in crop year 2000 alone.

A Congressional Research Service report on commodity certificates stated that, ''while purported to discourage commodity forfeitures, certificates effectively serve to circumvent the payment limitation.'' Amazingly, this flawed system allowed a single farmer to receive $1,201,677 in commodity support payments in 1999.

My amendment would simply restore a $75,000 limit on price support payments to individual farmers—including benefits via commodity certificates and loan forfeitures, but increase the limit to $150,000 for husband and wife farming operations. Currently spouses have to jump through several bureaucratic hoops to qualify.

With increased spending a concern, along with the fact that the additional benefits from the ''certificate'' program go to huge farm operations, I urge your consideration of my amendment. Boosting farm program payment limitations disproportionately skews federal agriculture support to the largest of producers, while doing nothing to alleviate the difficulties faced by small and medium-sized farmers. Let's do more to focus benefits on small and moderate size family farm operations.

USDA STATISTICS

Average acreage where $75,000 LDP payment is reached (crop year 2000): Corn, 1886 acres; soybeans, 2116 acres; wheat, 4,067 acres; cotton, 2,976 acres; and rice, 404 acres.

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

The CHAIRMAN. Does the gentleman from Iowa (Mr. LATHAM) insist on his point of order?

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order. If there are no other speakers, I would make a point of order.

The CHAIRMAN. Is the gentleman withdrawing the amendment?

Mr. SMITH of Michigan. I am not withdrawing the amendment. I question the point of order. It does not legislate, if I may speak.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. LATHAM).

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment imposes additional duties, and I ask for a ruling from the Chair.

Mr. SMITH of Michigan. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN. The gentleman from Michigan (Mr. SMITH) is recognized.

Mr. SMITH of Michigan. Mr. Chairman, hoping the Chair is open to discussion and debate on this issue, I would call to the Chairman's attention to the fact that we simply say in this amendment, ''None of the funds appropriated or otherwise made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture'' to accomplish these certain purposes.

This type of amendment has been put in former appropriation bills, so I would like a more detailed explanation from the Chair if he rules this amendment out of order.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment in the last phrase includes language imposing a new duty. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. For an additional amount for the Secretary of Agriculture to carry out section 311 of the Older Americans Act of 1965, and the amount otherwise provided by this Act for ''Agriculture Buildings and Facilities and Rental Payments'' is hereby reduced by, $10,000,000.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased for the second year in a row to offer this important bipartisan amendment with the gentleman from New York (Mr. BOEHLERT). Unfortunately, the gentleman from New York cannot be here as he is on his way down to the White House, but we have his full support for this amendment.

Our amendment adds $10 million to USDA's nutrition program for elderly meal programs, known as senior citizen meals and Meals on Wheels. This amendment offsets this additional spending by reducing by $10 million from the agriculture building and facilities and rental payments.

Our amendment has the support of the Meals on Wheels Association of Michigan, the National Association of Nutrition and Aging Services Program, the TREA Senior Citizens League, the National Council on the Aging, and the National Association of Area Agencies on Aging.

I am sure all of us have met and spoken with seniors in our districts. I am sure they have told us how much they have come to depend upon the senior meals they receive, be it Meals on Wheels or meals at their senior centers.

Senior meal providers receive funding for the meals they distribute to seniors under the Older Americans Act through several avenues: first, through private donations; second, through the Department of Health and Human Services; and third, through the U.S. Department of Agriculture meal reimbursements.

Let me explain why a funding increase for USDA's nutrition program for the elderly program is so important. Unlike funding from the U.S. Department of Health and Human Services, HHS, which is distributed to the States based on population, the USDA reimbursement to States is according to the amount of meals served at each senior center. The money they receive is actually based on meals served at the senior center.

Our amendment is the best way to ensure that proper distribution of these funds are going to the centers where they prepare the meals.

Why do we need more money? Why are we back for a second year in a row? Why does this amendment go above the President's request? As our chart indicates here, if we take a look at this chart, according to the Administration on Aging, 253 million meals were served in 2000, but the agency admits that this year the estimates will be 291 million. That is a 15 percent increase over last year.

Even though we increased the funding last year for the meals, it is not going to be able to cover the dramatic rise in demand we see for senior meals. So the President's budget request, and the good work by the committee, it was good work, would be short of what we need just to cover our basic costs.

What our amendment does, the Stupak-Boehlert amendment will allow this important funding to reflect the inflation and the increase in demand for these meals. We can help senior meal providers that so desperately need assistance in these times of high gas prices, high cost of meals, and the increasing number of seniors who have come to depend on these meals, even in these good economic times.

I offer this amendment because of conversations I had last year with one such meal provider and about the plight of his agency. Bill Dubord and Sally Kidd of the Community Action Agency in Escanaba, Michigan, in my northern Michigan District, told me that their agency every year is having a tougher and tougher time keeping its head above water to provide senior meals.

I am sure all of us have heard similar stories as we travel about senior centers. According to a recent study, there are now an average of 85 people on waiting lists for home-delivered meal services, and are on the waiting list for an average of 2.6 months.

The bottom line is, our senior meal providers need more money to provide the meals. Increased funding will give them more money to provide more meals. More meals means more senior health. It is health. It is really that simple.

To pay for the amendment, as I have stated earlier, we have taken $10 million of a $187 million budget from the Department of Agriculture's building and facilities and rental payments. I fully recognize the importance of maintaining the Department's facilities. However, it is simply a necessity. We need to provide for our seniors.

□ 1600

When my colleagues are casting their votes, I hope they will think of the seniors they have met back home and the senior providers they have spoken with. Cast a vote for them and support this Stupak-Boehlert amendment.

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

Mr. LATHAM. Mr. Chairman, I just congratulate the gentleman on the amendment. I rise to simply state that I am not opposed to his amendment.

The CHAIRMAN. Does the gentleman seek unanimous consent to seek the time in opposition even though the gentleman is not in opposition?

Mr. LATHAM. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume to just simply once again state I am not opposed to the gentleman's amendment, in fact support it, and I would hope we could quickly move to a vote on the issue.

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

Mr. STUPAK. Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 6 minutes.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this time on this important amendment to increase funding for the elderly food program and to take funds that may be available from rental payments that USDA does not have to make because it no longer is occupying certain facilities.

Without question, across our country the costs of even paying utility bills are rising significantly for seniors. Electric bills, gas bills in the Midwest, for example, have just risen at astronomical rates. And any way we can find to help seniors make it through this year and next I think are worthy of consideration. This is certainly one of those at the very basic level of decent nutrition.

We know that in many of our senior feeding programs, in fact, the programs are oversubscribed. I have been surprised in my own district on related programs, such as the Seniors Farmers' Market Nutrition Program, where seniors are allowed to use food coupons to purchase fruits, vegetables, herbs and so forth, the enrollment in the program is just growing exponentially because people are pinching every penny because of other expenditures that they have had.

So I think we really have to look carefully at any ways we can move food to the seniors' tables, and these particular meals programs operated through our area offices on aging are eminently successful across the country. I know in many cases I have sat in my own district and I have watched seniors being asked to contribute money in little envelopes to help pay for these meals at these senior centers to offset rising costs when they have very little to give anyway.

So I would say to the gentleman that I think he has a very worthy amendment this year. He was successful in leading our country last year with a similar amendment to increase funding for the program, and the number of meals, according to the charts that he has provided, have gone up. So it has been successful.

Certainly no person in America, no senior in this country should go without decent nutrition. We know that the poorest people in our country are women over the age of 85, and many of them are too weak sometimes to even get to the senior centers, so we have home-delivered meals being taken across our country in various neighborhoods. Sometimes the only contact that that senior has are with the person who delivers the noon meal.

So I want to thank the gentleman from Michigan (Mr. STUPAK), whose district actually spans the entire northern region of Michigan, who understands the problems of rural isolation of people in poverty and thank him for leading us all. And I am sure that the USDA, within its various accounts, can find the funds to cover the gentleman's proposed expansion, and I just want to compliment the gentleman for doing what is right, what is moral, and what we have the eminent capability to do in this country.

Mr. Chairman, I ask our colleagues to support the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield myself the balance of my time, in closing, to thank the committee and the subcommittee and the ranking member for their support of this amendment. I would like to once again point out that the gentleman from New York (Mr. BOEHLERT) wanted to be here but he was called away to the White House. He has been of great assistance to us, not only in drafting and working this amendment, but in addressing the concerns of seniors throughout this country.

We thought the debate on this bill would go a little longer and we could do our amendment later when he got back from the White House. Unfortunately, he could not be here, but I wanted to recognize his efforts as well as that of the committee in helping us bring forth this amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support for the Stupak-Boehlert amendment to increase funding for the USDA's Nutrition Program for the Elderly by $10 million. This vital program helps provide over 3 million senior citizens with nutritionally sound meals in their homes through the meal-on-wheels programs, or in senior centers, churches, and in my district a few fire halls through the congregate meals program.

I would venture a guess that almost every single Member of this House has visited a congregate meal site or volunteered to ride along with a meal-on-wheels program. I want to remind everyone that these programs are important to our communities and that the need is quite real. Participants in this program are disproportionately poor. 33% of congregate meal participants and 50% of home delivered meal participants have incomes below the poverty level. A majority of meal-on-wheels participants live alone and have twice as many physical impairments as the average elderly person. The Nutrition Program not only feeds seniors in need but also allows those seniors to remain connected to their communities. Congregate meal sites give participating seniors the opportunity to socialize with members of the community. And Meals-on-Wheels volunteers deliver meals to frail, sick, home bound seniors most whom do not leave their homes even once a week.

Let me take just a moment to share with you the comments of some of the congregate meal program participants from the Town of New Harford Senior Center located in my home town.

Juanita, age 76, says: ''Meals are important. I come every day.''

Margaret, age 78, says: ''The meals are very nutritional. I like food! It helps me feel good and want to be active.''

Helen, age 91, says: ''I enjoy coming here for the meals and the company. There is always something new that I hear and learn. The food, I enjoy immensely.''

Carlton, age 88, says: ''It is a chance to get out and enjoy the company of seniors that makes my day!''

In order to fund this needed increase for senior meals, the Stupak-Boehlert amendment offsets $10 million for the Agriculture Building and Facilities account. I do not doubt the need for these funds. But the number of seniors needing nutrition services continues to grow and we must make a larger commitment to ensure that Nutrition Program for the Elderly is properly funded.

The Stupak-Boehlert amendment is endorsed by the Meals on Wheels Association of America, the National Association of Nutrition and Aging Services Programs, the TREA Senior Citizen League, the National Council on the Aging, and the National Association of Area Agencies on Aging. This amendment represents a small investment in a program that helps to fight the malnutrition and isolation far too many needy senior citizens face.

I urge my colleagues to vote for the Stupak-Boehlert amendment. Vote to support our nation's seniors.

Mr. STUPAK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. WEINER:

Insert before the short title the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel of the Department of Agriculture to make any payment to producers of wool or producers of mohair for the 2000 or 2001 marketing years 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; 114 Stat. 1549A–55).

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

First, let me begin, Mr. Chairman, by offering my sincere thanks to the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), and his staff for all the assistance they provided, as well as the gentlewoman from Ohio (Ms. KAPTUR) and her staff. I would also like to thank the gentleman from California (Mr. ROYCE) and the gentleman from Wisconsin (Mr. RYAN), who are also joining me in offering this amendment.

I stand as an urban member, someone who represents Brooklyn and Queens, the garden spot of the five boroughs perhaps, but not exactly a bastion of agriculture. But I am someone who strongly supports farm bills when they are offered. I have never voted against one and plan to vote for this one with enthusiasm. But just as during the 1980s and a period thereafter, as we have sought to make government programs more efficient and many social and urban programs were made more efficient by the actions of this body, we have an opportunity today to end what is quite literally a fleecing of America.

The wool and mohair program, which will cost in the area of some $20 million to the United States taxpayer next year, is a program that has been ended by this body and now revived by the President with the assistance of this bill. My amendment seeks to eliminate the subsidy.

First of all, let me explain that this is a program that has, I guess, the agriculture version of mission creep. It was started out in the 1930s and 1940s as an effort to protect the strategically needed resource, that is wool; to make sure that wool was available to be used in our military uniforms. Well, those of my colleagues who serve on the Committee on Armed Services recognize that since the 1950s or so it has been removed as a strategically necessary resource because we do not make uniforms out of wool any more. In fact, I have a uniform here that is made out of 100 percent cotton. And all of the uniforms are made out of either cotton or nylon.

So once that rationale was removed, then it became an emergency subsidy intended to get the industry over a hump that it faced in the early 1990s. When it was clear that the program was not as effective and perhaps a little more wasteful than some would want, this body ended the program in 1993. Now there is an effort to revive it again under the rubric that we need to be able to deal with foreign competition and the only way to do it is with this subsidy.

The second thing about this subsidy is that it is not cheap. We have throughout the 1990s provided more than a billion dollars to this industry. Just last year it was in the neighborhood of $10 million. It is not really clear where next year's number will end up, but it is somewhere in the range of $10 million, $15 million, or $20 million.

It is also very clear from our history with this program that it is not helping the family farmer. According to a study done in 1993, the average payment is some $44, though there are many who get much more than that. The top 1 percent who benefit from this program, including Mr. Sam Donaldson, gets in the neighborhood of $100,000 or more. So the idea this is something that is helping to augment the family farm is simply not borne out by the facts.

Fourth, as a matter of pure economics, this program is a failure. Wool has seen a price drop since the reinstitution of this programming from some 63 percent. Why are we seeing that? It is because most likely, in combining with the subsidy, we are doing nothing to control supply. So we are continuing to sheer more and more animals, more and more stockpiles are building up, the supply keeps on growing and growing and growing, and the price remains depressed. There is nothing in this program that does anything to change that behavior.

But perhaps the most damning economic line in this whole issue is that the price of mohair, which is about 20 percent of this program, has increased about 88 percent since 1995. If there was any better evidence that it is market forces and not this subsidy that is having an impact on the price and, therefore, the success of the farmers, it is that fact; that wool and mohair are bunched together in this program. And one is seeing a dramatic drop in price and one is seeing a dramatic increase in price. The program simply does not make sense from that perspective. If anything, if we are trying to drive up the price on some level, then at least mohair should be dropped from the program. The final irony is that there is a greater subsidy for mohair in this bill than there is for wool.

I would make one final point. There was a period of time between the time this program died and then like Frankenstein that it resurrected itself, and that was the year 1997 and 1998. And if we look at the statistics as to how the industry did in the last year we had the subsidy and the first year that it returned, the industry got worse, not better. There was a reduction in wool, in wool production, of about 11 percent. There was an 11 percent reduction in the profits to wool farmers in 1996. And when the subsidy ended, they actually had smaller losses of only about 3 percent. The same is true in the mohair industry. Mohair prices and mohair jobs actually reduced when we had the subsidy and then came back slightly when we got rid of the subsidy.

I would ask my colleagues to consider very frankly why it is that we have these programs in general. All of us want to be able to support farm programs. I believe the farm bill, as I said from the outset, is a worthy document we should support. Very often I am calling upon my colleagues to support purely urban things. But if someone comes to me and says, you know, this program that operates in the urban centers, like many of the housing programs of the 1980s, it simply is not working, I believe it is incumbent on Members that have those interests at heart to try to weed out the waste. This is, the wool and mohair subsidy program, is simply a waste of taxpayer money.

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

Mr. BONILLA. Mr. Chairman, I rise in strong opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume, and I would first like to ask my colleague from New York if he would answer a question.

Has the gentleman ever visited a wool house or visited any of the areas where the sheep and goat raisers exist?

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from New York.

Mr. WEINER. I would have to answer no, but that is true of most of the food products I eat every day. I have not visited where they were farmed either.

Mr. BONILLA. Reclaiming my time for another question, does the gentleman also oppose the apple program to deal with the hardships that apple producers are currently facing in the State of New York? Does the gentleman also oppose that?

Mr. WEINER. Mr. Chairman, if the gentleman will continue to yield, I would be happy to answer that question.

When we offer in this body emergency programs to deal with exigent circumstances, we expect that that is not going to be in perpetuity. That is why if I were in this body, I would not have opposed the first time this emerged as an emergency subsidy.

So I would say I support the judgment of the chairman. If there is an emergency situation existing in the apple industry, I would clearly support it. If the gentleman came to me for 10 years in a row and said it is an emergency because now we are getting competition from applesauce manufacturers, that is why we need to keep it going, I would probably have reservations regardless of the State.

Mr. BONILLA. So the short answer would be no, the gentleman does not oppose the apple money in the bill, and it is not a designation of an emergency line item.

Mr. WEINER. If the gentleman will continue to yield, if the apple program is, in the judgment of the chairman, a worthy program to help, I would imagine it is a program that is designed, and it is one that I am not nearly as expert on as the gentleman is, but I imagine it is designed to deal with this temporary circumstance and not to exist into perpetuity; is that correct?

Mr. BONILLA. Well, the program was proposed by one of the gentleman's colleagues from New York, and that is why I am asking a question. It is a hardship that exists on apple growers in New York and in other parts of the country that is in this bill. It is not an emergency line item either.

I am just trying to draw the comparison that hardships exist in different parts of the country and it is interesting that the gentleman does not oppose the $150 million apple line item in here, and there was money for apple producers last year as well. So there are continuing programs on occasion that do help producers that are doing all they can to pay their bills back home that are not part of permanent law.

The Wool Act, as the gentleman knows, was eliminated several years ago, I believe it was 6 years ago, and is not in permanent law. The program that the gentleman is trying to remove from the bill today is one that is not permanent law either. We are just trying to assist producers out there now that have gone through some very difficult times.

Mr. WEINER. If the gentleman will continue to yield, I guess the concern that some of us have that are concerned about this program, and to use the apple example, if we were to stand here in 1950 or 1945 and say, you know what, we need to defend the apple producers because the apple seeds are a vital resource, and then it turned out apple seeds were not that important; and then we come back and said it is the apple core that is very important; and then a few years later we killed the program because it is no longer worthy, I think the point I am trying to make is this is a program that has been tried, it has been offered several different justifications, it has failed by most economic sources I can look to, it has not been successful, and Congress did the right thing in pulling the plug on it.

I guess I would agree with the gentleman that the same standard should be used for the apple program or any other program, sir.

Mr. BONILLA. Well, let me again summarize it, and I do not want to put words in the gentleman's mouth, but clearly the gentleman does not oppose a program for example in his State that is a big line item in this bill, but is yet trying to remove this program from this bill.

Let me point out some statistics, and perhaps the gentleman can identify with some hardships that exist currently for wool and mohair producers. Since 1993, 16,000 family farms and ranches have left the sheep industry. The U.S. breeding herd has dropped by over 20 percent. Lamb imports have increased over 50 percent, and it is currently 20 percent of the domestic market. U.S. wool production has dropped to record lows, and imports have increased by 11 percent.

□ 1615

The Nation's largest wool textile company filed for bankruptcy. Wool prices in 2000 were the lowest in 30 years.

We in Congress do the best we possibly can for whatever part of the agriculture industry that exists around the country that is suffering hardship. There is nothing more American and traditional in this country than to try to preserve family farms and ranches; and there are many, many programs in this bill that do just that, including the one I pointed out that was in the gentleman's home State as well, which he supports.

All we are saying is whether we are talking about apples, corn, cotton, tobacco, wheat, soybeans or whatever, all of these are part of the American fabric. Wool and mohair producers are part of the American fabric that we do not want to see become extinct. So for that reason I stand in strong opposition to this amendment today.

As a nation, we can no longer afford to arbitrarily attack agriculture because it has the fewest voices representing it. Less than 2% of the American population is involved with agriculture, yet we feed and clothe all of America and most of the world!

What I find even more strange is that the amendment singles out a total of less than $40 million in much needed assistance to wool and mohair producers. Yet the sponsors have no problem with the rest of the $5.5 billion dollars that Congress just approved for corn, cotton, tobacco, wheat and soy bean producers. If they did, I assume they would try to kill that relief as well.

Yet, those commodities have a much larger voice and support base in Congress so I guess we'll just go after the little guys. And they are small producers. . . .

Twenty-one percent of the 12,825 payments went to sheep ranchers in the Navajo Nation. I'm sure that the gentleman would not even begin to insinuate that the Navajo people are wealthy corporate ranchers.

This amendment would hit them harder than any other group of individuals.

Mr. Chairman . . ., many of the statistics the gentleman is using do not even relate to the emergency payments they are trying to stop. They refer to the old wool program which ended in 1995.

Mr. Chairman . . ., I urge all of my colleagues to oppose this amendment, it's the wrong amendment, the wrong time and the wrong place. Oppose this amendment.

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

Mr. WEINER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I think the Congress has been a little sheepish when it comes to reducing wasteful programs, especially during times when we have had a Federal surplus.

I would just make the point that Congress did end the wool and mohair subsidy. It was phased out in 1994. I think that was a good thing. Subsequent to that taxpayers did save about $200 million a year. That was good.

However, like a wolf in sheep's clothing, this subsidy came back in the fiscal 1999 omnibus appropriations bill and again in the fiscal 2000 agriculture appropriations bill. Now wool and mohair producers have become eligible to receive these payments again.

I do oppose the subsidy for apple producers. I think that is another rotten apple in this agriculture measure that is before us. But let me make the observation that while in the old program

farmers were paid a subsidy for the wool and mohair they sold, in this new program, if I understand it right, the way it works now is the farmers do not need to attempt to sell their goods necessarily. The Agricultural Department will pay farmers by the pound just to produce mohair. Under the new program not only can farmers make money without selling their crop, they can make money without trying to market it, if I read it correctly.

In 1999, taxpayers provided wool and mohair farmers, I believe, 10.3 million in subsidy. As explained, the original concept of this had to do with our national security. It had to do with the fact that military uniforms were wool. But the reality is that in 1959 they changed to synthetic fabrics and cotton. That is the situation today.

I just think it is time to end this waste of taxpayers' dollars. I think it is time to shear the wool and mohair subsidy and stop the fleecing of tax dollars.

Mr. WEINER. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 2½ minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I rise in opposition to this amendment.

The prior speaker said we are a little sheepish. I do not want him to pull the wool over the eyes of the American public in this Congress. You have to be in the business to receive the help in opposition to what he stated in his testimony.

The farmers and ranchers of the United States that produce wool and mohair are suffering the same crisis in agriculture as producers of other crops. Sheep producers pay the same increased cost of fuel as the grain farmer and are suffering undue hardships because of the value of foreign currency to the U.S. dollar in unfair trade practices. Loopholes remain open that allow foreign products access to U.S. markets through Mexico and Canada.

Producers in the United States continue to produce some of the world's finest wool and mohair, and yet for many producers wool prices do not even cover the cost of shearing the sheep. As a result, short-term financial relief through a market loss assistance program is vital to U.S. producers. Market loss assistance has had a positive impact for producers in all 50 States.

I am in the cashmere goat production business, which is not under this particular amendment. I receive no financial assistance. But I can state that we are trying to help people within agriculture to diversify the income on their farms or ranches so they do not have to be dependent upon Federal help.

This amendment goes against every principle of trying to help people in agriculture help themselves. We do not want to be dependent on the Federal Government; but until this government gets a handle on energy costs, on import problems, and understands that, unless this government steps forward and solves many of the problems that are creating the crisis in the Federal farm communities of this Nation, we will continue to have to come in and look to the Federal Government for relief.

We cannot let the people that want to destroy agriculture get our goat. I urge the Members to vote no on this amendment.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me address some of the points that have come up by the very distinguished chairman about the inconsistency in his mind of my supporting a program that is in New York. Well, I also support programs that are in Mississippi, Montana and North Carolina and all across this country because I support the bill. I think it is a good bill.

Mr. Chairman, I would ask both the chairman and members of the committee and all of my colleagues, if we had a program that was in place under various guises since 1938, and still we were seeing that the marketplace was not responding to the subsidy, that we were still hemorrhaging market share, and still losing the jobs and had fewer and fewer heads of sheep that were being lost, why would you deem it to be a successful program?

Can anyone argue by any measure that it is a successful program? Is it successful for the average farmer that will get $44? The gentleman from Montana said we need to keep it in place because of the strength of the dollar or because of trade disputes. We will add those to the list of justifications and reasons that have been growing since 1938.

Let me reiterate the statistics of this. 1993 we had a subsidy. There was a 5.2 percent reduction in wool production. 1994 we had a subsidy, 11 percent loss. 1995 we had a subsidy, 8 percent loss. 1996 we had a subsidy, 11 percent loss. 1997 we did not have a subsidy, we only had a 3 percent loss.

Perhaps there was something about the marketplace in 1997, perhaps it was the Democratic Presidency, but the fact of the matter is there seems to be no correlation between the subsidy and the success of the program.

Mr. Chairman, I think it is reasonable for Members of Congress who support ag programs to say this one is a bust. It is not working. I think we have to make those distinctions both in agriculture programs, and I would say this to my most fervent colleague in the urban areas, we have to make those determinations with urban areas as well. If a colleague from an urban area said we need to continue the subsidy for mass transit for all of those coal-powered subways, I would say there are no coal-powered subways.

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

Mr. BONILLA. Mr. Chairman, what is the time remaining?

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) has 13 minutes remaining. The gentleman from New York (Mr. WEINER) has 9½ minutes remaining, and the gentleman from Texas as the chairman of the subcommittee has the right to close.

Mr. BONILLA. Mr. Chairman, we only have one additional speaker, so I reserve the balance of my time.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not have a great deal to add on the importance of preserving what I believe will turn out to be on the final vote on this bill a continuation of the very strong urban-rural coalition that exists in this House. I and many of my colleagues are going to be supporting the agriculture bill with enthusiasm. We recognize the matrix that exists between farm programs that are miles away from our communities and the importance that they play to our economies and our communities.

All of that being said, it should never be a substitute for us making wise decisions about what programs work and what programs do not work. In 1993, this body took several steps to reduce the size of government to make thing more efficient.

In 1993, after years of being hammered on television shows which were frequently unfair about a fleecing of America, we finally decided to see what we could do about ending this program. The program ended; and, unfortunately, there continued to be a decline in the production of wool and mohair in this country. That decline slowed, and since then we have had an increase in mohair prices.

There has been an 88 percent increase since 1995, yet we continue the subsidy. The subsidy for mohair is 40 cents, as opposed to a 20-cent subsidy for wool, despite the fact that we say we are trying to help the family farmer. Many more people are producing wool. They are in a much more dire situation, yet they get half the subsidy of those who produce mohair.

We still have the terrible imbalance that exists in this program between the average farmer who gets $44 and the top 1 percent that get over $100,000 each.

Mr. Chairman, I stand shoulder to shoulder with the chairman, who has done a terrific job on this bill, in saying that there are many areas that we have to step in and provide assistance to. But if we are standing here in 38 years, God willing, or 50 years, God willing, and we are debating the apple program, the tobacco program or the corn program, or any of the programs that may or may not be in this bill, and if we are still having the same problems as we had from 50 years ago, believe me, I would be the first to say we should eliminate that program.

Mr. Chairman, I urge Members to eliminate the wool and mohair subsidy, save our constituents 10 to 15 to $20 million; and even more important, end

a program that has long since proven itself to be ineffective. More importantly than that, show that we understand and have the ability to separate a program that truly does work from those that do not.

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

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, we work in a funny place. It helps if one knows the facts; it really helps if one understands the facts. But if one neither knows nor understands the facts, it causes a great deal of confusion.

Mr. Chairman, let me talk about the ''Dear Colleague'' letter that went out. It says this subsidy began during World War II and the Korean War, and obviously it is no longer necessary because the military does not need this wool anymore. This is not the original program for the military in World War II. This is an economic disaster, market loss assistance program, which was put into place.

Our agricultural producers that raise sheep and mohair are suffering the same economic consequences as everybody else is in the agricultural industry; and to pick them out and say we are not going to help them, we are not going to have an assistance program for them and we are going to for everybody else is wrong. This is not the old program put into place during the war.

Mr. Chairman, the other part of the ''Dear Colleague'' says, ''The average farmer received $44 for this subsidy. The largest factory farms, representing 1 percent of all growers, received 25 percent of the subsidy.'' That is blatantly not true. There are no facts which support that. To support this, the largest producer would have to raise 62,000 sheep. There are no producers that large.

□ 1630

Mr. WEINER. Mr. Chairman, I yield myself the balance of my time.

If I can just address the remarks of the previous speaker who was not here earlier, that is exactly my point, that the program that we had since 1938 has evolved so many times; yet we continue to find another justification for it. We say, well, it was because we needed the uniforms; well, now we need an emergency in the 1990s; well, now it is to compete with foreign competitors; well, now it is to make up for the loss in the strength of the dollar.

The fact remains that that is the definition of a program that ain't working. If you have a program since 1938, if you keep changing the name and changing the justification and still the facts remain the same, that the decline in the industry domestically has been unfettered by these programs. In fact, I earlier read a statistic that I will repeat for the gentleman, that the year that the program went out of effect for 2 years, the industry did better. It did better. The losses were smaller in 1997 than they were in 1996 in both wool and mohair.

If you want to find a program that works, you say, here is what the subsidy did. I defy anyone in this Chamber to point to me a success story from this program. Tell me one year that this program has been in effect that there is a single farmer that got $44 on the average, a single farmer that said, oh, I got my 44 bucks.

Mr. SIMPSON. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chairman, I would like to know where he got the average of $44 per farmer, because we cannot find anywhere where that information comes from. In fact, it comes to about $800 per farmer from our information. And the information that he suggests that 1 percent of those sheep producers got 25 percent of the payments is just blatantly false.

Mr. WEINER. I will be glad, reclaiming my time, to give the gentleman the source for that. That was the 1993 National Performance Review performed by the office of Vice President Gore, which was the rationale for a bill that came to this floor providing for greater efficiency in government that ended this program.

Mr. SIMPSON. So these are decade-old figures that he is quoting to us, 8 years, from 1993?

Mr. WEINER. I have been quoting numbers out the yingyang today, but which one is the gentleman referring to?

Mr. SIMPSON. Any ones that he understands.

Mr. WEINER. That should narrow it down.

No, anything after 1993 obviously did not come from that study. Anything after 1993 came from the Agricultural Statistical Service, sir.

Mr. SIMPSON. That is interesting because they did not have any information for us.

Mr. WEINER. I will be glad to provide it for the gentleman. But one thing, and I would yield to anyone, since I have a couple of moments left, anyone that can point to a year the subsidy was in place that it did anything to reverse the trend. The trend has been consistent right along. The only time there has been a blip in the trend was 1997 and 1998 when the program was phased out momentarily. Then the losses were reduced. They did not gain, but the losses were reduced.

So the argument for a program is not simply that I came up with a new rationale for it. I could do that for any program. The argument has to be, here is how it worked. And we have not seen any demonstration that it has worked.

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

Mr. BONILLA. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture, a hero to agriculture, and someone who is going to tie all this up in a little package for us at the conclusion of this debate.

The CHAIRMAN. The gentleman from Texas is recognized for 12 minutes.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me this time.

In light of the last exchange, I am often reminded but never more so than this afternoon on this amendment of the late Will Rogers' quote when he said, ''It ain't people's ignorance that bothers me so much, it's them knowing so much that ain't so is the problem.''

That is the problem with this amendment. The gentleman from New York and the gentleman from California are still attacking a program that was eliminated in 1994. They keep referring and all of these letters that we get from various groups keep talking about the wool and mohair program like it is still here. It was eliminated in 1994. Even the money the gentleman is talking about for striking is not even in the bill we are discussing today. It is in the emergency bill that passed the House Committee on Agriculture and this body to provide assistance to wool and mohair producers.

Now, this gentleman stood on this floor in 1994 and opposed the elimination of the wool and mohair program because we believed it would do damage to an industry that we did not believe was ready to be eliminated because of unfair foreign competition. We lost. I lost. The gentleman from New York and the gentleman from California won that amendment. We predicted the demise of the wool and mohair industry. And, guess what? Here in 2001, we have 25,000 less wool producers in the United States. They are gone. The gentleman from New York said there is no supply reduction. I would guarantee you there has been a supply reduction. Production has gone down in the United States; 25,000 producers are gone. We have eliminated 70 percent of the mohair producers. They are gone, thanks to the philosophy of the gentleman from New York.

Now, we might say, Well, that is the way it should be. Well, in April of 1999, the United States International Trade Commission determined that the domestic lamb industry suffered from extremely low prices and a flood of imports which constitutes a substantial cause of threat of serious injury to the domestic lamb industry.

In July of 1999 because of the commission's finding, President Clinton issued Presidential Proclamation 7208 establishing a tariff rate quota on lamb meat for a 3-year adjustment period. The 3-year adjustment period was established so the domestic sheep industry could recover from unfair trade. Unfair trade.

Now, we have accomplished what this body wanted to accomplish with the elimination of the wool and mohair program. It is gone. Now what some of us are interested in doing is trying to

assist those wool and mohair producers that believe that they can compete in the international marketplace if their government would stand shoulder to shoulder with them as just this year the European Union will spend $2 billion, that is with a B, subsidizing their wool industry.

Now, I would ask anyone in this body that represents any interest, whether it be agricultural, airplanes, anything that you are manufacturing in this country, if your competitor is spending $2 billion and we are spending $16.9 million, why is that excessive? What is it that we are doing that has brought this amendment to the floor today to suggest that by trying to stand with an industry that is trying to survive in the marketplace, in the marketplace now, not with subsidies. The old program cost $200 million a year. We are providing $16.9 million, exactly like we are doing for apples, for cotton, for wheat. That is all that is being done. Not in this bill, but in some other bill. Since 1999, depressed wool prices. In 1995 wool was selling for $1 a pound. Today it is 33 cents a pound. That is in constant dollars. Real dollars. Yet you stand on the floor today and say there has been no market reaction, that somehow we are doing something that is unfairly subsidizing the wool producers? Come on.

We have a letter from the American Textile Manufacturers Institute saying, ''Please do not be misled into thinking that the money for wool and mohair producers is actually a continuation or revival of funding provided by the Wool Act which Congress eliminated in the 1990s.''

That is the truth. The gentleman from New York and the gentleman from California have taken some other individuals who have no knowledge whatsoever of the industry and have suggested that somehow we are putting the wool and mohair back into place. All we are trying to do, in another bill, at another time, in another place, is saying to those wool and mohair producers who have survived the elimination of the Wool and Mohair Act that we want to stand shoulder to shoulder with you and we want to give you a little assistance, and it is a very little assistance, and we are struggling now in the Committee on Agriculture to come up with a program that will hopefully give them the opportunity to compete in the marketplace, as the gentleman from New York's rhetoric has suggested; but his facts are so far off base that I know the gentleman did not mean to misstate to this House what he has stated over and over again today. But I believe he has been misled.

For that reason, I state the Weiner-Royce amendment is misguided, inconsistent with the commission's findings, the commission's findings, not the House Committee on Agriculture. The International Trade Commission in looking at the results of the elimination of the wool and mohair program suggested that we ought to do something to stand with our producers, and we have been doing that and the Committee on Agriculture and others who have a little more knowledge about the industry, and I say this respectfully because I know the gentleman did not mean to misstate.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I appreciate the gentleman yielding. I have questions for the gentleman because he is much more expert at this than I am. But the statistics on the production of wool bear out certain trends; and one is that during the years that the previous, using his words, the previous wool and mohair subsidy, although was identical but for all intents and purposes we are paying farmers based on how much wool and mohair they shear, a certain amount, go warehouse it or sell it, is there anything in the trend to show that the years that the subsidy was in place were good for farmers or better than anything in the period that it was out of place?

Mr. STENHOLM. I take my time back. There he goes again. He keeps referring to the old program. It is gone. I am not standing here today defending the wool and mohair program of 1994. I fought for that then. I believed it was in the best interest. We lost. We lost. It is gone. He keeps talking about what used to be. I am talking about what is. And what is today is a $16.9 million program that is designed to help those who have survived. Twenty-five thousand wool producers are gone, out of business, eliminated. Seventy percent of our mohair producers are gone, eliminated, financially.

Mr. WEINER. If the gentleman would indulge me then in his experience with the last program. We had a subsidy that he supported. He said earlier in his statement that as a result of the victors in eliminating the program, there has been a dramatic decline. Is that borne out anywhere in the statistics?

Mr. STENHOLM. Sure it is. Absolutely. I reclaim my time. Twenty-five thousand less wool producers. The gentleman is not listening. In 1995, we had 5,000 mohair producers. In the year 2001, we had 1,400. That is a 70 percent reduction. They are gone.

Mr. WEINER. Unfortunately, the problem with that reasoning is that they hemorrhaged worse during the last wool and mohair subsidy program.

Mr. STENHOLM. Wrong.

Mr. WEINER. I can provide the gentleman with the numbers, of the number of sheep and goats being farmed in this country. 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999 we lost during every one of those years. But we lost less during the years there was no subsidy, irrespective of whether it is wool and mohair 1, 2, 3 or 5.

Mr. STENHOLM. Again I reclaim my time because the gentleman is stating something that is completely erroneous.

I conclude my remarks to my colleagues today by saying, please oppose this amendment. It should not even be on this bill. The money he is talking about is in the other bill. That is where we ought to be discussing this. But when you start looking at what we are trying to do, and we will have plenty to say about that when the farm bill comes up, what we are trying to do with the money he is trying to eliminate is to stand and give a helping hand to the remaining wool and mohair producers, trying to come up with some new ideas in the marketplace in which we can survive.

The gentleman from New York would just say, Adios. We don't give a rip about that. We just think you ought to compete in the international marketplace. I ask you again: How could any wool producer in the United States with $16.9 million total support that the Congress is giving them compete with the European Union that is putting in $2 billion?

Let us talk about Australia. He poohpoohed a minute ago the idea that the value of dollar and currency values had anything to do with this. The Australians have an advantage in cotton and in wool of 50 percent because the value of the Australian dollar is 50 percent of the United States dollar.

I ask you a simple question: if you are selling wool, and we are selling it for 33 cents today, way below what it costs to produce. The Australians are getting twice that much, 66 cents, just the value of their currency. That to me is a justification for the expenditure of $16.9 million of our taxpayer money attempting to help our wool producers, exactly like we are doing it for apples and exactly like we are doing it for wheat and corn and soybeans and rice and all of the other commodities.

That is why I ask and I commend the chairman of the committee and others who have participated today, I believe that this is clearly an amendment that needs to be soundly defeated and let us get on with the passing of this bill that the committee has worked so diligently on.

The CHAIRMAN pro tempore (Mr. CHABOT). The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

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

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. ROYCE:

Insert before the short title the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to award any new allocations under the market access program or to pay the salaries of personnel to award such allocations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a true market economy, advertising is a function of the private sector. It should not be in the public sphere. The public in my view should not be forced to subsidize corporations.

□ 1645

This is a philosophical point but it goes to the question of this Market Access Program. Let me make the point that the Market Access Program is a leftover product of two previously failed USDA programs. One was the market promotion program and then the targeted export assistance program, both of which we debated on this floor, both of which we tried to reform.

Basically, the Market Access Program funnels tax dollars to corporate trade associations and to cooperatives to advertise private products overseas. While proponents of the program claim that the Market Access Program boost its exports and creates jobs, there is no evidence to support that. As a matter of fact, the General Accounting Office studies indicate that this program has no discernible effect on U.S. agricultural exports.

I believe the private sector knows how to advertise. It does not need government interference. I think that taxpayer dollars merely replace money that would be spent by private companies on their own advertising, and provisions in the 1996 farm bill have attempted to reform MAP but thus far have failed. Although the percentage of large companies that get this MAP money has decreased, a number of large corporations still receive millions indirectly through trade associations.

In the last 10 years, America's taxpayers basically paid out $1.5 billion for this particular subsidy. I think the American people would agree that their money would be better spent if this was relegated back to the private sector.

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

The CHAIRMAN pro tempore (Mr. SIMPSON). Does the gentleman from Texas (Mr. BONILLA) claim the time in opposition?

Mr. BONILLA. Mr. Chairman, yes.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, I rise in opposition to the Royce amendment. I think that the proof is in the pudding, and the pudding is in the trade accounts of the United States, which show that in spite of an unbelievably large trade deficit in almost every other sector, in the agricultural arena we have been able to keep our nose above water barely, because we have exported more than we have imported. With dropping prices for product and so forth, we have managed to double some exports. In specialty areas, whether we are talking about fish or packaged juices, we have been able to keep moving product outside this country. That takes effort. The Market Access Program helps.

With changes made in prior farm bills, we have limited those who can apply for assistance in order to move product into the international market; but my goodness I would not want to stand on this floor and oppose a program that has helped America maintain positive trade accounts in agriculture internationally when every other single account in petroleum and imported oil products, in manufactured goods, in electrical equipment, no matter where one goes in the trade accounts, the United States has historic trade deficits but for agriculture. Though the going is getting rougher in international waters in terms of trade, my goodness, this would be the last program one would want to eliminate in terms of helping both farmers in this country move product and in maintaining and turning around that yawning trade deficit which is a very serious underbelly inside this economy. So I rise in opposition to the Royce amendment.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman from California (Mr. ROYCE) for yielding me this time.

Mr. Chairman, I rise in strong support of the Royce amendment, and I commend the gentleman from California (Mr. ROYCE) for his hard work on this issue.

Mr. Chairman, this is one of the most egregious examples of taxpayer subsidized corporate welfare, the MAP program. Hardworking taxpayers should not have to subsidize the advertising costs of America's private corporations. Yet that is exactly what the MAP program does.

Since 1986, the Federal Government has extracted nearly $2 billion from the pockets of American taxpayers and handed it over to multimillion dollar corporations and cooperatives to subsidize their marketing programs in foreign countries.

When Congress, back in 1996, in the farm bill required MAP funds to be limited to farmer cooperatives and trade associations, proponents argued that the MAP funds would only be used to help small businesses and farmers. In fact, much of the funding went to large trade associations made up of some of the largest and most profitable corporations.

Mr. Chairman, Congress should end the practice of wasting tax dollars on special-interest spending programs and unfairly take money from hard working families to help profitable private companies pad their bottom line. MAP is a massive corporate welfare program that we should eliminate today.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I would say to my colleagues, wake up, wake up and smell the coffee. How do we know the coffee is brewing? How do we know that there are French and Italian wines at the market? The answer is because these countries that grow these products also advertise these products in our country.

They want us to buy agriculture in other countries. That is why we see oranges from South America being advertised in the United States, coffee from Colombia, wine from France and Italy and so on; and yet when it comes to our own agriculture, the most abundant agriculture in the world, where we grow more than we can consume and where we actually grow products for other countries, we should not be allowed to be on a competitive field where everybody has a fair chance by small matching money that the private sector has to put up and match by the Federal Government?

The Federal Government spends $3.187 billion on advertising and recruiting for the military. Our States advertise for tourism. Let us also advertise for agriculture.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I appreciate the opportunity to speak once again on the MAP program. One of the arguments that was made by my colleague from California is that, well, other countries are in a position that they can do this advertising and it has been advantageous to them. The fact of the matter is that our consumer marketplace encourages that type of advertisement to go on of our products that are here made domestically in the United States, irrespective of what is going on in Chile or what is going on in France. I do not believe that the United States taxpayer should be subsidizing these advertising programs because, in fact, what winds up happening is that much of this advertising, I would argue all of it that is subsidized by the MAP program, would go on anyway because of the decisions made by the industry; that it is in their interest to encourage this type of development.

The MAP program is another example of a program where I do not see it is very easy for us to point to demonstrated areas where the advertising has led to any more farmers, any more

ranchers, any more production or sales. I am firmly of the belief, and perhaps I am wrong on an economic level, that if the U.S. Government leaves this field it would quickly be occupied.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment. I would just like to make a couple of points. Number one, these funds are not available to large international corporations. These funds are matched by people like the corn growers, the beef producers, the pork producers, people who care about their product and want to promote their products overseas so that we can expand our exports for the American farmers.

There is a prohibition from these corporations who are making corporate welfare out of this. These programs are absolutely essential for the future in agriculture so that we can add value to American agriculture, so that we can go out into the world marketplace and talk about the quality and the supply of good American food products.

If anything, Mr. Chairman, we should be increasing these funds. We should be proud of what we stand for in agriculture. We should stand up and say to our American farmers that they do have the best products in the world and we want to go tell the world about it. That is what we need to do is to protect this program. It is not large enough as it is.

Mr. ROYCE. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I would just point out that, according to the General Accounting Office studies, there is no evidence that MAP increases exports or increases jobs. Any increase cited and attributed to the Market Access Program would have occurred whether MAP existed or not.

The private sector, I would also point out, knows better to whom to advertise and how to advertise and can do it more efficiently. I think that government hand-outs merely replace money that would be spent by private companies on their own advertising.

The last point I would like to make is MAP, in some cases, uses tax money derived from the competitors of these MAP recipients. So I would urge adoption.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD), a member of the subcommittee.

Mr. BOYD. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from California (Mr. ROYCE). Mr. Chairman, as we continue to open our borders and expand trade, we continue to put our own small producers at a disadvantage because of the increased pressure from other countries that are heavily subsidizing.

This is one program, one program, that is really working well to enable some of our smaller producers and processors to gain access in the foreign markets.

Now, the gentleman from California talked about the GAO study but I want to say, Mr. Chairman, the GAO study did not go to Florida where we have used the program very successfully in the citrus and grapefruit industry. We do a 100 percent match of the Federal funds and since the inception of this program we have increased the grapefruit exports from $40 million to $190 million.

I strongly suggest that we vote down this amendment.

Mr. BONILLA. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, there seems to be an annual debate on this amendment so I will make my remarks brief. We are going to rehash what the benefits of this are very quickly.

I want to point out the positive aspects of the Market Access Program. Each year $90 million is spent out of the Commodity Credit Corporation on MAP to help initiate and expand sales of U.S. agricultural, fish, and forest products overseas. Rural American farmers and ranchers, as the primary suppliers of commodities, benefit from MAP. All regions of the country benefit from the program's employment and economic effects from expanded agricultural exports markets.

In 2000, agricultural exports totalled nearly $51 billion and that generated almost three-quarters of a million jobs. About half a million jobs out of that total were also related to other areas like processing, packaging, storing and financing of exports.

Mr. Chairman, agricultural exports are expected to increase by another $2 billion this year to $53 billion. More than 1 million Americans now have jobs that depend on U.S. agricultural exports. This program goes a long way toward making sure that we have these export markets. I strongly oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROYCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Add before the short title at the end the following new section:

SEC. ____. In addition to amounts otherwise appropriated or made available by this Act, $500,000,000 is appropriated to the Secretary of Agriculture to carry out and support (utilizing existing authorities of the Secretary and subject to the terms and conditions applicable to those authorities) research, technical assistance, loan, and grant programs regarding the development of biofuels (including ethanol, biodiesel, and other forms of biomass-derived fuels), the production of such biofuels, the establishment of farmer-held reserves of fuel stocks, and demonstration projects regarding such biofuels, as part of a Biofuels and Biomass Energy Independence effort and to augment the President's National Energy Policy: *Provided*, That the entire amount shall be available only to the extent an official budget request for $500,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to especially thank my dear colleagues, the gentleman from Maryland (Mr. HOYER) and the gentleman from Illinois (Mr. DAVIS), for reserving time this afternoon and checking in as this debate ensued on the floor in order to be able to join me in this debate.

Let me say that our amendment proposes that as a part of our national energy strategy that biofuels and bioenergy be more than an afterthought but, in fact, be a central pillar of helping America reach a renewable energy future.

□ 1700

If you look at America's trade accounts, our chief strategic vulnerability relates to imported fuels. We are willing to go to war, to send our young men and women to war, for oil, but we are not willing to invest the dollars here at home to propel ourselves into a more energy self-sufficient future.

When the President of the United States and new Vice President produced a national energy report with solutions for the future, there was one gaping hole: Not a single recommendation relates to renewables and the use of biofuels, what we can take off our fields and forests, in order to have ethanol, biodiesel, and other such fuels made a part of America's energy future.

We declare an emergency, we set aside $500 million, and we say that

biofuels are as important as natural gas, they are as important as petroleum, they are as important as any other fuel, whether it is windmills or turbines or whatever, in order to put America on a sound energy footing. We want to make sure that our message is heard loudly and clearly.

Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER), who has experience in this area, and again I express gratitude for his coming to the floor.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for her amendment, and I thank her for her comments and her hard work on this committee and on so many other areas. She has touched on a critically important issue to our country.

Mr. Chairman, I rise in support of the gentlewoman's amendment to provide half a billion dollars in emergency spending on biodiesel, ethanol and biomass research and development.

Mr. Chairman, since 1999, the Beltsville Agricultural Research Center, which is located in my district, has been conducting a pilot project using biodiesel. At BARC they use 80 percent diesel and 20 percent soybean oil mix. Their test results found that using biodiesel reduces carbon dioxide emissions 16 percent; particulate matter, which is a major component of smog, 22 percent; and sulfur emissions, 20 percent.

Equally important to the environmental benefits of these fuels is the fact that their use, as has been so well articulated by the gentlewoman from Ohio, lessens our dependence on foreign oil and opens up new markets for our farmers. So, from every perspective, this is a very positive direction for our country to move, and I thank the gentlewoman for her leadership.

Ms. KAPTUR. Mr. Chairman, I yield 1¼ minutes to the gentleman from Illinois (Mr. DAVIS), who has waited all afternoon in order to make these comments. I thank the gentleman sincerely.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Kaptur amendment.

To say that we have an energy crisis is an understatement, but the State of Illinois stands ready to help find a solution. The State of Illinois is a major producer of corn, which, when used in the development of ethanol, makes good sense. This amendment makes good economic sense, environmental sense and common sense.

Ethanol is an additive which, when used in gasoline, produces cleaner and more efficient energy. To help this country to become more energy-efficient, we can and should employ greater use of ethanol. Ethanol makes us more energy-efficient, more self-reliant and environmentally protected. It is a good amendment, Mr. Chairman, and I urge its adoption.

Mr. Chairman, I thank the gentlewoman from Ohio for introducing this amendment.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing this afternoon, let me say that oil ministers of the Middle East should not be put in charge of setting energy prices in the United States of America. We should have that control inside of our border.

This amendment would merely replace one one-hundredth of the nearly $70 billion that we send to the Middle East oil ministers every year for petroleum imported here, and replace it with investments we make in ourselves for the future. It gives the Secretary of Agriculture very flexible authority in order to spend these dollars in order to make agriculture an equal pillar along with other old fossil fuels.

The CHAIRMAN. Does the gentleman from Texas (Mr. BONILLA) insist on his point of order?

Mr. BONILLA. I continue to reserve the point of order.

Mr. Chairman, I would like to inquire if the gentlewoman is going to withdraw her amendment?

Ms. KAPTUR. Mr. Chairman, if the gentleman will yield, I would say to the chairman of our subcommittee, very reluctantly, very, very, very reluctantly, very, very, very, very reluctantly, I am going to be forced, because of the rules, to withdraw my amendment to put America on a more renewable energy future. But I would hope that our words today have been heard at the U.S. Department of Agriculture. I appreciate the chairman for his indulgence, and I would hope that wisdom will prevail in the days and months ahead.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

At the end of title VII, insert after the last section (preceding any short title) the following section:

SEC. 7____. Of the amounts appropriated in this Act in the item relating to ''DEPARTMENT OF HEALTH AND HUMAN SERVICES–FOOD AND DRUG ADMINISTRATION–SALARIES AND EXPENSES'', the amount appropriated in the second undesignated paragraph of such item (relating to section 804 of the Federal, Food, Drug, and Cosmetic Act) is transferred and made available as an additional appropriation under the first undesignated paragraph of such item.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR)

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have witnessed a great debate today about the importation and reimportation of prescription drugs. Yesterday Secretary Thompson finally rendered his decision regarding the fate of the reimportation provision attached to the fiscal year 2001 agriculture appropriation bill. My amendment takes the $2.95 million designated in this bill for costs associated with the reimportation provision and would transfer the funds back to the Food and Drug Administration general account.

Clearly, in the wake of the Secretary's decision, the Agency no longer needs the funds for the purposes of reimportation, and my amendment would simply keep those funds within the Agency so they are not penalized to be used for program priorities at the Agency's discretion within such accounts as the prevention of BSE, TSE, mad cow disease and hoof and mouth disease, many of the challenges that are facing our country today.

Given its tremendous responsibilities and challenges, FDA needs every resource available to keep our food and drug supply safe. I encourage the membership to vote yes to keep these funds within the Agency.

Mr. BONILLA. Mr. Chairman, I rise in strong support of this amendment, and ask unanimous consent to control the time in opposition.

The CHAIRMAN. Without objection, the gentleman will be recognized for 5 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the gentlewoman for finding these funds at the eleventh hour. Hopefully these funds will be put to good use, as the gentlewoman is pointing out. So I commend her good work on this amendment and would be delighted to support it.

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

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the chairman very much. It has been a pleasure to work with the gentleman on this bill. We are proceeding expeditiously, in view of the large number of amendments. I am deeply grateful for the gentleman's support.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

At the end of title VII, insert after the last section (preceding any short title) the following section:

SEC. 7____. Of the amounts appropriated in this Act for carrying out the responsibilities of the Food and Drug Administration with respect to abbreviated applications for the approval of new drugs under section 505(j) of the Federal Food, Drug, and Cosmetic Act,

$1,000,000 is available for the purpose of carrying out section 314.53(b) of title 21, Code of Federal Regulations, in addition to any other allocation for carrying out such section 314.53(b) made from amounts appropriated in this Act for the Food and Drug Administration.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 10 minutes.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to start with what the Brown-Emerson amendment does not do: It does not legislate on an appropriations bill; it does not spend extra dollars; it does not reduce legitimate patent protection for brand-name drugs; and, most importantly, it does not permit FDA to continue to squander billions in consumer savings, making excuses instead of making the brand-name drug industry abide by Federal law.

Under FDA laws and regulations, a generic must certify it is not infringing on patents that are directly related to a brand-name drug as approved by FDA. Remember the phrase ''as approved by FDA.'' It is important.

If a generic drug company is sued for potentially infringing on these type of patents, FDA automatically suspends approval of the generic for 30 months. Because the drug industry knows that FDA does not actually enforce its regulations, I repeat, because the drug industry knows that FDA does not actually enforce these regulations and weed out patents that under no circumstances should trigger that 30-month delay, drug companies therefore are conjuring up patents that by no stretch of the imagination fit any FDA criteria, just to trigger the 30-month delay, just to enjoy 30 months more of profits, patents on unapproved formulations of the drug, patents on unapproved uses of the drugs, patents on the shape of the pills, patents on the grooves in the pills, patents even on the bottle holding the pills. Each of these patents, when challenged, triggers the 30-month delay.

These totally unnecessary delays cost consumers billions of dollars in lost savings, while the brand-name companies reap those same billions in additional profits.

Seven years ago CBO estimated that generics save consumers $8 billion to $10 billion per year. Utilization and prices have both increased dramatically since 1994. So have the potential savings associated with generic drugs.

Take Prilosec, for example. Prilosec generates $283 million per month in sales. Astra Zeneca has filed several unapproved use patents on Prilosec, each of which could trigger a 30-month delay in generic competition, even though under FDA regulations only patents on the approved use of a brand name should trigger the 30-month delay.

Remember, generics save consumers, save employer-sponsored plans, save all levels of government 40 to 80 percent over the brand-name price. After a few years, the price differential sometimes grows to 90 percent. Over the next 10 years, brand-name drugs with sales topping $40 billion annually will reach the end of their patent life. If we do not do something to prevent drug companies from gaming the system to extend their lock on the market to make their patents grow, if you will, we are perpetuating needlessly inflated drug prices. I do not want to do that to the consumers in my district.

Our amendment equips FDA to enforce its regulations and at least prevent the most blatant abuses of its 30-month delay provision and stop the gaming of the patent system by the name-brand drug manufacturers.

It permits the Agency, it permits the Agency, to use up to $1 million to get its act together to enforce its laws, to stop brand-name drug companies from walking all over the Agency, and, more importantly, walking all over the public.

We have an opportunity today to help our constituents without changing a word of the existing FDA statute. I urge my colleagues to take advantage of that opportunity and vote for the Brown-Emerson amendment.

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

Mr. BONILLA. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 10 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in lukewarm opposition to this amendment. This concept sounds like a good one, and possibly there are some abuses that are occurring. All of us should be concerned about that. However, I have also got some concerns about finding the proper way to fix this problem. The FDA is not exactly the right solution.

FDA prints a so-called ''Orange Book'' listing innovator drugs and the patents that protect them. FDA's role is purely administrative. The Agency does not evaluate the patents themselves. Ruling on patent rights is a job for the courts, not the FDA.

FDA does not have the proper authority or expertise to evaluate patents. We have got a Patent Office for that. Taking $1 million from generic drug review to referee patent disputes seems to defeat the purpose. Why would the sponsor seek to increase drug review times?

Again, I must oppose the amendment, reluctantly so, and ask my colleagues to do the same.

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

Mr. BROWN of Ohio. Mr. Chairman, I want to reiterate that these are FDA regulations that FDA claims it cannot enforce. It is not doing its job. This $1 million will help it do its job.

Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment because it would equip the FDA to prevent blatant patent abuses. This amendment does not open up Waxman-Hatch, cut into patent protection, legislate on an appropriations bill or spend new money. What this amendment does is to enable the FDA to exercise the existing authority to prevent blatant patent abuses under the Waxman-Hatch Act.

Today, some drug companies attach unrelated patents to approved drugs and then sue companies that want to produce a generic equivalent for patent infringement. As the gentleman from Ohio (Mr. BROWN) indicated, this can produce a 30-month delay in generic drug approvals and result in substantial delays in consumer access to generic drugs.

Mr. Chairman, let me point out, the FDA has the authority to prevent these blatant abuses right now. What they need is $1 million through the Office of Generic Drugs in order to enforce this agreement and ensure that patents are not inappropriately listed.

□ 1715

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON), who has been a real leader in the fight to keep prescription drug prices down.

Mrs. EMERSON. Mr. Chairman, I rise in strong support of the Brown-Emerson amendment, which will help FDA exercise its existing authority to prevent blatant patent-listing abuses under the Hatch-Waxman Act.

As many people may know, since the passage of Hatch-Waxman, brand-name pharmaceutical companies have really become quite proficient in manipulating the law to keep generic alternatives from reaching the market. I do not think that the authors of this law would want that to be happening today.

Just, for example, one of the brand industry's favorite and most frequently used methods to delay generic competition is to make insignificant changes to their products and secure new patents just as the patent on the original product is set to expire. Under current law, once such new patents are granted by the Patent Office, no matter how frivolous or invalid they may be, the generic drug is prohibited from going to market for 30 months.

In one instance a brand-name company triggered the 30-month prohibition and delayed generic competition by patenting the color of the bottle, the color of the bottle in which the pharmaceuticals are typically dispensed. In another example, a brand company was able to delay generic competition by claiming the generic version infringed on the brand patent

because, like the brand, the generic pill had two grooves in it.

These types of delay tactics cost our constituents billions of dollars every year. For example, Bristol-Myers Squibb listed a frivolous patent with the FDA on the eve of its patent expiration for the drug BuSpar. After months of delay, a Federal court ruled that the patent was improperly listed and ordered Bristol to delist its patent with the FDA. So the cost to consumers for this 5-month delay was $57 million.

The situation is getting so out of hand that on May 16 of this year, the Federal Trade Commission had to send a citizens' petition to the FDA questioning the possible improper or untimely listing of patents by brand-name drug companies.

Mr. Chairman, our amendment is very simple. It would reallocate already-appropriated FDA funds in the amount of $1 million to the FDA's generic drug office. The money would allow the FDA to use its authority to review and prevent the abuse of patent listings by drug companies who want to extend the patent laws of their blockbuster drugs. This amendment does not add any additional money, no additional money. All it does is reallocate already-appropriated money.

Let us all make sure that the FDA devotes the resources necessary to prevent the exploitation of patent listings, because each 30-month delay of generic drugs costs consumers billions of dollars in lost savings.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. BROWN).

Mr. Chairman, the problem right now is that brand-name drug companies have been attaching unrelated patents on to existing drug patents. They are required to list patents of drugs that directly relate to existing patents. However, one of the brand-name industry's tactics for extending patents is to stack a list of patents that simply relate to and do not directly affect existing patents.

As the brand-name industry engages in this so-called ''patent stacking,'' unfortunately generic drug approvals are automatically basically tagged with a 30-month delay, and this delays consumer access to necessary prescription drugs and further delays the process from making prescription drugs more affordable.

The FDA currently has the authority to ensure that only patents in compliance stay on the books, and this amendment helps the FDA Office of Generic Drugs use its $1 million in increased funding to exercise this authority and remove barriers to generic competition.

Mr. Chairman, numerous pharmaceutical companies have listed patents for unapproved uses and inappropriate forms of the drug. I am not going to get into all the examples, but this adds up to billions of dollars lost in consumer savings. We need to pass this amendment.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN), the author of the Waxman-Hatch bill.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Look, when we adopted the law, we wanted to balance generic drugs, brand-name drugs; and if a generic went in to FDA, FDA is supposed to evaluate whether they are violating a patent. But some of these patents are frivolous patents, and all the Brown amendment seeks to do is to give FDA more funds so that they can figure out how to find out whether a patent is frivolous or real. Why should consumers have to pay higher prices for drugs and not allow competition with a generic availability because of a frivolous patent?

So I strongly support this amendment, and I urge all Members to support this very well-though-out, clear, and helpful, constructive amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield the remaining time to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I would like to support this amendment because of the intent behind the amendment. The gentleman from California (Mr. WAXMAN) and others, including the gentlewoman from Missouri (Mrs. EMERSON), are correct in terms of problems, or at least perceived problems insofar as FDA approving generics or enlisting the patents of generics, but we are talking here about reallocating needed funds.

Just a few days ago, the gentleman from Ohio (Mr. Brown) offered an amendment to increase the funds for FDA use towards approval of generic drugs by $2.5 million. I supported that amendment. It passed this House, if I remember correctly. Now, the point is, we are now in effect saying we are going to take $1 million out of that $2.5 million, or at least out of the amount that FDA ordinarily would use, towards approval of generic drugs and put it into something like this.

Now, I am quoting, ''which will help FDA do their job; delaying tactics, things of that nature.'' If, in fact, there are delaying tactics; if, in fact, the FDA is not doing its job, there are things that we can do. I do not think that throwing $1 million the FDA's way will encourage them to do the job that they are required to do. That is just not the answer to it at all.

The Brown amendment does not serve a legitimate purpose. It purports to provide the FDA's Office of Generic Drugs, as we have already said, with $1 million to ensure that patents are not inappropriately listed. The law requires, the FDA law, sections 505 and 506 make it clear that they will list these patents. It does not say anything about analyzing the patents. If they are not listed on a timely basis, if there is something inappropriate insofar as their listing is concerned, let us look into that through hearings, through discussions with the FDA and whatnot and do something about it, rather than just saying, we are going to give them $1 million, reallocating $1 million to say that this will ensure that you do the job you are required to do under the statute. Mr. Chairman, I think not.

The FDA has absolutely no authority under present law to judge the validity of patents. I say again, it has no authority to judge the validity of patents. Their function is purely ministerial. It gets the patent; it lists the patent. If it does not list the patent when they get the patent, by gosh, there is something wrong with that and it has to be taken care of. But they have no authority. They do not review patents. They are forbidden by the law from reviewing patents. I will not say that they are necessarily forbidden, but there is no language in the law that basically gives them that authority.

The Patent and the Trademark Office, as has been said by others, and the courts that judge patent validity say the FDA does not have the experts to do so and, basically, they do not have the authority to do so.

When Dr. Janet Woodcock, director for FDA's Center for Drug Evaluation was asked by, I believe, one of our colleagues who has already made a statement here, at the Committee on Energy and Commerce hearing whether the FDA had authority to review patents, she said no. She went on to say, when asked whether FDA should have the authority to do so, she said, and I quote her, ''If we were asked to do such a thing, I would have to say that it would significantly divert resources from the scientific review of generic drugs that we are currently undertaking.''

So if FDA were to get into the job of judging patent validity, they tell us, the people that do this job, that the agency would be subject to countless lawsuits. The $1 million provided for in the Brown amendment would be spent very, very quickly.

So we understand, and I have already admitted, that there are legitimate questions associated with additional patents being listed very late in a patent term. The gentleman from Ohio knows how I feel about generics. I bring them up all the time, and I am concerned about the fact that they are possibly not being approved on a more timely fashion.

This concerns us so much that just last month in the Committee on Energy and Commerce we held a hearing on this matter that I have already referred to. At this hearing we learned many things, including the fact that the FDA cannot, under the law, judge

the validity of patents. The Brown amendment does not do what the author says. I would hope that it would do, maybe if it passes, what the author says; but I do not feel that it does. It would not allow FDA to review patents; it merely would reallocate $1 million and say, hey, we trust you to use this $1 million to do a better job insofar as analyzing and listing patents. The FDA cannot do so under the law and they should not be able to do so, and for those reasons, unfortunately, I would ask my colleagues to vote ''no'' on the Brown amendment.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ALLEN:

At the end of title VII, insert after the last section (preceding 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 expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such drug, by stage of drug development, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN) for 5 minutes.

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer an amendment with the gentleman from Ohio (Mr. BROWN) to provide American taxpayers with information about our collective investment in the research and development of new prescription drugs. The Food and Drug Administration should not approve, in our opinion, a new drug application unless the total cost of the research and development of that drug is available to the public. We are particularly interested in knowing how much money the taxpayers have contributed.

The pharmaceutical industry claims that efforts to make drugs affordable for seniors would reduce the industry's ability to conduct research and to develop new drugs. I disagree. This industry is the most profitable in the country. Their profits last year were more than $27 billion. The manufacturers will always be able to attract capital in order to do R&D.

□ 1730

The industry asserts that they have a right to charge high prices to those least able to afford it because of the $500 million, more or less, that they claim it takes to launch a new drug.

What the industry consistently fails to disclose is that new drugs are usually the result of a partnership with the public. A good portion of our Nation's pharmaceutical research is conducted by publicly-funded entities. We deserve to know how much.

The pharmaceutical industry says we do not deserve to know. They say this amendment is unjustified. I say there is no justification for the way America's seniors are currently treated. Seniors pay taxes which are used to fund research, but the product of that research, which saves lives, is too expensive for many of them to afford.

The drug manufacturers say no other industry has to disclose R&D figures. But no other industry gouges the needy as they do, or operates in such a shroud of secrecy.

We are not asking that the FDA make an approval decision based on the R&D data. We are not asking that trade secrets be made public. We are simply asking the FDA to inquire about the data on the cost of R&D and to make it available.

The industry has attacked this amendment. I can only assume they know their arguments about their R&D expenses will be undermined if the public is told how much of the cost of the development of new drugs is actually paid by the public.

We know that the taxpayer contribution to the development of innovative medicines is significant. NIH estimates that taxpayer-funded research, combined with private foundation-funded research, accounts for about 50 percent of all medical research in this country. Now we need to know the details, just how much public and private funding is involved in the development of new drugs.

We do not want to slow the approval of or access to new drugs, but there are too many patients who cannot afford the drugs, even if they are approved by the FDA. Proving a drug safe and effective can take years. Providing the cost of development should be easy. A memo to the FDA would do the job. I can assure the Members that the pharmaceutical industry is capable of tracking expenditures in their development of new drugs. I am confident that this Congress and this administration can find a way to implement this amendment successfully.

Because the cost of R&D is one of the most important components of our debate over prescription drug costs for the elderly and disabled, it is hard to believe that anyone could object to making basic information on those costs available to the public.

Millions of our seniors have paid taxes for decades and contributed to the development of new drugs. Now, in their retirement, they pay the highest prices in the world for those drugs. The pharmaceutical industry spends millions of dollars on TV ads about their miracle drugs, but does not want the public to know how much the public has contributed to those miracles. The public deserves to know. I urge passage of this amendment.

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

The CHAIRMAN. Does the gentleman from Texas (Mr. BONILLA) insist on his point of order?

Mr. BONILLA. I would inquire, Mr. Chairman, if the gentleman is going to withdraw his amendment.

Mr. ALLEN. Mr. Chairman, I have one more speaker. I am not willing to withdraw the amendment.

Mr. BONILLA. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. ALLEN) for 30 seconds, the balance of his time.

Mr. ALLEN. Mr. Chairman, I yield the balance of our time to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding time to me.

Prescription drug companies consistently depend on one argument and one argument only, to defend charging U.S. consumers two and three and four times higher prices in the U.S. than they do in other developed countries.

The one argument they use to justify grossly inflated drug prices is that those prices are necessary to sustain R&D. Yet, we know that American taxpayers fund almost half of all the R&D that is done in the drug industry development in this country.

It is an insult for the industry to ask American taxpayers to willingly pay the highest price in the world when they will not tell us what they spend when they are the most profitable industry in America, when they spend more money lobbying this institution than anybody else. They pay back American taxpayers by charging us more than anybody in the world.

I ask support for the Allen amendment.

The CHAIRMAN. Does the gentleman from Texas (Mr. BONILLA) insist upon his point of order?

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment. It proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, ''An amendment to a general appropriations bill shall not be in order if changing existing law.'' The amendment imposes additional duties. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Maine (Mr. ALLEN) wish to speak on the point of order?

Mr. ALLEN. I simply await the ruling of the chair.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds this amendment imposes additional duties not required by existing law. Therefore, the amendment constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER:
Strike section 726 of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, for the most part, this bill is an excellent bill.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, just to inform the gentleman, we are just delighted to accept this amendment. If the gentleman would like to offer any more debate time, that is fine, but in the good spirit of trying to work in agreement here, I just want to let the gentleman know that we are prepared to accept the amendment and move it forward.

Mr. OLVER. Mr. Chairman, I thank the gentleman for his acceptance of the amendment. We do have several speakers who wish to speak on it.

Mr. Chairman, this is an excellent bill. I greatly respect the outstanding work of the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), but I rise to strike section 726, an anti-environmental rider which is meant to prevent any and all action to address the climate change caused by global warming.

Mr. Chairman, section 726 is equivalent to burying our heads in the sand, and hot sand, at that. Regardless of the fate of the Kyoto Protocol, there is overwhelming, peer-reviewed, sound scientific evidence for global warming. The National Academy of Sciences has very recently reaffirmed that fact.

Placing a gag order on Federal agencies can only stifle our ability to address what will be the most critical environmental issue of the 21st century at a time when carefully considered but comprehensive action is needed.

This old rider dates back to the Clinton administration when the majority believed, with good reason, that President Clinton would have acted to implement Kyoto. But President Bush has made it clear that he has no intention of implementing the Kyoto Protocol. He has declared the Kyoto Protocol dead, dead. So, at the very least, the rider is unnecessary, and resuscitating it shows a lack of trust in the President's intentions and in the President's word, which I am sure the majority does not mean to do.

So why has the rider appeared? Because it has been used to badger agencies and demand repeated explanations of environmental activities. The Inspector General was recently forced to investigate alleged violations by the EPA, the Department of Energy, and the State Department, and found no instances of violations. It is the President of the United States who will not implement Kyoto, who runs the executive departments.

This rider jeopardizes the executive agency work on every issue related to climate change, which the U.S. is obligated to address as part of the United Nations Framework Convention on Climate Change. Remember, the U.N. Framework Convention on Climate Change was proposed for ratification by then President George Herbert Walker Bush in September of 1992, was ratified by the Senate in October of 1992, and took force in 1994.

It states that, and I quote, ''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 gases.''

Mr. Chairman, the consequences of global warming will not be mild. If we do not begin to act soon, it may be too late to preserve our coastlines and our agriculture. The American public wants this Congress and this administration to find a way to address global warming.

How we do that is not the subject of today's debate. This vote has nothing to do with implementing or even liking the Kyoto Protocol. But a yes vote to remove this ill-conceived and unneeded rider allows our agencies to search for ways and measures authorized by the already-ratified U.N. framework to begin addressing greenhouse gases.

I urge a yes vote on the Gilchrest-Olver amendment.

Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science, who is showing every day great leadership on this issue of climate change.

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

Mr. BOEHLERT. Mr. Chairman, I will spare my colleagues all the arguments against the language in the bill and in support of the Olver-Gilchrest language.

But in the spirit of the subcommittee chairman, who has acknowledged his willingness to accept that, I want to applaud that action, because I think for years now the language this amendment would strike has been used to hound Federal agencies that try to address climate change. It was used to harass agencies who sent government officials to international climate change meetings, and it has been used in attempts to thwart voluntary agreements, voluntary agreements, with industries that offered to cut their greenhouse gas emissions.

Yet, both President Bushes, 41 and 43, acknowledged that climate change is a serious problem. In fact, President George Herbert Walker Bush even signed an international agreement to reduce U.S. emissions of greenhouse gases, and that treaty was ratified by the U.S. Senate.

Despite its misgivings about the Kyoto Protocol, this administration too has acknowledged the seriousness of climate change. As many know, after receiving last month the report he requested from the National Academy of Sciences, a report that underscored yet again the scientific consensus that exists on climate change, President Bush pledged that the U.S. will take a leadership role to address it.

I, for one, want to help him do that. I want the U.S. to take the lead on dealing with climate change responsibility, and the obstructionist language in this bill does not help do that.

So I want to commend the gentleman from Massachusetts (Mr. OLVER) and I want to commend the gentleman from Maryland (Mr. GILCHREST) for their steadfast support of reasonableness as we shape public policy, and I want to extend to the subcommittee chairman, the gentleman from Texas (Mr. BONILLA), my appreciation for his cooperation.

Mr. Chairman, I rise today, in support of the Olver-Gilchrest amendment, but frankly, I'm disappointed that we have to have this debate at all. I am disappointed that the language that we are attempting to strike has been included in the Agriculture Appropriations Bill in the first place, because today the scientific consensus on global climate change is stronger than ever.

Mr. Chairman, the opponents of this amendment will tell you that the language included in this bill—the language the amendment would strike—simply prevents the Administration from implementing the international agreement, known as the Kyoto Protocol, to reduce greenhouse gases and curb global climate change.

The opponents say that the Administration should not implement the Kyoto Protocol because it is fatally flawed and unrealistic.

They say the Administration shouldn't implement the Protocol because it would exempt developing countries from requirements to reduce their greenhouse gas emissions.

They say the Administration shouldn't implement the Kyoto Protocol. Period.

Well guess who agrees with them entirely? The Administration.

So if this Administration isn't even remotely thinking about implementing the Kyoto Protocol, what is the language this amendment would strike really about?

It is not about the Kyoto Protocol. It is not about fears the Administration will sneakily conduct ''back-door'' implementation.

It is really about preventing any serious progress at all on the serious environmental problem of global climate change. The truth is that this amendment is really about who is for dealing with climate change responsibly, and who is not.

For years now, the language this amendment would strike has been used to hound federal agencies that tried to address climate change. It was used to harass agencies who sent government officials to international climate change meetings. And it has been used in attempts to thwart voluntary agreements—voluntary agreements—with industries that offered to cut their greenhouse gas emissions.

Yet, both Presidents Bush have acknowledged that climate change is a serious problem. In fact, George H.W. Bush even signed an international agreement to reduce U.S. emissions of greenhouse gases—and that treaty was ratified by the U.S. Senate.

Despite its misgivings about the Kyoto Protocol, this Administration, too, has acknowledged the seriousness of climate change. As many of you know, after receiving last month the report he requested from the National Academy of Sciences—a report that underscored yet again the scientific consensus that exists on climate change—President Bush pledged that the U.S. will take a leadership role to address it.

I, for one, want to help him do that. I want the U.S. to take the lead on dealing with climate change responsibly. And the obstructionist language in this bill does not help do that.

It is time this House took the issue of climate change seriously, as our President has said he does. I urge my colleagues to support the Olver-Gilchrest amendment. Let's strike this troublesome language from the bill, and put the tired old bogeyman of Kyoto behind us.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I thank my friends across the aisle, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Maryland (Mr. GILCHREST), for cosponsoring this effort to strike an anti-environmental rider.

I just want to share an experience I had last week when I was up on the Arctic plain on the shores of the Arctic Ocean talking to biologists and geophysicists about what is going on in the Arctic.

What I learned was that, in a relatively stunning development, fully 50 percent of the depth of the pack ice above the North Pole, the Arctic oceans, have dissipated in the last several decades. Half of the depth has gone away, and 10 percent of the extent of the ice is gone because of global warming that has occurred.

I talked to rangers at Denali National Park who have worked there about 15 years and have seen the treeline move north just during their experience. The fact is, this is happening. It is happening four or five times more rapidly in the Arctic than it is in temperate zones, but it is a harbinger of things to come.

I am hopeful that the House will not move backwards with this, but in fact will strike this language so we can make a positive statement and move forward. The United States should be a leader. We have been a leader in freedom. It is time for us to become a leader in global climate change, and realize the development for our economy at the same time.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), and want to recognize in general the leadership the coauthor on this amendment has provided on climate change.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time to me, and for the part the gentleman from Massachusetts (Mr. OLVER) has played in the process, and thank all the other Members for their work.

I also want to thank, with a great deal of gratitude, the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, the gentleman from Texas (Mr. BONILLA), for accepting our amendment.

As Members might observe, the picture next to the podium is our home. I think it is our responsibility to preserve it and protect it.

□ 1745

Three quick points: Number one, I want to thank the gentleman from Texas (Mr. BONILLA) for accepting the amendment so that the language is taken out of the bill. This gives the Bush administration the opportunity to discuss this in an international way.

Number two, it gives us, as Members of the House, a sense of responsibility for protecting the planet, so we will not pass that burden and that responsibility off to the next generation, which will have a much more difficult time.

Number three, very quickly, everybody talks about the weather, but not a lot of people, including us, know a lot about the weather or where does the air that we breathe come from, how does it sustain us, how is the air sustained, and over what period of time did it create what we now see.

Well, there is a word that I think is interesting called coevolution, and that means the biological diversity of the web of life, on land and in the oceans, over eons of time, has produced and sustained the atmosphere that surrounds this planet, unique in the known universe, in which life through nature's bounty thrives as we know it today.

And the last comment I want to make is can man, through polluting, degrading, and fragmenting the environment, have the capacity to change the atmosphere and actually change the climate? This is a report that the Bush administration had a number of scientists from the National Academy of Science review and come back and tell the Bush administration the answers to those two questions. Does man have the capacity to change the atmosphere, thus changing the climate?

To read just a couple of sentences from this report commissioned by the Bush administration from the National Academy of Sciences, ''Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. Human-induced warming and associated sea level rises are expected to continue through the next century.'' That is throughout the 21st century.

Can we change the atmosphere? If we look on this chart produced by the National Oceanic and Atmospheric Administration, we can see from 1860 to the year 2000 the acceleration of the accumulation of carbon dioxide in the atmosphere. This is from our Federal Government, commissioned by the Bush administration. We can change the atmosphere by increasing the greenhouse gas of carbon dioxide, thereby increasing warming.

This chart, produced by NASA, shows since 1860 the level of increase in warming which affects the climate, and it is dramatic during the industrial age.

So the questions are: Can we affect our atmosphere? Can we change climate? The answer to those two questions is yes, and now it is time for us to do something about it.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though I am not opposed to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 30 minutes.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman for his acceptance, and I thank him for yielding back his time. I do have two people who wish to make very short statements.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time and for his leadership on this issue. I stand in strong support of this amendment, which will ensure that we move forward to combat global warming.

Global climate change is underway. Denying the existence of global warming will not make it go away nor can the United States afford to deny its role. Just last week I had the opportunity to talk to European leaders about climate change and, believe me, they have grave concerns about our retrenchment. Our country must bear its share of this burden.

Now, President Bush recently asked the National Academy of Sciences to revisit the issue. They concluded greenhouse gases are accumulating in

the Earth's atmosphere as a result of human activities. Temperatures are in fact rising. Their report goes on to say the national policy decisions made now and in the long-term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in this century.

Voluntary reductions, which the President advocates, are not sufficient. I urge adoption of this amendment. We need to send a clear message that this Congress is committed to protecting our environment, protecting the public health, and protecting our future.

Mr. OLVER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in support of the Olver-Gilchrest amendment to strike the Kyoto rider language.

The President has already indicated that he has no intention of implementing the Kyoto Protocol. That is unfortunate because we need to stay engaged at the table to encourage progress on this critical issue. However, it makes this rider unnecessary.

Science has confirmed the existence of global climate change is real. The effects of this have significant implications for agriculture in our nation and around the world. The mix of crop and livestock production is influenced by climatic conditions and water availability. Increases in climate variability already make adaptation by farmers more difficult. In my state of Missouri, agriculture is a $4 billion annual industry, one-half of which comes from livestock, especially cattle. The major crops in my state are corn, soybeans, and hay. Corn and soybean yields could fall by as much as 22% or rise by as much as 6%, depending on the climate variability resulting from global climate change.

As a result of global warming, we expect to see more frequent anomalies in our weather, with more frequent severe storms, floods, and droughts. Clearly these volatile weather patterns can have a highly negative impact on our ability to farm and protect and secure families and property.

We might also expect to see more pests in our plants and food stream. We may see more insects, and plant disease is expected to become more prevalent. There may be many pests that are new to our area, and we might expect to see greater numbers of insects, some of which carry diseases like malaria. The insects could travel further north—into MO—as a result of global warming. Again, this could have a potentially significant adverse effect on plants and crops by destroying our nation's precious resources and jeopardizing human health.

This morning, Deborah Clark from the University of Missouri-St. Louis, at a National Academy of Sciences forum, spoke about the ability of plants to sequester carbon. While planting trees and other carbon-sequestering crops will capture more carbon dioxide, many plants will be less productive if global warming continues because high temperatures limit the ability of plants to photosynthesize, thus reducing their ability to capture carbon.

Our Nation's strategy to address climate change can produce a reliable supply of diverse fuels that minimize greenhouse gases and secure our leadership in energy technology to benefit our consumers and to export around the world.

We must make the necessary investments in emerging technologies which will allow the United States to gain the edge in developing and marketing new products and lead to job creation. If we fail to act, we will lose the edge to other nations like Japan and Germany who are committed to this course of action.

A decade of progress has occurred since former President Bush signed the original climate treaty in Rio in 1992. This rider makes it difficult for federal agencies to work on any issues related to climate change, which the U.S. is obligated to address as part of the Rio agreement.

I urge others to join with me in voting in favor of this amendment, because whether or not the Kyoto protocol moves forward, we have an obligation to maintain our global leadership role in developing new technologies that will enable us to reduce emissions of greenhouse gases and promote the agricultural economy. The rider is unnecessary and I urge my colleagues to support the Olver/Gilchrest amendment.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in allowing a brief comment.

America is the largest polluter dealing with greenhouse gases and it is appropriate for us to exercise some leadership. The gentleman from Maryland (Mr. GILCHREST) has, I think, identified why in fact it is a problem, the single greatest environmental threat that we face. Unfortunately, this administration has been slow to acknowledge the problem, and sadly slower to embrace American leadership, which is needed in a global sense.

I am pleased with the gentleman's willingness to accept the amendment. I hope that it portends greater things in the course of this session where Congress can provide some leadership on this critical environmental level; that we can be promoting a bipartisan commonsense approach to reduce the greenhouse gases, and to encourage American industry and individuals to all play their role.

I think this is an important first step, and I appreciate the leadership that the committee has been exerting.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume and thank very much the chairman of the subcommittee for his indulgence, even after he had agreed to accept the amendment. We appreciate that very much.

Mr. SMITH of Michigan. Mr. Chairman, I am in opposition to implementing the Kyoto Protocol.

Under the Kyoto Protocol, by 2008 to 2012 the U.S. would be required to slash emissions of greenhouse gases to seven percent below the 1990 level—a level last achieved in 1979. Based on projections of the future growth in U.S. energy use, this would require a real cut in emissions of over 30 percent. In the meantime, major greenhouse-gas emitters, such as China, India, Mexico, and Brazil, would be able to continue business as usual.

In July 1997, before the Kyoto Protocol was signed, the Senate passed on a vote of 95 to 0 the Byrd-Hagel resolution, which states that the U.S. should not sign any treaty that (1) would mandate cuts in emissions only for developed countries and (2) would result in serious economic harm.

This commonsense resolution set the absolute minimum criteria for Senate ratification of any climate treaty. The Clinton Administration never submitted the Kyoto Protocol to the Senate for ratification because it knew that it would be dead on arrival.

In a breath of fresh air, President Bush said succinctly, "I will not accept a plan that will harm our economy and hurt American workers." In stating the obvious and pulling the plug on this flawed treaty, the President has spared us from a U.N. boondoggle that would harm American workers, consumers, and businesses.

The proponents of this amendment argue that, because the Administration does not support the Kyoto Protocol, the language in the bill is superfluous. Further, they argue that striking the language will send a positive message to the international community that the U.S. is willing to play a leadership role in climate change. We are a leader in the world on reducing and sequestering harmful emissions.

Annually we spend nearly $2 billion on climate change research, more than the rest of the world combined. There are many things about the climate system we still do not understand. That is why we need to continue this research and increase our knowledge of climate variability and the potential human impact of greenhouse gas emissions.

Current computer models predicting warming over the next century may prove to be no more reliable than the five-day weather forecast. But even assuming that these models are right, achieving the emission goals in the treaty would reduce projected warming by less than one-tenth of a degree by 2050. So we still have time to do the necessary research to fill in the gaps and get it right instead of lurching ahead with a treaty that would cost too much and do nothing to solve the problem it is intended to solve.

The Administration also has said that it will be working to develop new technologies, market-based incentives, and other approaches to increase energy efficiency and reduce greenhouse emissions. I fully support these approaches, which make much more sense than the commend-and-control dictates that would flow from the Kyoto process.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New York (Mr. WEINER); the amendment offered

by the gentleman from California (Mr. ROYCE); the amendment offered by the gentleman from Ohio (Mr. BROWN).

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

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman. We were just presented a list of potential amendments for consideration by the full membership, and I wonder if the Chair would again repeat which amendments the Members will be asked to vote on and the order that they will be presented.

The CHAIRMAN. The amendments on which further proceedings were postponed will be voted on in the following order: the amendment offered by the gentleman from New York (Mr. WEINER); the amendment offered by the gentleman from California (Mr. ROYCE); and the amendment offered by the gentleman from Ohio (Mr. BROWN).

Ms. KAPTUR. Mr. Chairman, we believe that that third amendment was accepted; voice voted.

The CHAIRMAN. The gentlewoman is correct, the amendment was approved by voice vote and no recorded vote was requested.

Ms. KAPTUR. Mr. Chairman, for all the Members who are watching from their offices, then, in terms of the order of the votes, it would then be?

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. WEINER) will be first, followed by the amendment offered by the gentleman from California (Mr. ROYCE).

Ms. KAPTUR. Then we will move to final passage?

The CHAIRMAN. That is correct.

Ms. KAPTUR. I thank the Chair very much.

AMENDMENT NO. 25 OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 272, not voting 6, as follows:

[Roll No. 219]

AYES—155

Ackerman
Akin
Andrews
Armey
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Bass
Bereuter
Berkley
Berman
Biggert
Blumenauer
Borski
Brown (SC)
Burton
Camp
Cantor
Cardin
Castle
Chabot
Clay
Costello
Cox
Coyne
Crane
Crowley
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeGette
DeMint
Deutsch
Doggett
Duncan
Ehlers
Ehrlich
Engel
English
Evans
Fattah
Ferguson
Filner
Flake
Forbes
Fossella
Frank
Frelinghuysen
Goss
Graham
Green (WI)
Greenwood
Gutierrez
Hayworth
Hoeffel
Hoekstra
Holt
Hostettler
Hutchinson
Inslee
Israel
Istook
Johnson (CT)
Keller
Kelly
Kerns
Kind (WI)
Kirk
Kolbe
LaFalce
Langevin
Lantos
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
McCarthy (NY)
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Moore
Moran (VA)
Morella
Nadler
Neal
Owens
Pallone
Pascrell
Payne
Petri
Portman
Pryce (OH)
Ramstad
Rangel
Rivers
Roemer
Rogers (MI)
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Saxton
Scarborough
Schaffer
Schakowsky
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Stark
Stearns
Stupak
Sununu
Tancredo
Taylor (MS)
Terry
Tiberi
Tierney
Toomey
Towns
Upton
Velazquez
Wamp
Waxman
Weiner
Weldon (FL)
Wu

NOES—272

Abercrombie
Aderholt
Allen
Baca
Bachus
Baker
Ballenger
Bartlett
Barton
Becerra
Bentsen
Berry
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Cannon
Capito
Capps
Carson (IN)
Carson (OK)
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Cramer
Crenshaw
Cubin
Davis (CA)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Emerson
Eshoo
Etheridge
Everett
Farr
Fletcher
Foley
Ford
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lucas (KY)
Lucas (OK)
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Scott
Serrano
Sessions
Sherwood
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Snyder
Spence
Spratt
Stenholm
Strickland
Stump
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Capuano
Conyers
Herger
Jones (OH)
Lewis (CA)
Paul

□ 1819

Messrs. GONZALES, WYNN, DAVIS of Illinois, NEAL of Massachusetts, Ms. PELOSI, Mr. HYDE, and Mr. WATT of North Carolina changed their vote from ''aye'' to ''no.''

Mrs. KELLY and Messrs. SCHROCK, TERRY, KERNS, STUPAK, BERMAN, SAXTON, FATTAH, GOSS, BROWN of South Carolina, SHERMAN, BALDACCI, and EHLERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 219, I was unavoidably detained. Had I been present I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 19 OFFERED BY MR. ROYCE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 85, noes 341, not voting 7, as follows:

[Roll No. 220]

AYES—85

Akin
Andrews
Armey
Bachus
Barr
Barrett
Bartlett
Bass
Berkley
Brown (OH)
Brown (SC)
Cantor
Cardin
Castle
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
DeLay
DeMint
Doggett
Doyle
Duncan
Ehlers
Ehrlich
English
Ferguson
Filner
Flake
Fossella
Frelinghuysen
Graham
Grucci
Hall (OH)
Hayworth
Hoekstra
Holt
Horn
Hostettler
Istook
Keller
Kelly
Kind (WI)
Kleczka
Kucinich
Linder
LoBiondo
Luther
McInnis
Meehan
Miller (FL)
Morella
Pallone
Payne
Petri
Portman
Ramstad
Rivers
Rohrabacher
Rothman
Roukema
Royce
Scarborough
Sensenbrenner
Shadegg
Shaw
Shays
Smith (NJ)
Stark
Stearns
Stump
Sununu
Tancredo
Taylor (MS)
Taylor (NC)
Tiberi
Tierney
Toomey
Wamp
Waters
Weiner

NOES—341

Abercrombie
Ackerman
Aderholt
Allen
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barton
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Carson (IN)
Carson (OK)
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Dreier
Dunn
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Honda
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Capuano
Jones (OH)
Lewis (CA)
Lewis (GA)
Manzullo
Paul
Turner

□ 1828

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

Mr. TAYLOR of North Carolina changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 220, I was unavoidably detained. Had I been present I would have voted "no."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, 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. SIMPSON) having assumed the chair, Mr. GOODLATTE, 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. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 183, 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.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 16, not voting 3, as follows:

[Roll No. 221]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
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
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
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
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
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)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
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
LaTourette
Leach
Lee
Levin
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
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
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
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—16

Bass
Cox
Crane
Doggett
Flake
Green (WI)
Hefley
Hostettler
Rohrabacher
Royce
Scarborough
Sensenbrenner
Shays
Stark
Tancredo
Toomey

NOT VOTING—3

Capuano
Lewis (CA)
Paul

□ 1848

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following resignation as a member of the Committee on Standards of Official Conduct.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2001.

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

DEAR MR. SPEAKER: I am writing to submit my resignation from the Committee on Standards of Official Conduct.

I will consider my resignation effective immediately.

Sincerely,

ROB PORTMAN,
Representative.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. WALDEN of Oregon. Mr. Speaker, I offer a resolution (H. Res. 187) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 187

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

Standards of Official Conduct: Mr. Hulshof.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Without objection, and pursuant to section 303(a) of Public Law 106–286, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN of Michigan
Ms. KAPTUR of Ohio
Ms. PELOSI of California
Mr. DAVIS of Florida.

There was no objection.

COMMUNICATION FROM THE HON. STEPHEN E. BUYER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable STEPHEN E. BUYER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 11, 2001.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a civil subpoena for documents issued by the Superior Court for Allen County, Indiana in a civil case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to advise the party who issued the subpoena that I have no documents that are responsive to the subpoena.

Sincerely,

STEPHEN E. BUYER,
Member of Congress.

TRIBUTE TO THE LATE JUSTICE STANLEY MOSK

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

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Justice Stanley Mosk, a justice of the California Supreme Court, who died a couple of weeks ago after 37 years on the California Supreme Court.

He was remembered at his funeral service for what speaker after speaker called his ''legacy of justice.'' Stanley Mosk was the only Democrat on the State High Court and a very progressive member. He died in San Francisco.

He was my neighbor and he was my friend. Our colleague, the gentleman from California (Mr. SCHIFF), will be speaking more specifically about Stanley Mosk's contribution to the law in California and our country. I want to speak briefly about him personally.

Stanley Mosk was a genius. He was a great tennis player. He took great pride in that. He might have wanted that to be first. He was a great family person. Of course, that did come first. He was a person of such great intellect that his decisions when he wrote them were the subject of great admiration and study by law students and admired by those who followed the law. He will be greatly missed in San Francisco, where the supreme court resides in California.

He was the first person elected statewide in California, when he ran for office many years ago, the first person of the Jewish religion ever elected. Once and for all, he settled that issue. Because of Stanley Mosk, Jewish candidates know that their religion is not a factor in elections in this great State. Indeed, if they were a factor at all, it is a plus.

With that, Mr. Speaker, I want to mention further that it is said of him that many people learned much about pain and much about joy from him.

Stanley Mosk did not want to retire. He went home, he was with his family, but he planned to retire in the fall. So, if I am hesitant about this, it is with

great sorrow that I tell our colleagues that Stanley was vigorous to the end, of course, with his great and powerful intellect, benefiting all of us to the end.

His plan was to retire in the fall. That was not in the cards for him. God took him sooner. But I want his family to know that many of us in the Congress mourn his passing, and I hope it is a comfort to them that so many people share their grief, but also their great pride in California Justice Stanley Mosk.

PLIGHT OF PUBLIC HOSPITAL SYSTEMS IN NATION

(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, this evening I would like to talk about the plight of the public hospital systems in this Nation, and use as an example my own public hospital system, the Harris County Hospital District.

First of all, let me applaud the district for being such a vital part of our community, both in times of need and in times of tragedy. In particular over the last couple of weeks, it is the Harris County Hospital District that has stood up under the burden of Tropical Storm Allison. When any number of our private hospitals were closed, the Harris County Hospital District had its doors open. The trauma center, the Trauma 1 Emergency Center, was available for those who were in need. Now this hospital district is in need, and we need to rally around it to support it.

First of all, there is an enormous nursing shortage, as we well know, throughout this Nation. We must find ways to enhance and grow nurses, as well as provide opportunities for existing nurses who are immigrants to come in and provide assistance.

Furthermore, we must address the funding issue that plagues the Harris County Hospital District as it relates to the formula utilized for Medicaid dollars in this Congress. I hope that my colleagues on several committees that I will be approaching, along with Members of the United States Senate, can help us assist in obtaining additional funding, at least providing some minimal relief to the Harris County Hospital District, but addressing the need across the Nation for our public hospital systems. I applaud them and thank them for their service to the health needs of America.

TRIBUTE TO THE LATE JUSTICE STANLEY MOSK

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

Mr. FARR of California. Mr. Speaker, I rise tonight to speak on the memorial of Justice Stanley Mosk. Many of you know that as a fifth-generation Californian, born in San Francisco, where Stanley Mosk died, that he was a giant among supreme court Justices in the United States. He left a legacy of justice in California, having served on the supreme court in that State for 37 years.

I knew him as a lawyer. My father was in the State legislature and was very close to the Mosk family and to the Pat Brown family. Governor Pat Brown appointed him to the bench.

The tragedy of his loss is that one of the greatest legal minds of this century served in all of that time when California was emerging as a State, growing to be the incredible nation-state that it is, and the California Supreme Court rose to, I think, in respect probably the highest among all State supreme courts in the United States. Stanley Mosk led that drive. It is a great tragedy that we lost him before we could totally record all of his memories, but his legacy will live on in the history of California. He was one of the men that matched our mountains.

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.

REMEMBERING THE HONORABLE STANLEY MOSK

The Speaker pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I want to thank my colleagues for their kind remarks.

Mr. Speaker, I rise today to pay my deepest respects to the memory and legacy of California State Supreme Court Justice Stanley Mosk, a longstanding champion of civil rights and free speech, who passed away in his home on June 19, 2001, at the age of 88. Justice Mosk loved serving on the court and had very reluctantly decided to retire due to his advancing age. Sadly, Justice Mosk died on the day he was to submit his resignation to the Governor of California.

I first learned of Justice Mosk as a law student in the 1980s when I studied his opinions as required reading at Harvard Law School, along with the opinions of Justices Tobriner and Traynor. Traynor, Tobriner and Mosk were the giants of the California courts. They were the three gentlemen who made the California court, in many people's view, many scholars around the country, truly the highest court in the land.

Justice Mosk served 37 years on that court, the longest of any justice, and served with remarkable productivity, authoring 1,688 rulings. Smart, eloquent and principled, he had a magnificent record of upholding and expanding the rights of individuals.

Born on September 4, 1912, in San Antonio, Texas, Stanley Mosk was educated in public schools in Rockford, Illinois, and attended the University of Chicago Law School, earning his J.D. from Southwestern University in Los Angeles.

He was elected to serve as California attorney general in 1959 after campaigning in which he overcame tactics making his religious faith as a Jew an issue, and won by more than a 1-million-vote margin over his opponent, the largest majority in any contest in America that year. He was overwhelmingly reelected in 1962.

As attorney general for nearly 6 years, he issued approximately 2,000 written opinions, appeared before the U.S. Supreme Court in the Arizona v. California water case, and other landmark matters. He served on numerous boards and commissions, handled antitrust matters, constitutional rights, consumer fraud, investigative fraud, authoring some of California's most constructive legislative proposals in the field of crime and law enforcement.

□ 1900

He established the Attorney General's Civil Rights Division and fought to force the Professional Golfers Association to amend its bylaws denying access to minority golfers.

Governor Pat Brown appointed Mosk to the California Supreme Court in 1964. I note with pride that the late Senator Sam Ervin of North Carolina, on the floor of Congress on August 5, 1964, referred to Mosk as ''one of the finest constitutional lawyers in the United States.'' While on the court, Justice Mosk authored decisions that presaged decisions later reached by the U.S. Supreme Court. Mosk, as a superior court judge in 1947, overturned a restrictive covenant that had prevented African Americans and other minorities from moving into particular neighborhoods a year before the United States Supreme Court voided such covenants. He wrote a 1978 decision barring prosecutors from using preemptory challenges to eliminate minority or female jurors in criminal cases, a trailblazing ruling that later became Federal constitutional law when the U.S. Supreme Court reached the same conclusion 8 years later.

Mosk, as commentators have noted, was consistent in upholding the rights of individuals. He detested quotas and led the court majority in striking down admission formulas used by the medical school at the University of California at Davis. ''Originated as a means of exclusion of racial and religious minorities, a quota becomes no less offensive when it serves to exclude a racial majority,'' he wrote. Personally opposed to the death penalty, Mosk nonetheless upheld the law in capital cases.

As the Sacramento Bee columnist Peter Schrag has eloquently noted, Justice Mosk exhibited a ''combination of judicial creativity and practical sense that produced a string of imaginative legal departures.'' Among those

imaginative legal departures, as Schrag notes, are decisions that handicapped parents could not be stereotyped and automatically ruled unfit to raise their children; that victims of a pharmaceutical drug who could not identify the specific maker of the pharmaceutical product they consumed could collect damages from all manufacturers in proportion to their market share when injured; and upholding State law requiring private owners of tidelands to permit public access.

As the Sacramento Bee recently editorialized, ''Mosk's greatest contribution to the law and rights was pioneering the theory of 'independent state grounds.' The rights of the people were lodged not just in the Bill of Rights and transitory interpretations of the Supreme Court majority,'' Mosk argued. ''They were embedded as well in State Constitutions, which sometimes offered greater protection to individuals than the minimum required by the Federal courts. The doctrine, widely adopted by State courts around the country, is the source of many path-breaking privacy rulings and has given States the chance to become agents for legal change.''

Justice Mosk is survived by his wife, Kaygey Kash Mosk; his son, Richard; and his grandson, Matthew Mosk, is in attendance in the House gallery here tonight. To them, I want to extend my sincere condolences and, as the gentlewoman from California (Ms. PELOSI) indicated, all of our sincere pride in the work of that great man. As the Sacramento Bee editorialized so appropriately, Justice Mosk was ''California's brightest beacon of liberty.'' While his life has ended, his legacy shines brightly for all Californians and for our great Nation.

CRISIS IN KLAMATH RIVER BASIN

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise tonight to again talk about the saga of the Klamath Basin and the farmers who have lived there and tilled the ground and fed the Nation.

As my colleagues know, Mr. Speaker, on April 6, they cut off the water. They said, no water for the farmers this year; the suckerfish would prevail. Mr. Speaker, word is finally getting out about this crisis. There have been stories in The New York Times, and today in the Washington Post there is a story. It has been on Fox News and other networks, CNN and others, who are beginning to cover this story and the tragedy that is occurring at ground zero of the Endangered Species Act debate.

Today, in the Washington Post, Michael Kelly, a columnist, writes, ''The Endangered Species Act has worked as intended, but it has been exploited by environmental groups whose agenda is to force humans out of lands they wish to see returned to a prehuman state. Never has this been made more nakedly, brutally clear than in the battle of Klamath Falls.''

Mr. Speaker, I want to read today from a couple of letters I have received from constituents. These folks, Bill and Ethel Rust wrote, ''We have not written sooner as shock and disbelief have kept us almost immobilized and so sick at heart.

My husband is 76 years old and a Navy veteran of World War II, having lost a brother in this war. We have been ranchers our entire life and depended on this for our livelihood. We are still in shock that our own government has taken this away from us. We recently retired to a small 75-acre alfalfa ranch that was just perfect for us to handle at our age, and you have just destroyed it. Without water, our alfalfa is dying. What are we to do to replace this income? Is the suckerfish more important to you than we are? Having raised nine children to be hard workers and contributors to our society, are we now to apply for welfare or live off our children?

''We have sold our cattle. We are in the process of selling our horses. After a lifetime of getting up in the morning to care for our livestock and ranch chores, what would you suggest we do with our mornings? What reason do you give us to get out of bed?

''We need the help of our government. Will we get that?''

Mr. Speaker, this is typical of hundreds, if not thousands of letters I have received from the people of Klamath Falls.

Mr. Speaker, as my colleagues know, this House, prior to the July 4 recess, passed $20 million in aide to the farmers and ranchers of Klamath Basin, and the Senate has now approved that. It will be in conference next week, and soon it should be on the President's desk.

Mr. Speaker, today I had the opportunity to speak with President Bush personally about the crisis in the Klamath Basin and he offered his help and urged me to continue to contact and work with Secretaries Norton and Veneman. So later this afternoon, I spoke with Secretary Veneman, Agriculture Secretary, about the problem. Because, Mr. Speaker, the word is getting out, and now the help must get in. Good people are being urged to do bad things, as frustration levels rise in the Klamath Basin. Twenty million dollars, Mr. Speaker, that will be available to these farmers and ranchers in the Klamath Basin sooner rather than later if the U.S. Department of Agriculture acts expeditiously to get these funds that we have approved in this Congress into the hands of farmers whose fields are drying out.

The land, instead of green, is parched and brown. Wind is stirring up the dust. The costs continue. Mortgages have to be paid. Equipment payments have to be met. Bankers are knocking on the door. People are scared. Their livelihoods are at stake.

We need also to work with USDA to get feed and water for livestock. Literally, a crisis is at the doorstep. We also need in the long term, which has to be shorter, rather than longer, to improve water quality, but moreover, improve water quantity; to get biological opinions for next year's operations plan that are above question that have been blind peer-reviewed so we know the science is valid but, moreover, the conclusions are sound, so that we can open the gates legally and get water into the fields and the farms for the people of the Klamath Basin.

Mr. Speaker, we have a crisis on our hands, a crisis that is getting worse, not better, as people's frustration levels rise, not fall. They need our help, Mr. Speaker. They need help in us changing the Endangered Species Act. They need help financially; but most of all, they need the water they were promised so that next year they can plant the crops like they have for the past 85 years.

Mr. Speaker, I want to thank my colleagues in the Oregon congressional delegation, members of both parties, for working with me on this issue, for helping secure the $20 million. It is a start, but it is not the end. It must be distributed rapidly and not parceled out over the months. We need to act.

It took an overnight to cut off the water; it cannot take months to get relief to these same people.

Mr. Speaker, these people who settled this country were invited there by this Federal Government with the promise of land and water if they would simply homestead the land and produce food for the country. People who were invited to this area were the very people who fought for our freedom in a far-off land. Veterans of America's Armed Forces were given priority. It is our turn now, Mr. Speaker, to step up and take care of those people.

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.)

PROBLEMS IN AMERICAN AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, today we passed an appropriations bill for agriculture. Let me first spend a second giving my impressions of the predicament that American agriculture is now facing.

On a level playing field, American agriculture could compete favorably with most any other country in the

world on most any of the commodities that we produce. Part of the challenge in our Federal agricultural policy is the fact that other countries subsidize their farmers much more than we subsidize our farmers in this country. So, for example, Europe subsidizes five times as much as we do, and the consequences are that the additional production from those farmers and in those countries that are heavily subsidized often take what would otherwise be our markets to sell our particular agricultural products. Farmers today face some of the lowest commodity prices they have seen in the last 15, 20, 25 years, depending on the particular commodity.

So as we try to develop agricultural policy in the next several weeks for what is going to partially determine the destiny and, in many cases, the survival or bankruptcy or going out of business of many farmers in the United States, we need to look at how we spend Federal taxpayer dollars to most effectively, number one, assure that the agricultural industry that we want to keep in America stays here and is able to survive; number two, that still the marketplace and those individual farmers that are efficient and productive tend to have the kind of incomes that are going to allow them and their families to stay on that family farm operation.

One of the amendments I had today on the agricultural appropriations bill was an amendment that would put a payment limitation on farmers. We are now seeing a situation where our farm programs, our Federal farm policy, since we started it in 1934, has tended to favor the large farmers. The result is that those large farmers, with the additional advantage of Government payments, ended up trying to buy out the smaller farms and became even larger. If there is some merit in having a Federal agricultural policy that helps the traditional family farm survive without giving, then it is going to be a situation that does not give an additional advantage to the huge, large farmer.

Some farmers in the loan program, the price support program for commodities that we have as part of our Federal farm policy, still continue to favor that large farmer. The average farm size in the United States is about 420 acres. To exceed the current limits in law of not more than $75,000 per farmer in this loan, minimum price protection policy that we have, we see a lot of farmers now that have gone way over the average of 420 acres. We have 20, 30, 40, 50, 60, 70, 80,000 acre farms.

□ 1915

Because we have no limit on the price support of those farmers, then some of these farms are taking in $1 million, or some of these farmers are taking in $1 million-plus in farm payments.

As we face the predicament of trying to be as frugal and as well-managed as we can on the available resources in this country, we need to look at the kind of policy that does not continue to favor those large farmers, and putting a real limit on how much taxpayers should be paying to any farmer should be part of that consideration.

I am disappointed that my amendment today was ruled out of order, but it is an issue as we start developing new farm legislation that we have to deal with in terms of assuring not only that we have the kind of agricultural production in this country that is not going to put us at a security disadvantage, and I use the comparison of oil.

In concluding, Mr. Speaker, we are now dependent almost 40 percent on imported energy from petroleum products. We have seen the power of OPEC in raising their prices and making us pay the higher price.

That same thing could happen to agriculture, so the decisions we make in agricultural policy are extremely important. Favoring the traditional family farm and not favoring the huge farm corporations must be part of our agricultural agenda.

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMALL BUSINESS REFINERS' COMPLIANCE WITH THE HIGHWAY DIESEL FUEL SULFUR CONTROL REQUIREMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, at the beginning of this year, on January 18, 2001, the Environmental Protection Agency, EPA, implemented heavy-duty engine and vehicle standards and highway diesel fuel sulfur control requirements.

I strongly supported the final rule by the EPA as a necessary tool to reduce pollution. Under this new regulation, oil refiners must meet rigorous new standards to reduce the sulfur content of the highway diesel fuel from its current level of 500 parts per million to 15 parts per million by June, 2006. The diesel rule goes a long way in reducing the amount of pollution in our air.

Small business refineries produce a full slate of petroleum products, including everything from gasoline to diesel to jet fuel to asphalt, lube oil, and specialty petroleum products.

Today, among the 124 refineries operating in the United States, approximately 25 percent are small independent refineries. These small business refineries contribute to the Nation's energy supply by manufacturing specific products such as grade 80 aviation fuel, JP4 jet fuel, and off-road diesel fuel.

In order for oil refineries to comply with the new rule, the Environmental Protection Agency estimated capital costs at an average of $14 million per refinery. This is a relatively small cost for major multinational oil companies, but for smaller refineries this is a very high capital cost that is virtually impossible to undertake without substantial assistance.

Small business refiners presented information in support of this position to EPA during the rule-making process. In fact, EPA said that small business refiners would likely experience a significant and disproportionate financial hardship in reaching the objectives of the diesel fuel sulfur rule.

There is currently no provision that helps small business refiners meet the objectives of the rule. That is why I am introducing a tax incentive proposal that would provide the specific targeted assistance that small refiners need to achieve better air quality and provide complete compliance with EPA's rule.

A qualified small business refiner, defined as refiners with fewer than 1,500 employees and less than a total capacity of 155,000 barrels a day, will be eligible to receive Federal assistance of up to 35 percent of the costs necessary, through tax credits, to comply with the highway diesel fuel sulfur control requirements of the EPA.

Without such a provision, many small business refiners will be unable to comply with the EPA rule and could be forced out of the market. Individually, each small refiner represents a small share of the national petroleum marketplace. Cumulatively, however, the impact is substantial. Small business refiners produce about 4 percent of the Nation's diesel fuel, and in some regions, provide over half.

Small business refiners also fill a critical national security function. For example, in 1998 and in 1999, small business refiners provided almost 20 percent of the jet fuel used by the U.S. military bases. Small business refiners' pricing competition pressures the larger integrated companies to lower prices for the consuming public. Without that competitive pressure, consumers will certainly pay higher prices for the same products.

Over the past decade, approximately 25 United States refineries have shut down. Without assistance in complying with the EPA rule, we may lose another 25 percent of U.S. refineries.

This legislation is critical, not because small business refiners do not want to comply with the EPA rule due to differences in environmental policy, but because it will help keep small business refiners as an integral part of the industry and on the way to cleaner production and full compliance with all environmental regulations.

SENATE MANAGED CARE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise tonight to encourage our House leadership to bring the Patients' Bill of Rights to the floor as soon as possible, hopefully next week.

The Senate took historic steps before the July 4 recess to pass a bipartisan, meaningful Patients' Bill of Rights. The McCain-Kennedy compromise legislation includes strong patient protections that will ensure high quality health care for millions of Americans with private health insurance coverage.

These protections include:

Access. Patients will be able to go directly to specialists. Women have the right to go to their OB-GYNs, and children directly to their pediatricians.

Communication. The Senate bill eliminates gag clauses which prohibit doctors from discussing all the treatment options, even those not covered by the plan, with their patients.

Emergency room care for patients who reasonably believe that they are suffering from an emergency medical condition, so they do not have to drive by an emergency hospital to go to the one that is on their list.

Internal-external appeals, which ensures that patients have access to timely and appropriate health care.

And probably the most important is accountability if an HMO's denial or delay of treatment causes a person's injury or death.

Many critics of this legislation say it would result in an onslaught of frivolous and expensive litigation, but this compromise bill also included many provisions to prevent such lawsuits from taking place.

For example, the legislation requires patients to exhaust all their appeal procedures before they can sue their health plan. By requiring that patients utilize an independent review panel, the bill makes sure that medical decisions are made in the best interests of medical practice in a timely manner.

In my home State of Texas, we have been using independent review organizations, or IROs, as we call them, to resolve HMO and patient coverage disputes since 1997, 4 years. These IROs are made up of experienced physicians who have the capability and the authority to resolve disputes for cases involving medical judgment.

These provisions have been successful not only because they protect patients, but also because they protect the insurers. Plans that comply with the independent review organization's decision cannot be held liable for punitive damages if they do go to court.

This plan has worked well. Since 1997, more than 1,000 patients and physicians have challenged the decisions of HMO plans. The independence of this process is demonstrated by its fairly even split. Of this about 1,000 appeals, in only 55 percent of these cases did the IRO fully or partially reverse the decision of that HMO.

The Senate legislation protects employers from unnecessary litigation.

Let me go back to the independent review organizations. Fifty-five percent of the time, these IROs found that there was something wrong with the HMO's decision. I would hope that our medical decisions have a better percentage than to flip a coin, so in 55 percent of the cases in Texas, either partially or totally the HMO was reversed by the independent review organization.

The bill goes so far because it protects employers against any liability unless they are directly participating in the decision on a claim for benefits which result in personal injury or death.

The bill specifically lists a number of areas that are not considered direct participation. In other words, as an employer, one could select the health plan, choose benefits to be covered under the plan, buy a Cadillac plan or a Chevrolet plan, and the employer would not be sued for that, or for advocating with the health plan on behalf of the beneficiary for coverage.

I know in my own experience as a small business, oftentimes my biggest problem was advocating for our employees with our health insurance plan to say it should be covered.

The only case where an employer would be liable would be if they choose to make medical decisions which harm or kill a patient. If the employer acts like a doctor, then the McCain-Kennedy bill hold them responsible like a doctor.

Mr. Speaker, I mentioned earlier, we have had many of these same provisions in Texas law now for 4 years. Yet, we have not seen a barrage of frivolous lawsuits, nor have insurance premiums risen at a faster rate than anywhere else in the Nation.

Mr. Speaker, the Dingell-Ganske bill here in the House is very similar to the McCain-Kennedy bill, which is very similar to a law that we have had on the books in Texas for 4 years. It contains many of the same compromise provisions, which at the same time ensure that these protections can be enforced.

It is time that the House followed suit and passed a real, meaningful, strong, bipartisan Patients' Bill of Rights. I urge the leadership not to delay in bringing the Dingell-Ganske bill to the floor for a vote.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GENERAL LEAVE

Ms. WATSON of California. Mr. Speaker, I ask unanimous consent that Members have 5 days to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

THE LEGACY OF CALIFORNIA STATE SUPREME COURT JUSTICE STANLEY MOSK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Mr. Speaker, today I stand before this august body to pay tribute to a superb colleague, friend, and fighter for justice, the late Honorable California State Supreme Court Justice Stanley Mosk.

As a State Supreme Court Justice, Stanley Mosk fought repeatedly for civil rights and individual liberties. He constantly strove for fairness for all Californians. Judge Mosk did not view his judicial task as a job, but as a mission for humanity. Judge Mosk understood the pain of racism.

It was during his election to statewide office that his faith was made an issue. Judge Mosk, as a Los Angeles Superior Court judge, threw out a restrictive real estate covenant that prevented a black family from moving into a white neighborhood. A year later, the U.S. Supreme Court voided such covenants.

It was Judge Mosk's ability to relate to the pain caused by racism that allowed him to approach legal decisions with a touch of humanity and fairness.

Even before his career as a judge, Mosk had the ability to tell the difference between right and wrong. As a State Attorney General in the late 1950s and early 1960s, he established the office's civil rights division, and helped to persuade the Professional Golfer's Association to drop its whites-only rule.

Judge Mosk, a longtime Democrat and self-described liberal, was appointed to the State's highest court in 1964 and served until his death, a 37-year tenure that made him the State's longest-serving Justice. During that time, he wrote 1,500 opinions.

Judge Mosk often produced opinions separate from the court majority. He opposed the death penalty, but also showed flexibility and a knack for anticipating political currents. His decisions continued to reflect his quest for fairness and the desire to correct existing wrongs.

In 1972, Judge Mosk's ruling extended to private developers a law requiring a study of each major project's likely environmental impact and ways to avoid the harm.

□ 1930

In 1978, Judge Mosk ruled to ban racial discrimination in jury selections.

He rendered this decision 8 years before the U.S. Supreme Court made the same decision. In light of his judicial decisions and opinions, Judge Stanley Mosk remained a champion for fairness and humanity.

Today, I am honored as a Californian and as a former State Senator to pay homage to the career and the legacy of this great man.

Ms. WATERS. Mr. Speaker, I speak today to honor a man who was a tribute to his court, his state, and his nation. Justice Stanley Mosk of the California State Supreme Court leaves behind a legacy of his strong belief in civil rights and free speech. It is my hope that Governor Gray Davis will seek out another advocate for the people to step into Justice Mosk's shoes.

Justice Mosk will be remembered for many things. He was often on the forefront of legal issues. Back in 1947, when he was a judge on the Los Angeles Superior Court, Justice Mosk threw out a racially restrictive covenant that prevented a black family from moving into a white neighborhood. That case, *Wright* v. *Drye*, came out a year before the United States Supreme Court made its own similar decision in *Shelley* v. *Kramer*.

In 1978, Justice Mosk again led the U.S. Supreme Court in ground-breaking decisions. In that year, he ruled for a ban on racial discrimination in jury selection. The U.S. Supreme Court waited eight years before making the same ruling.

Justice Mosk promoted civil rights from an early stage in his career. While serving as the California State Attorney General in the late 1950s and early 1960s, Justice Mosk established the office's civil rights division. He also successfully fought against the Professionals Golfers' Association bylaws that denied across to minority golfers. Justice Mosk went further than that—actually contacting each state's attorney general on this matter, to ensure that no state would provide the PGA with a place to hide. Charlie Sifford, the African-American golfer whose cause Justice Mosk took up, sent a note to the Mosk family after hearing of Justice Mosk's death.

Justice Mosk worked to improve voting rights long before the disasters that occurred in last year's election. He fought successfully for Latino voting rights in the 1960 election in Imperial Valley. He did what we should do in our present day elections—he sent agents down to the Valley to be sure that the voters weren't being intimidated.

Justice Mosk was also an extremely productive judge, producing nearly 1700 rulings during his tenure on the California State Supeme Court.

The State of California has lost not only a great justice and strong advocate, but a true legacy. His presence will be missed by those who worked with him, and his absence will be felt by those on whose behalf he worked.

Ms. MILLENDER-McDONALD. Mr. Speaker, I wish to pay tribute to a renowned man who has had a tremendous impact on our country. ''Libertas per Justitiam''—Liberty through Justice, was a phrase that Justice Mosk had sewn into the collar of his judicial robes. It is a fitting inscription for a man who embodied the phrase so completely. We come today to reflect on the life and legacy of Justice Stanley Mosk of the California Supreme Court. Justice Mosk spent more than half a century on the bench, including 37 years as a justice of the California Supreme Court. During his time on the bench, Justice Mosk dedicated his life to ensuring and protecting individual rights for the people of California. He remained steadfast in his liberal views, despite serving the last fourteen years as the only liberal on the high court.

Justice Mosk's distinguished career began immediately after law school with his own private practice from 1935 to 1939. He then became Executive Secretary to the Governor, and later served as Attorney General of California for nearly six years before his tenure on the bench. Despite the often-contradictory opinions of his colleagues, Justice Mosk never backed down from what he believed to be fair and just.

I would like to take a moment to highlight a couple of his important achievements. In 1947, as a Los Angeles Superior Court judge, he struck down as unconstitutional the racially restrictive real estate covenants used to prevent minorities from buying houses in certain neighborhoods. When he became Attorney General in 1958, he fought to eradicate the Professional Golfers Associations whites-only clause, which prohibited minorities from being a part of the PGA. Justice Mosk remained an unassuming and unpretentious man who took pride in his judicial activities as well as his civic activities. For instance, he was involved actively with the problems of children who could not live with their families, as the president of the Vista Del Mar-Child Care Agency.

Justice Mosk served the state of California until the day before he died, and with his death, the state of California lost what many considered to be a true champion of justice. Justice was not only his well deserved title, but was also characteristic of his personal mission—to find fairness in a world filled with injustice. As a devoted liberal, his eloquence and principles shined through his work on the court. Among his many great contributions he will be remembered for pioneering the theory of ''independent state grounds.'' This is the source of many path-breaking state privacy rulings and has given states the chance to become agents for legal change.

Mr. Speaker, I am proud to stand here today to honor Justice Stanley Mosk, a glorious man who has left an indelible impression on our state and our country. Through his body of accomplishments his passion for justice shall live beyond his tenure on earth. His family, friends, colleagues, and the state of California will miss him dearly.

Mr. BERMAN. Mr. Speaker, I rise today to honor Justice Stanley Mosk, who died last month after serving 37 years on the California Supreme Court. He was California's longest serving Justice, a highly respected, even revered judge who delivered almost 1,700 opinions in his remarkable career. He was repeatedly honored for his contributions to the caliber of our judiciary and the quality of justice meted out by our courts in California. He was a distinguished lawyer, a renowned author and an outstanding jurist.

I have had the honor of knowing Justice Mosk and his family for many years and he was, to me, one of those special people who had a profound influence on my political life. He was a tremendously impressive individual who embodied a unique combination of political savvy and legal scholarship with an abiding commitment to justice.

From 1939 to 1942 he served as executive secretary and legal adviser to the Governor of California, and for the 16 years from 1943 to 1959 he was a judge of the Superior Court in Los Angeles. After serving in the Coast Guard Temporary Reserve during the early days of World War II, Judge Mosk left the Superior Court bench and enlisted in the army as a private. He served until the end of the war and then returned to the court.

In 1958, Mosk was elected Attorney General of California with more than a million vote margin over his opponent, the largest majority of any contest in America that year. He was overwhelmingly re-elected in 1962.

He was the first person of the Jewish faith to be elected to a statewide office after a campaign in which his religion was made an issue and his decisive victories were enormously important to Jewish candidates who followed him into public service, because it established the fact that their religion would not be a factor in California elections.

He was appointed to the state's high court in 1964 by then-Governor Pat Brown. Justice Mosk loved being on the court and hated the thought of retirement, but fearing that his age was slowing him down, he had reluctantly decided to step down this year. He died the day he planned to submit this resignation letter to Governor Davis.

Justice Mosk fought doggedly for civil rights and individual liberties. He threw out restrictive real estate covenants that kept black families out of white neighborhoods and opened professional golf to nonwhites. He barred prosecutors from removing jurors on racial grounds. He declared that handicapped parents could not be stereotyped and automatically disqualified from raising their own children.

He was revered for his independence as well as his intelligence, his dedication to equal justice and his wisdom and common sense.

In November of 1998, Justice Mosk offered this list of his top priorities should he be reelected to the Supreme Court: (1) Properly apply the law, (2) Independence and impartiality, and (3) Justice. He can be no better eulogized than by this short list, which be honored throughout his brilliant career. I ask my colleagues to join me today in paying tribute to Justice Stanley Mosk, a legal giant of California.

COUNTRY-OF-ORIGIN LABELING FOR FARM-RAISED FISH

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, the farm-raised catfish industry is an important part of the economy in my congressional district that covers the southern third of Arkansas. In fact, Arkansas is third in catfish sales in the Nation, behind only Mississippi and Alabama, with nearly $66 million, or 13 percent, of the total U.S. sales.

I recently met with catfish farmers in southeast Arkansas, and I can tell my colleagues that catfish producers in my district are upset that so-called catfish are being dumped into our markets from Vietnam and sold as farm-

raised catfish. The truth is that it is not farm raised, and I am not even sure it is catfish. Last year, imports of Vietnamese catfish totaled 7 million pounds, more than triple the 2 million pounds imported in 1999 and more than 12 times the 575,000 pounds imported in 1998.

In Vietnam, these so-called catfish, also known as basa, can be produced at a much lower cost, due to cheap labor and less stringent environmental regulations. In fact, many of these fish are grown in floating cages in the Mekong River, exposing the fish to pollutants and other conditions. They are then dumped into American markets and often marketed as farm-raised catfish. Many catfish producers believe that these imports have taken away as much as 10 percent of our markets here at home.

It is really quite simple. Farmers do not mind competition, but they do mind when the competition is unfair and untruthful. This is why today my colleagues, including the gentleman from Arkansas (Mr. BERRY), the gentleman from Mississippi (Mr. SHOWS), and the gentleman from Mississippi (Mr. PICKERING) introduced, along with me, a bipartisan bill, H.R. 2439, the Ross-Berry-Pickering bill, that would amend the Agricultural Marketing Act of 1946 to require retailers to inform consumers of the country of origin of the fish that they sell.

Under the bill, all fish would be covered. Each retailer would be required to notify the consumer at the final point of sale of the country of origin of the fish. And a fish product could only be designated as being from the United States if it is from a farm-raised fish that is exclusively born, raised, and processed in the United States.

When our consumers go into the store and ask for farm-raised catfish, they deserve to know what they are getting is actually farm raised and catfish. By letting consumers know where the product is coming from, this bill will encourage the people in Arkansas and all across America to buy catfish grown by our farm families, not fish grown in a polluted river in another country.

I urge my colleagues to join me in protecting consumers and to support a level playing field for America's farm-raised fish producers by supporting this measure.

TRIBUTE TO THE LATE JUDGE STANLEY MOSK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, I want to take this opportunity to join others from our California delegation in paying tribute to the memory of Justice Stanley Mosk; to salute his career and the legacy that he has left for the people of California and for the people of this country.

Justice Mosk was in public service for 60 years. He was a trial judge on the Superior Court of Los Angeles. He served as the Attorney General for the State of California. He was the longest serving member in the State Supreme Court's 151 year history. He served on the court for 37 years under five chief justices until his death at the age of 88 on June 19. During that period of time, he wrote almost 1,700 opinions, including landmark rulings that established new precedents in civil and criminal law.

I also want to speak not just to the accomplishments and positions that Justice Mosk held, but to the fact that in this country we now take for granted that people from different racial and ethnic groups serve in public office. It is not surprising to people any longer to see people of different ancestry being out front as public officials. Last year, when Senator JOE LIEBERMAN ran on the national ticket for vice president, it was a first, but it really brought about no particular reaction in the country one way or the other. He was judged as an individual on his candidacy, on his program, and on his service.

Well, when Stanley Mosk ran for office as the first American Jew running for statewide office in California, people were very nervous about his candidacy. In those days, American Jews were very active in politics, they were active in public service, but there was an enormous hesitancy to run for public office, to be out front in public office and to be in a visible position. When Justice Mosk ran for Attorney General, there was a lot of concern and trepidation about his candidacy, but he was elected with the largest majority of any of the candidates in that year.

Those of us who are Jewish and from California looked at his career and his accomplishments with an enormous sense of pride because he lived up to the highest standards of anybody in public office. He was a forerunner for people of Jewish background and religion to be in public office, and now it is not unusual at all. When I ran, over 25 years ago, for the House of Representatives, even as of that recent time, I was the first Jewish American to be elected ever in Southern California, and the first one in the State of California in 40 years.

I think that the fact that we have American Jews in districts with large Jewish populations and States with no Jewish populations to speak of is a tribute to America. But it is also because of the role that a man like Stanley Mosk played because when he took the positions that he took as a judge, as the Attorney General, as a justice of the State Supreme Court, he remembered that he was a forerunner for other Jews and he remembered also that other Americans of various minority backgrounds were going to be faced with hurdles and his knowledge of that fact led him to be a champion of civil rights and individual liberties.

I will not reiterate all the accomplishments, the policies that he set out. Some of my colleagues have done so in their remarks today. But I do want to note for everyone that Justice Mosk stands as a giant in the judicial field and as a great public servant for the State of California in every capacity in which he held that position. He was a mentor to a whole generation of Jewish activists, and he will be well remembered and sorely missed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to refer to individual Senators.

AMERICA'S ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 60 minutes as the designee of the minority leader.

Mr. DEFAZIO. Mr. Speaker, this evening I rise, hopefully to be joined by others, to discuss the energy situation in the United States of America. It was James Watt, when President Bush unveiled the national energy policy, so-called here in this blue book, who said, ''Well, they just took out my work of 20 years ago.'' This is James Watt, mind you, not exactly an enlightened individual when it comes to present-day energy policy. He said, ''They just dusted off my work of 20 years ago. It is really good work.'' A 20-year-old energy policy for the 21st century?

Well, after I read through it, upon hearing Mr. Watt's comments, I would observe it a little differently. I would say this is not James Watt's energy policy of 1980, this is actually our father's energy policy. It is much more 1950s energy policy. It is Dick Cheney's energy policy, and it reflects a bygone era of limitless frontiers, dig, drill, and burn. It is not and does not offer America a new sustainable and more affordable energy path to the next century.

So we will be talking about that a bit tonight, about electricity, electric deregulation, and other subjects. But before I go there, I would like to recognize the gentlewoman from California who introduced important legislation today in the area of our future energy supply to talk a bit about her proposal.

Ms. WOOLSEY. Mr. Speaker, I want to thank my colleague from Oregon for organizing this special order tonight because the timing is absolutely perfect. We have just returned from the July 4 district work period and House committees are gearing up to tackle energy policy.

Since passing the national Energy Policy Act in 1972, Congress has generally ignored energy issues, but energy problems in California and higher prices for natural gas and oil throughout the country have brought energy back to the top of our Nation's agenda.

We are finally beginning to realize that the debate over the Nation's energy policy will probably be, if not the, one of the most important issues addressed in this Congress.

The energy shortage we are experiencing in California is a signal to be heeded by the rest of the country. The signal is that the Congress must raise the stakes in search of a sensible energy policy because, obviously, what we are doing is not enough. I am here tonight to remind my colleagues that as Congress and the administration work to forge a long-term energy policy, it is absolutely imperative we make a true commitment to renewable energy sources, to efficiency, and to conservation in order to prevent a future energy crisis and to protect our environment.

As the ranking Democrat on the Subcommittee on Energy of the Committee on Science, I am working to do just that. In fact, as the gentleman from Oregon (Mr. DEFAZIO) mentioned, earlier today I introduced CREEEA, the Comprehensive Renewable Energy and Energy Efficiency Act of 2001. It is to be used as a blueprint for renewable energy sources and energy efficiency measures. It is to ensure that we make renewable energies a more important part of any national energy policy we put in place in this country.

We can no longer afford to make large investments in outdated energy technologies, like fossil fuels, coal, and nuclear. Increasing our reliance on 20th century technology is not in the best interest of the 21st century, and it is certainly not an answer to our energy future. Instead, with the energy challenges we are experiencing across the country, it is more important than ever that we take this opportunity to craft a more responsible policy. By leveling the playing field for renewables and efficiency measures, we can and must ensure that our national security becomes more safe and secure through diverse energy sources.

□ 1945

Of course, we cannot expect renewable energy to meet all of our energy needs right away. I wish we could, but we cannot. We can make it a Federal priority to give renewables a more prominent role among energy sources. Unfortunately, Federal investment in renewables and energy efficiency has declined over the last 20 years. That is why CREEA, my bill, aims not only to reverse that harmful funding trend, but also to set a goal for our Nation that at least 20 percent of the energy generated in the United States be produced from nonhydro renewable energy sources by the year 2020.

CREEA calls for new investments in renewable energy and energy efficiency research and development, as well as competitive grants to help bring these green technologies to market. In the bill, regulatory provisions will eliminate barriers to development to put renewables on par with traditional energy sources.

Aside from energy efficiency provisions for schools, homes and vehicles, CREEA also calls on the Federal Government and the Architect of the Capitol to set an example here in Washington by adopting renewable energy standards and improved energy efficiency measures. After all, the Federal Government must do our part, its part, to use more clean, renewable and efficient energy resources and technologies.

CREEA also offers tax incentives to both individuals and corporations for increased investments in renewable technologies and for embracing energy efficiency products, buildings and technologies. With smart, aggressive policies, we will encourage the development of green industries.

Mr. Speaker, putting a priority on forward-thinking domestic options like renewable energy and energy efficiency technologies and encouraging conservation is smart public policy, policy that will protect our environment and provide a secure energy future for our children, and I urge my colleagues to support this approach as we debate the national energy policy for the future of this Nation.

Mr. Speaker, I thank the gentleman from Oregon for including me in this special order.

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, it is important that we look toward the future and not toward the past for the energy supply for the United States of America. We can both have energy sources that are more gentle on the environment and deal with the problem of global warming, and are more stable and more affordable for the people of our Nation so we will no longer be held hostage to OPEC and other cartels around the world who basically blackmail us from time to time in jacking up the price of oil and extorting from American consumers.

I think her legislation is a very, very important addition to getting something that looks forward instead of back, and I thank the gentlewoman for her contribution.

Mr. Speaker, today we had Secretary Norton come before the Committee on Resources to update us on where they are on the President's national energy policy. In reading her testimony, I was interested to see that she said despite the statements of Vice President Cheney of about 6 weeks ago where he said conservation and renewables, that might be a personal virtue, but it is nothing for a national energy policy to be based upon.

Despite the fact that over the last 20 years this Nation has gained 4 times as much energy from efforts in conservation and renewables than from new energy development based on fossil fuels, nuclear and other traditional sources, 4 times as much, the Vice President says that might be a personal virtue, but we cannot base policy on it.

Mr. Speaker, there seems to have been a backlash, and the administration seems to be very quickly backpedaling on the statements of Vice President Cheney. In fact, today Secretary Norton said, remember, the President's energy policy, this blue book written by Vice President Cheney, 50 percent of that is based on conservation renewables and other sustainable energy sources. I said, Madam Secretary, that is an extraordinary statement. I said, tell me, 50 percent of what in this book, 50 percent of the projected new energy supply? When I look in the back, I see that they are projecting 2.8 percent of our energy over the next 50 years might come from sustainable renewable sources and conservation, so it was not 50 percent of the new energy. They are projecting 93.2 percent will come from conventional fossil fuels and nuclear power. I said, I am a bit puzzled. Is it 50 percent of the investment? I said, I remember the President's budget dramatically slashed investment in conservation renewables and sustainable energy sources, things that could make the United States of America energy-independent.

She said it is 50 percent of the words in this proposal were on conservation, renewables and others. I would even challenge that, but I have not gone back to count up to see really whether 50 percent relates to those things.

So words are what we are getting here in this blue book and not a forward-thinking energy policy. The administration again staunchly defended going into ANWR, despite the fact that they admitted that no one has come anywhere near fully exploring the potential of the National Petroleum Reserve, which was just let out for leasing last year by the Clinton administration just before they left office, and the potential finds and the already discovered finds in the former National Petroleum Reserve, it will no longer be a reserve for national security purposes, will be diverted into the existing pipeline system and may well exceed the capacity of that system for some time to come.

She admitted, as has every other administration witness, if there was recoverable energy at economic values in the Alaskan National Wildlife Refuge, they want to lease it now to be sure that it gets drilled; but they do not expect that a drop of that oil will flow for 10 years. Not a drop. So it is not addressing our immediate concerns.

Beyond that, I said, Madam Secretary, if it is such a crisis that we have to go into the last pristine area in the United States of America to explore for oil, does the administration think that oil should be kept here at home in the United States of America, as the law provided until 1996 when the Republicans took over Congress, and at the behest of the oil companies lifted the ban on the export of oil from Alaska?

She said she would have to get back to me on that. She certainly intended that the oil produced in Alaska should

principally benefit the people of the United States of America, but she would not go so far to say that oil ought to be kept home, processed in the United States and used by the citizens of our country; but she will get back to me on that. I pointed out that President Bush could do that tomorrow by Executive Order. There is authority in the law for President Bush, if he believes that there is an energy crisis and a shortage and that is what is driving up the prices, he could tomorrow with a simple stroke of his pen rescind the authority for those oil companies to export our oil from Alaska.

Mr. Speaker, that would be a concrete step that could be taken, and certainly sending a message to the American people, and also sending a message to OPEC, which is we are not going to take this. We are not going to let them jack up prices over there and extort our consumers in the short run while hopefully this Congress acts to adopt a more forward-thinking energy policy for the future based on new technologies so we can break our dependence on the oil cartels in the long term. In the short term, we do not want to have consumers extorted and bankrupted by them.

Let us send them a strong message. We could do that by the President saying he is going to keep the Alaska oil home. We could do that in a number of other ways to show that we, in fact, in the United States are not going to be patsies, but this administration has chosen so far not to do that.

Mr. Speaker, there are so many subjects to be covered in this area, this is just sort of a beginning. I see the gentleman from Oregon (Mr. BLUMENAUER) has joined me, and I wonder if he might like to address some of these subjects.

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

I do appreciate our taking the time this evening to explore in greater detail the other side of some of these questions because it is indeed complex. It is indeed important.

As the gentleman pointed out, there are a wide range of interests that are coalescing. They may not agree on a lot. Conservatives, liberals, people from the East and the West, even some of our friends from California step back, and they are looking at what has been advanced by the administration with skepticism and in some cases wonder.

I personally just returned from the Arctic Wildlife Refuge. It is an area that I have not visited before in previous trips to Alaska, and I have heard people on the floor make some assertions. I wanted to take the time to see for myself, to put in context the reports that we are given, the information that comes forward. I must say that I do not pretend to be an expert based on less than a week of hiking, camping, exploring the wilderness, flying over some of the vast stretches, talking to Alaskans of a variety of different perspectives, including spending time in the Prudhoe Bay area with representatives of the petroleum industry.

Mr. Speaker, I must say having visited some of the BP operations, having Fourth of July in the snow, roasting hot dogs as part of their Fourth of July celebration on a man-made island on the Arctic Ocean, I came away impressed with the professionalism and dedication of the men and women working in the industry. But I also came away struck with the rather wide range of the area that is already available for oil exploration, the billions of cubic feet of natural gas that are being pumped down back into the ground that are available for energy purposes, and, if the circumstances and costs are right, that would be available to us.

I was struck by the magnitude of the Alaska pipeline, which is now 25 years old. I have a certain personal relationship to this. My father worked on the pipeline until the day he died. I had some input from him about the challenges based on his experiences there. But it is aging.

Just yesterday we saw in the Wall Street Journal a front-page article that the State of Alaska, covering the inspections of people in this area for this vast infrastructure which pumps more oil in 3 days than is pumped from the entire State of Indiana in a year, and it has approximately one-half the inspectors, only five people inspecting this vast infrastructure which is aging and subjected, despite the professionalism and dedication of the employees and, I think, the good intentions of the industry, I take it at face value, but there is not much that inspires my confidence when I think of the volume of it. Then when I consider what was there in the Arctic Wildlife Refuge, this amazing vista, the tussock grass, where you could literally see for miles and hike for hours and be completely unaware of how far you had gone, seeing hundreds of caribou in a relatively small area, and in the course of 3 days had seen thousands of them, and had some sensitivity to how fragile that area is and how fragile it is in terms of the habits, in terms of the calving cycle of this vast caribou.

I did see some caribou around Prudhoe Bay that we see in some of the pictures, but I had an appreciation for the vast fragility of the tundra; small willows that are 10, 20, 30 years old that are only inches high and thinking about what would happen if there were problems there. I came away with a profound sense that the American public is right. The Arctic Wildlife Refuge is absolutely the last place we should be exploring for oil, not the first.

□ 2000

The gentleman referenced the much-debated comment from our Vice President dismissing the notion that conservation may be a virtue, but it should not be the basis for a rational national energy policy. I think the American public, and I certainly agree, conclude that he has it 180 percent wrong. You cannot have a rational national energy policy without beginning with the notion of conservation and wiser use of our energy resources. And it does not have to drive the American public back to the Stone Age. Our friends in Japan have been able to manufacture a hybrid vehicle that will get 60, 70 miles per gallon. There is a 6-month waiting list for American consumers. Yet the American Government in the 5 years I have been in Congress, we have been prohibited from even studying extending the vehicle miles for the CAFE standards and having more fuel-efficient automobiles.

It has been represented to me that the difference between SUVs that get the abysmal mileage that they get now and the potential for bringing it up to the overall fleet average would be the difference for the typical SUV, the gap here is the equivalent of leaving your refrigerator running with the door open for 6 years. This is not technology that is beyond us.

We hear people making rash claims that we have to have the administration's proposal of building a power plant a week and the attendant economic cost, the attendant environmental cost, and they will throw out arguments like, Well, we haven't had a nuclear plant licensed in this country in 20 years. Well, they are right, we have not had a nuclear plant licensed in this country in 20 years, but what they do not tell you is that we have not had an application for licensing in more than 20 years. Industry has recognized that it is not a good investment. And for the administration to put forward half-representations, arguing for the notion that we are going to build a plant a week and ignore simple, commonsense steps to improve energy conservation, I think completely misses the target.

Again, two last things and I will turn this time back to the gentleman. I know that there are others that wish to join the gentleman from Oregon (Mr. DEFAZIO), and the last thing I want to do is disrupt his train of thought too much. As dean of the Oregon delegation, I have too much respect for his rhetorical and intellectual capacity to do that, but if he will permit me to make two other observations.

Number one, it seems to me that we can take steps, and we may hear from some of our friends in California who have had some energy difficulties which they are working their way through, we may be hearing about that this evening, but the simple, expedient step of having roof colors, and you do not have to go all the way to having a green roof, but just having a reflective color, can cut the energy requirements for air conditioning one-third. Having concrete instead of asphalt can lower the temperatures of our cities 2 degrees, the heat island effect that we are seeing in major metropolitan areas. Not only will those roads last longer, but that will save energy.

Last but not least, it seems to me that if in fact we have several trillion

dollars that we do not need to invest in essential government services over the next 10 years, which as we note as each day goes by it looks as though we do not quite have the resources that were represented to us; a better use of this, rather than some of the tax reductions for people who need help the least, would be to provide tax credits and incentives for our citizens, particularly low- and moderate-income citizens, to be able to afford more fuel-efficient air conditioners, heating, other appliances which again would save huge amounts of money for not having to invest in energy production, would save the cost of energy for these individuals, and would be a shot in the arm for American industry. I think these are more appropriate approaches, rather than discounting energy conservation and simply building an energy plant a week.

I appreciate the opportunity to join the gentleman this evening. I appreciate his leadership and look forward to further discussion.

Mr. DEFAZIO. Just taking up what the gentleman was talking about, tax credits for Americans, for consumers, to help them meet their needs at home or at work or purchase more energy-efficient transportation, to create a market for that and help our people, that unfortunately did not make the cut in the blue book here. But what did make the cut, for instance, is royalty relief.

For those poor suffering oil companies, we have got to have some royalty relief. Of course I am certain that they will pass those lowered costs on to the consumers. The estimate is that the Bush energy plan would lower royalties by $7.4 billion over 2 years. That is money that should flow to the Federal Treasury for all the taxpayers in the United States of America because of the extraction in our coastal areas and inland areas of oil and gas, would be reduced by $7.4 billion under the proposal of the Bush administration.

Now, of course, these are the same companies that just last year entered into a plea bargain in a criminal case for defrauding the taxpayers of royalty revenues and entering into an unprecedented $443 million civil settlement with the Justice Department. But, of course, that was the Clinton Justice Department, and I do not think the Bush Justice Department is going to be pursuing too many defrauded American taxpayers' royalty claims. In fact, no, they are much more up-front about it: Hey, let's just forgive the royalties altogether. This is the basis for an energy policy.

Certainly we do not need to forgive the royalties to get these people to explore or pump oil. Let us look at the profits. Last year, ExxonMobil profits, $15.9 billion, a 1-year, 102 percent increase. Chevron, $5.1 billion, a 150 percent, 1-year increase. Texaco, $2.5 billion, 116 percent, 1 year. Conoco, $1.9 billion, 155 percent. Phillips Petroleum even better, 205 percent. And on down the list. These people need relief? They need encouragement from the taxpayers? They need subsidies from the taxpayers to explore for oil and gas? I do not think so. In fact they should be giving money back to the taxpayers because they are fleecing the taxpayers to show those sorts of profit increases in one year.

So the gentleman is exactly right with his orientation of where we should be investing or forgoing revenue for the Federal Government, should be oriented toward small businesses and consumers and others who want to invest in energy-efficient measures, not those who want to go out and extract yet more oil and gas from sensitive areas in our coastal plain, our national monuments and elsewhere.

From there, I believe we would be well served to get into the area of electricity. Most recently in the western U.S., the most extraordinary manifestation of an energy crisis that we have seen has been the rolling blackouts and brownouts in California, the fact that the total electricity energy bill in California went from $7 billion 2 years ago to $27 billion last year and is projected to go to over $50 billion this year. The fact that we have found out that even in the Pacific Northwest, we are paying higher average wholesale prices but thankfully thus far have been buffered by our Bonneville Power Administration and our own energy production from having to buy too much; but next winter we may be in the very same soup that California has seen over the last year.

Now, the question would be, Is this a justified increase? Is this such a shortage and such a precious commodity that you can justify increases of up to, well, if you went from $30 an hour average megawatt 2 years ago to the high price that has been charged up over $3,000 a megawatt, a 1,000 percent increase in 1 year in the price, there is a real question. There is no one who is more expert on that than the gentleman from San Diego, who comes from ground zero in terms of the electricity energy crisis, market manipulation and price gouging in the western United States. I yield to the gentleman to educate us a bit on what has been going on down in his district.

Mr. FILNER. I thank the gentleman from Oregon for yielding, and I thank him for his leadership. I recall over the last few years the gentleman from Oregon talking about the problems with deregulation. Very few of our colleagues listened. But now we are witnessing them, and he was right. And California has been the greatest example of that. He mentioned rolling blackouts. He mentioned manipulated markets.

Let me tell you what happened one day in January of this year. We suffered several hours of rolling blackouts in San Diego. That had, just a few hours, a tremendous impact. Companies in production lost millions of dollars worth of production. People who could not deal with the traffic lights off, we had near fatal accidents. People stuck in elevators. The largest company sending people home and not getting a paycheck. At that time, at a time of the rolling blackout, with all these disruptions, the biggest generator in San Diego County was not in operation. It was shut down, not due to any maintenance; it was just taken out of service.

Now, we have examples of that all through the last year where production was down, not for maintenance, not for any environmental reason but to bolster the price, because in a controlled market, if you withhold supply, you can increase the price. What occurred in San Diego at what we call the South Bay Power Plant in my district operated by the Duke Energy Corporation, they took generators out of service, not only during the blackout but many times during the year.

We just recently had five former employees of that plant who worked there for a total of 100 years. These are not newcomers. They know what is going on in that plant. They testified under oath to a State Senate committee that not only were these generators down not because there was any real lack of need for them, we were in a rolling blackout, but purely related to the price that could be gotten or withheld because of an attempt to raise the price. They testified that the generator floor was in constant contact with the marketing floor of the corporation. And they ramped up and down their production according to the price, not according to the need. They testified that they were asked to throw away spare parts, so it would take longer in any maintenance situation.

That leads me to believe that this is not primarily a supply and demand problem, although we have tight supplies and the Governor of California is doing everything he can to increase those supplies; but this was a crisis of a manipulated market brought on by deregulation which the gentleman from Oregon foresaw.

Mr. DEFAZIO. I think the key point and one of my principal objections to deregulation was that it severed the relationship between a utility and the consumer. Historically in this country from 1932 until very recently with deregulation, utilities had a duty to serve. Their highest duty was to keep the lights on. They maintained a buffer over and above their demand or their anticipated demand. They were required to do that. They were required to, except in times of catastrophe, provide as nearly as possible 100 percent reliability.

Mr. FILNER. And they made a healthy profit doing that.

Mr. DEFAZIO. They certainly did. They always were favored by investors. They had no problem raising money. It was an industry that was known as a good place to put your money for a reliable and very healthy rate of return.

Now, what happened as the gentleman just pointed out with Duke and

with all the others, they are no exception, is that they no longer had under deregulation a duty to serve their customers. Their only duty is to serve their stockholders and the people on Wall Street. If they can make more money by blacking you out, shutting you down, closing other businesses for lack of power, it is their duty, their fiduciary responsibility as their board of directors sees it to do that. That is why they tied their floor traders to the plant operators.

□ 2015

It is absolutely outrageous to think that that is what the system has come to.

Mr. FILNER. They made almost a billion dollars doing that in the course of the year. By the way, just to emphasize the gentleman's point of the cut in relationship to the community, the five employees I mentioned lived in our area were community members, paid taxes, had their kids go to school. They were let go. Apparently, Duke did not want people tied to the community working in their own plant.

There is insult to injury. I would say to the gentleman from Oregon (Mr. DEFAZIO) that in this case I just told him about, the plant was being ramped up and down for profit, which stole a billion dollars out of our economy, is a public plant. Under the deregulation law, the San Diego Unified Port District bought that plant and leased it to Duke and leased it for very, very, let us say, favorable terms. The terms under which they leased the plant they thought they would recoup their investment in 5, 7 years. They got it back in 3 months. That shows what the prices were that they charged.

They leased this plant from the public so they are stealing from the people who own this plant. They have violated the lease terms that they were under. They were supposed to operate that plant in a prudent manner. It is a prima facie case that they had not and these employees testified that they had not.

I think the Port District, a public agency in San Diego, ought to break that lease, take back the plant, operate it in the public interest. They produce power there for three or four cents a kilowatt. As the gentleman pointed out earlier, a thousand percent increase in the price they were charging us up to $4.00 a kilowatt. So here we have the most obscene price gouging.

Duke, by the way, was the one that charged that $4,000 a megawatt, or $4.00 a kilowatt, hour and they did it out of a public plant. I think San Diego consumers ought to demand that that plant be taken back. It is our plant. Let us show that we can produce the electricity at a reasonable rate and still protect our environment. So this is a case study of enormous greed, and I think San Diegans understand that they have been gouged and they are ready, in fact, to embark with a municipal utility district, take over plants such as the one I mentioned, the South Bay Power Plant, and begin to get out of the control of this energy cartel.

Let me just conclude this part by saying, the gentleman made the point earlier about how we need renewables. He made the point earlier about how we need conservation. Everybody in California, as I am sure in Oregon, is doing everything that they can to do that. Only the Federal Government can deal with the wholesale prices. Only the Federal Government can regulate that. Our President has chosen not to be involved. Our vice president has refused to listen. The Federal Energy Regulatory Commission has taken some baby steps in this direction, but the Congress should impose what is called cost-based rates on wholesale electricity prices and refund all the criminal overcharges since last summer when this started. Then we can begin to talk about a national energy policy, and as the gentleman pointed out, the President's plans say nothing about this area.

Mr. DEFAZIO. Unfortunately, the President's plans do say something about this, but it says what we should do is spread retail deregulation nationwide. We are going to take the model of California and we are going to impose it on the rest of the States of the United States of America.

Now, if there was some place we could turn to and say, well, look, look how great deregulation has worked, well, first off the model was Great Britain. They are still trying to fix the problems they created with deregulation. Their prices are 70 percent higher than the average in the United States. They suffer a much higher percentage of blackouts, brown-outs. They have extraordinary complaints about service. That is the model on which the 1992 deregulation was written.

Maybe we have done better in the States. Let us turn to some of the pioneers in the United States. Montana in my region, they have seen rates for industry, which was deregulated, as were the rates in Montana, go up by 1,000 percent because Pennsylvania Power and Light bought all of the generation in Montana, which is a State that can produce 150 percent of its needs and they can make more money by exporting that power, some of it to the gentleman, and charging extraordinary prices for it. So that has not worked out real well in Montana.

Rhode Island, another pioneer, prices are up 66 percent. The list goes on and on and on. Everywhere that we have seen energy deregulation, with the promise of competition, lower prices, better service, we have seen higher prices, worse service and now rolling blackouts and brownouts. Guess what? I have never had an Oregonian come up to me and say, Congressman, I am tired of this utility that provides me electricity day in and day out at a reasonable price; I want a chance to choose my energy provider the way I get those phone calls at 5:00 at night from AT&T and MCI and all the others, offering me stuff that I cannot quite fathom and does not ever really seem to work out quite the way they promised it but every once in awhile they send me a $15 check if I change from one to the other. No one has come to me and said I want to impose that system on my electricity, I want to guess whether my electricity, my lights, are going to go on or off, what my bill is going to be. No, they do not want that. Americans want reliable, affordable electricity and they are not getting it under this system.

Now some people are doing very well. We have mentioned a few. The gentleman mentioned Duke Energy. Their profits were $1.8 billion last year. That is a 109 percent 1-year increase. That was before they got into this really overt manipulation described by the employees to drive the prices even higher. So we can expect that they will do even better in the next year.

El Paso Natural Gas, of course, is now under investigation for having withheld gas from the pipeline. Somehow gas provided in Texas shipped to California, which is a little closer to Texas than New York City, was sold at four times the price in California than it was sold in New York City and somehow they did not use a very significant portion of the pipeline capacity, which contributed to the run-up in the price. They had a $1.2 billion profit, a 381 percent 1-year increase. Not bad, and, of course, they share the wealth. Now do they share it with the consumers? Well, no, not exactly. But they do share the wealth.

A number of these companies have very generously shared the wealth with their CEOs. For instance, with Enron, who I mentioned earlier, who had a $979 million, nearly a billion in profits last year, the CEO netted $123 million all by himself by cashing in stock options which the company created, both hurting other stockholders and obviously money extracted from a whole lot of consumers. He only got $40 million in 1999 and ten times what he got in 1998.

Mr. FILNER. It works.

Mr. DEFAZIO. Deregulation is working for a few individuals.

Mr. FILNER. When I hear those figures, I wonder how these people sleep at night. I can again look at my own district where we have been experiencing these problems now for a year. We have scores of small businesspeople just had to close up. I mean, we have had people in my office in tears that their family businesses that have been in their family for 40, 50, 60 years, they could not sustain electricity cost increases of first 100 and then 200 percent. There was no way. In fact, 65 percent of small businesses in San Diego County, by a recent Chamber of Commerce report, face bankruptcy this year if these prices continue, 65 percent of small businesses.

Now, if this were an earthquake or a hurricane or a tornado, the Feds would be in there instantly and offering loans

and helpful economic incentives. This is worse than 10 or 20 earthquakes and the Federal Government has not been seen. I do not care if it was the Clinton administration or the Bush administration, the Federal Government chose not to help out. These are incredible human problems. It is not just statistics. When the person on a fixed income whether, they be older or younger, who is faced with a doubling or tripling of his or her utility bills and they have to chose now not between just food and medicine but between food, medicine and a comfortable sleep with air conditioning, this is ridiculous. This is tragic. This is criminal, in my opinion. We have not acted. We have not even had a debate on the House floor about any of the legislation that we have proposed to try to deal with this. The leadership of this House has chosen not to bring up any bill, any bill.

We have what is called a discharge petition. That is a mechanism that if a majority of the Members of this body want to discuss a bill, whether the leadership does or not, we can. We have had to go to those lengths to try to get a discussion of a situation which can still destroy the economy of the western States. I do not understand it. I have been struggling to have my constituents' voices heard in Washington, but there seems to be a deaf ear to our complaints.

When I listen to the recital of the kind of income that the CEOs have made, I just get madder and madder. Those people ought to be in jail, not receiving these kinds of checks.

Mr. DEFAZIO. If the gentleman would yield back, we have not had yet the extraordinary impact that the gentleman has felt in San Diego but it is coming. We are looking at a 47 percent rate increase this winter with the Bonneville Power Administration because we are having a drought. That normally would not be a big problem because we normally would turn to our neighbors in California and say look, wintertime, you have a lot of excess capacity, we would like to buy some electricity from you for the winter. We have traditionally done that. In the summertime, during the gentleman's high demand season, we have sold to him. We cannot sell to him this year because of the drought, but we would buy from the gentleman next winter and hopefully it will snow and rain next winter and we will be back into that normal equilibrium.

Confronted with these kinds of markets, our Bonneville Power Administration has to go to extraordinary lengths to shed load for the coming winter, closing down the aluminum industry, getting all the other utilities to guarantee that they would reduce their consumption by a minimum of 10 percent, and still we are going to see this 47 percent rated increase because they are going to have to buy some power in this outrageously priced wholesale market. In anticipation of that, some of our utilities have already raised their rate. A little tiny municipal utility in Drain, Oregon, raised rates this winter. When I had a town meeting there back in April I had a kid come in from the school and say, do you know that last winter we asked if we could bring blankets to school to wrap ourselves during class because it was so cold in the schools? She says it was so cold in the school, they could not afford the heat, she says that the pipes burst during a cold spell, and we are sitting there wrapped in blankets. Yet, Ken Lay at Enron gave himself $123 million bonus. Some of that money came from the kids' parents in Drain, Oregon. A lot of that money came from the small businesses in San Diego, California.

Now this same gentleman is one of the principal authors of the national energy policy. When Vice President CHENEY was asked to name who he met, he said I met with lots of people when I developed this document, lots of people. They said, well, name some. He said, well. They said, Ken Lay of Enron? And they said, was that the only person? He said, no, I met with lots of people, but he will not tell us who the other lotses are.

He did admit that he met with Ken Lay of Enron, the same Ken Lay of Enron who called the chair of the Federal Energy Regulatory Commission, who is no friend of consumers, Mr. Hebert of Louisiana, who has refused to act to rein in prices, but he even called him to say that what he was doing was not enough for his company as chair of the Federal Energy Regulatory Commission and if he would do what Mr. Lay wanted, well, then they might be able to assure him that he could continue to be chairman.

Mr. Hebert, again no friend of consumers, was outraged. He went to the press about this and said I cannot believe that this gentleman called me.

Well, this is who is writing the energy policy of this country.

Mr. FILNER. Some of our colleagues do watch us as we make these statements and talk about the situation in the West, and they say stop your whining. It is your own damn fault. If you did not have these environmental whackos in California and Oregon who stopped the building of power plants, you would not be in this situation.

Now I would like to hear what the gentleman says to them, but I say that is the ridiculous argument. Number one, it was the private sector in the West that chose not to build power plants because they had calculated that they had a surplus. They miscalculated that, but that was a decision made in their economic interest, they thought, not because of any environmental regulations.

I am going to soon announce in San Diego the building of a new power plant, hopefully about a thousand megawatts, built by a responsible citizen of San Diego who has built power plants all over the country and in fact has won environmental rewards for them.

□ 2030

He is going to show that you can follow every environmental regulation that is there to protect us, every permitting policy, build a plant in a rather quick amount of time, and charge what would be the price under previously regulated rates, say a nickel a kilowatt, as opposed to the 40 cents, $1 or even $4 we have been charged. He is going to put a lie to the notion that it was environmental wackos who caused this.

We are going to have a plant in San Diego that is environmentally sound and produces electricity in a reliable fashion and at moderate price, at a price we can afford in San Diego. When we have control, I hope the City of San Diego or the County of San Diego will own that power plant. That will give us one-third of our needs and give us tremendous leverage over the whole system.

But I am sick of hearing that somehow we caused this thing because we were trying to protect the environment. I know the gentleman has heard the same arguments. I think we have to answer those directly and show that what we are proposing makes more sense to solve this issue.

Mr. DEFAZIO. In fact, I would quote from a spokesman for Reliant Energy on January 25 from the Los Angeles Times. He stated that ''claims that air quality restrictions were holding back output were absolutely false.''

Similarly, in May in the New York Times, ''Industry executives have been pressing to get relief from environmental laws, most notably the Clean Air Act and land use restrictions, but such regulations are viewed by many executives as nuisances,'' of course, they do not live there and breathe the air there, ''rather than barriers to meeting demand. This is borne out by the ongoing surge in construction of transmission lines and power plants that has occurred without any easing of environmental regulations, despite the best efforts of the Bush Administration.''

So, this is a falsehood that was initially and early widely perpetuated across the West that this was a self-induced trauma. Of course, that was before we had the numbers to show that all these plants were off line and driving up the price. In fact, California was about 30 percent below its maximum production a number of times when the lights went out. The winter is your low demand period. That is when you usually export energy. Yet the prices were sky high and you were experiencing rolling blackouts and brown outs. This was not the fault of environmental restrictions, it was the fault of greedy companies.

The interesting thing is they have been reined in a little bit. As the gentleman and I know, we tried to get the Federal Energy Regulatory Commission for months to act. Their own staff had found that these prices violated the law, they were not just and reasonable. That was a staff finding by the

Federal Energy Regulatory Commission.

But Mr. Hebert, as Chairman, refused to take action and do anything about that, refused to do further investigations beyond one whitewash investigation saying there was no manipulation of the market. We now have a GAO report saying there is no way they could have reached that conclusion. They do not have the documentation to reach that conclusion. Yet he refused, stonewalled, stonewalled, it was called a sit down strike at FERC. I attended one meeting where he said he would pray for us, but that was all he could do.

Mr. FILNER. I think this administration has a faith-based energy policy. They not only pray for us to do something, they pray to the market where there is no market.

Mr. DEFAZIO. Well, that is exactly it, worshipping the market where there is no market. But, finally, and strangely, after the Senate changed hands from Republican to Democrat and two committees subpoenaed in the Federal Energy Regulatory Commission and their staff to come in under oath and testify about what was going on in western energy markets, somehow 2 days before they were supposed to testify in the United States Senate under the new Democrat control, FERC held an emergency meeting and imposed some minimal price caps.

Now, this is something they refused steadfastly to do for the first 6 months of the Bush Administration. But, suddenly, just because of a little tiny bit of scrutiny, let alone real scrutiny, let alone real regulation, let alone enforcement of the law, investigation by the Justice Department for price fixing, market manipulation, price gouging and all of the other things we know is going on, you cannot take the price of an essential commodity and drive it from $7 billion for the same amount of energy to $27 billion in one year, have profits increase by 300 percent, and then drive it the next year up by another 100 percent, without there being collusion and manipulation in that marketplace. Yet the watchdogs, the toothless, sleeping watchdogs at FERC, led by Mr. Hebert of Louisiana, are just like, oh, we are not quite sure what is going on.

In fact, I had some FERC people into my office last week and we talked about there is a new area coming. They are going to game transmission right now. Right now they are just gaming generation, but they figured out a new, bigger, more lucrative potential game for the future, and it is transmission.

Mr. FILNER. The gentleman said it earlier, that Enron and the President were trying to get a national system which this could then more readily control. But I would like to also underline what the gentleman just said both manipulation of the market to increase the prices and also the incredible suffering in California and the West.

Not only does that market control give them the ability to fix the prices, but, tragically, for the future it allows them to pick and choose which energy sources will be studied and given development, and they have chosen, because they cannot control it, not to allow research and development into solar, into wind power, into geothermal and all these other renewables, where we know a big part of the answer for our future energy needs lies, and yet we have had no interest in them because these companies, which control the price, control the research and development also and have refused to allow that to occur.

So this Congress ought to be looking not only at, as the President, new production and et cetera of the fossil fuels, but the structure, the economic structure of the energy industry, which not only has fixed the prices, but has foreclosed or attempted to foreclose part of our future by not allowing the research and development that we so desperately need in these other areas.

Mr. DEFAZIO. If the gentleman will remember back 20 years, back in 1980 the United States of America through our labs, Federal labs in Golden, Colorado, was the world leader in photovoltaics, an endless source of energy coming from the sun, that could replace fossil fuels, could provide for quality electric, if we could get the price of photovoltaics down.

The Reagan Administration sold that research and all of the proprietary work that had been done to the ARCO Corporation, and then the ARCO Corporation sold it to Siemens of Germany, and now the Germans are the world leaders in photovoltaics based on research payed for by U.S. taxpayers, and some day we will probably be buying photovoltaic solar cells from the Germans, like we are having to buy oil from the OPEC cartel.

These future supplies of renewable and sustainable energy are going to be more important to us, and for the United States of America, for the President of the United States to slash investment, which he did in his budget, in these sorts of research, is cutting the legs out from underneath the American consumers, the American people and American business and industry, to make us a sustainable and affordable energy future.

We need to be investing more in fuel cells, more in photovoltaics, more in wind energy and tidal sources of energy being used in Europe. All these extraordinary, absolutely benign renewable resources are being ignored with one focus, and that focus is on fossil fuels and the profits of that industry and perpetuating that industry.

I had a constituent testify at a hearing, and said Congressman, the stone age did not end because they ran out of rocks. He said they developed new technology. But this administration is attempting to stonewall that new technology. In fact, they want to turn back to the technology of the fifties. They want to go back to nuclear energy, let alone the fact we have not figured out what to could with the waste we have now and it is disbursed all around the country.

Mr. FILNER. What they have done with their tax plan is, of course, give several trillion dollars to the wealthiest of our Nation, where if you put tax incentives into the photovoltaic technology you mentioned, put tax incentives into some of these renewables, we could bring down the price and make it affordable.

We in San Diego boast of our 330 days or so of sunny weather. That sustains solar panels, that sustains photovoltaic cells. If we could bring down that price and put that technology into work in our homes and businesses, we would be free of this energy cartel that we have been talking about tonight that has so disrupted our lives and future.

So, in every way where you look, tax policy, FERC, the way the President's energy policy is, we see a dedicated effort to deny American citizens a future of low-cost, reliable sustainable energy. I think that is a criminal offense, in my opinion, and this Congress should take greater heed of what is occurring.

I thank the gentleman for educating us tonight.

Mr. DEFAZIO. Our time is about expired. I do not think really I can end on a much more eloquent note than the gentleman just made, which is that there is sort of two paths that can be chosen for the American people at this point in time. One is a sustainable, reliable inexpensive energy put future, and the other is more of what is going on today, crisis after crisis, higher prices, price gouging, manipulation, and being held hostage by the OPEC cartel and the other traditional proponents of the energy industry.

I would like to choose a new path for the 21st century. So far the administration is choosing the 1950 path.

Mr. FILNER. Amen.

THE PRESIDENT'S PLAN FOR ENERGY

The SPEAKER pro tempore (Mr. OSBORNE). 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 appreciate the privilege to come on this floor and talk about the President's plan for energy and for the future of the United States of America.

I wanted to make a couple of points in response to the speakers of the previous hour regarding the situation in California. I am from California. I represent Fresno, California, and the central part of the state, where we too are at ground zero of the California energy crisis.

There were a couple of statements made earlier which spoke ill of deregulation and used California as an example of that, and I would like to clarify that in California there was never really a deregulation plan. It was half a deregulation plan.

In California's deregulation plan, the rates and the charges that the utilities were able to charge consumers were frozen. They were frozen rates and were not allowed to be increased, whereas the wholesale rates, or those rates that utilities had to go out and purchase energy for, were unlimited and put on the spot market, so that they would change minute by minute, hour by hour, every 24 hours, which made them very susceptible to high price spikes and such.

That was the problem in California, the problem that the price increases could not be passed on as signals to the consumer to start conserving was what created the energy crisis in California.

It was half of a deregulation plan, and under such a situation, it could have been easily corrected, up to a year ago. In May of the year 2000, when evidence started showing in San Diego that prices were starting to go through the roof, the Governor of California, who I believe was more concerned about providing leadership in a crisis than, frankly, his own reelection prospects and obtaining the presidency, had he acted earlier and imposed or allowed the PUC, the State PUC, to impose a 20 to 25 percent rate increase, not like the 48 percent rate increase that was passed because he waited so long, I think, people would have been able to begin conserving and he would have been able to get a lot of those utilities off the spot market and into some long-term contracts that made sense, and we would never have faced a $20 billion hit to the State of California. The minimum damage that could have been done would likely have been around $500 million to $1 billion.

It was due to lack of leadership in California that created the energy crisis, and it was lack of leadership from the Governor and the State of California that caused the problems.

I cannot explain that more. To be blaming a President who has only been in office for less than 6 months for all the woes of California I think is just unjust and unfair, and it is a diversion of what the real issue is, and that is that we have got poor leadership on this issue in the State of California.

If California really wants to get out of their energy crisis, they only need to do a couple of things. I would say three things.

First, the Governor has to stop buying power. I think the Governor has been taking on this responsibility for about 6 months now, and, since then, he has been purchasing energy up to seven times more than what the utilities are able to charge for and get back.

□ 2045

That is an upside down equation that leads to billions and billions of dollars worth of debt that the utilities, after $9 billion in debt, could not manage. So the State has started incurring those losses, and still do. Today, California's Department of Water Resources, under the eye of the governor, is purchasing power right now 3 to 7 times more than what utilities are able to get from it. Now, granted, those prices are starting to come down, because a rate increase of 48 percent was imposed by the governor a year after he could have done it and averted this whole problem, has come into effect, and people are starting to conserve, and the future prices of energy are beginning to come down. This is what should have happened a year ago and did not happen until now. My own utility bill that I just got from my residence in California right now is about 4 times more than average of it. I think people in general are experiencing a doubling to tripling of their retail rates because of this. A 20 to 25 percent rate increase early on, with decisive leadership from the governor, would have prevented this entire thing and, instead, in waiting so long and in purchasing energy at such convoluted prices, he has led California into this crisis and we are still in the middle of it.

Mr. Speaker, in addition to that, the governor has entered into long-term contracts that do not start for about another year, but the average of those long-term contract prices range from about, again, 3 to 7 times more than what the utilities are able to charge for. I had a company in my office the other day that talked about the inability of the governor to sit down with all those that are involved in the energy crisis in California; that would be the utilities, that would be the marketers, that would be public officials, everybody that cares about California and who has a business stake in California, not only in the short term, but in the long term, and to sit down and work through this process, really resulted in nothing; in fact, did not happen until at least 8 months after the crisis began. Had the governor gotten people into his room, he would have been able to negotiate things.

As an example, one company that has a geothermal plant in southern California, close to the gentleman from California who just spoke from southern California, went to the governor and was willing to sell energy at 7 cents per kilowatt hour and was frustrated so much by the governor and was rebuffed, clear up until the governor finally took 21 cents per kilowatt hour on a long-term contract when they had been offering 7. It is this kind of, I do not even want to say the word ''leadership,'' in California that has caused our problems. It has not involved the environmentalists to a degree that has caused the shortage in California, it has really been a shortsightedness I think on the part of Californians to think that we can bury our heads in the sand and pretend that our rapid increases in population are somehow going to get their energy from some source unknown or unnamed, so let us not take care of our own energy needs.

Mr. Speaker, my own congressional district in California grew by 20 percent over the last 10 years. We are one of the faster growing parts of the State, but it is very obvious in all of California that our population was growing, our energy demands were increasing, and nobody, nobody was making the efforts not only to increase the capacity of the natural gas lines that come into the State of California from other areas, but also to license and permit other plants and facilities in the State in order to make up for it.

It is much the same I think with Americans. We like to have the lights come on when we flip the switch; we love to have water come out of the faucet when we turn it on, but very few of us want one of those own facilities in our own backyard to provide that for us. As individuals in our local communities, we are like that, but we are also that way nationally, when it comes to the national energy policy that we have.

The United States consumes over 25 percent of the energy produced in the world today, and yet we utilize and use about 2 percent of our natural resources to get it. It is this kind of nimbi attitude I think on a local level that has caused problems in California and, kind of on a national level, in our participation in the world's energy reserves that we think that we can have our cake and eat it too.

Mr. Speaker, I am grateful that the President has taken the initiative on this energy policy to change that, because not only is it hypocritical, it is not serving in our best interests, it is a threat to our national security, and I think it is morally wrong to demand a lifestyle and yet not pay up for it to develop the resources to provide it. I commend the President for coming up with the energy policy that he has so that we can not only provide increased energy from alternate sources like wind and solar, but also realizing that they are never going to be able to take the place of natural fuels, coals, oils; they are not going to be a significant part of the energy mix in the United States, ever. I think that we can work to increase that, but the percentage increases that we get are not going to be that great.

So it is wise for us to begin to look at developing our own resources so that we can make up the energy difference that is caused by the increased population in the United States, but also to begin to think about our national security. That is why I commend the President of the United States for doing what he is doing, providing the leadership. It may not be popular to some people; it may not be a thrill to talk about more nuclear plants or developing coal reserves, but I have to tell my colleagues, what is more important I think is keeping the lights on and keeping the water running and keeping our national boundaries secure.

So that is why I want to thank the President.

I have to tell my colleagues, today we took 2 very important steps forward

on the development of our national energy policy. One was in the Committee on Resources where we began hearings on the Energy Security Act with the gentleman from Utah (Mr. HANSEN), the chairman of the committee. This bill focuses on increased production of diverse fields beneath Federal lands and the outer continental shelf. It instructs the Secretary of the Interior to establish an environmentally sound program for exploration, development and production of oil and natural gas in ANWR, the Arctic National Wildlife Refuge. Again, the exploration in this wilderness accounts for about the size of one-fifth of Dulles International Airport. For those of us in America that have not flown into Dulles International Airport, it is about one-fifth the size of your own airport if you are in an urban setting. It is a very, very small piece of this vast, vast wilderness, about half a percent of the total landmass in general.

It also adds 5 areas for increased production: hydropower, gas, geothermal, solar and wind energy. As my colleagues know, part of the problem in California was our overreliance on one single source of energy, and that was natural gas. Even in that situation, with the transmission lines in California, there was no increased technology to increase the capacity of the flow of natural gas within the State of California, which caused the high prices for those that were bringing natural gas into the line. It is California's fault, and it is time to stop blaming the bogeyman or the evil-doers for victimizing poor California. It was bad leadership that caused the energy crisis in California, and I am very thankful that we had the President come to the plate with this energy plan.

Also, in the Committee on Energy and Commerce, we marked up the Energy Advancement and Conservation Act of 2001. It does the following: it leads with conservation, which is one of the most important aspects of the President's plan. It mandates that the Federal Government take the leadership role, leading by example and making conservation happen. It establishes a Federal energy bank to fund energy conservation projects. It expands LIHEAP and weatherization assistance.

Now, LIHEAP is typically a program, a Federal program that makes up for the high cost of heating oil in the northeast. Typically, that is the history of the program, but it is being expanded so that those of us in California that cannot afford the increased costs because we have to run our air conditioners a little bit more because it got up to even last week 108 in some parts of the central valley, these LIHEAP funds are being extended to help those rising costs because our air conditioners are running so high. That program is being expanded in California. It provides assistance to schools and hospitals for energy conservation, and for consumers it provides new appliance standards and expands the energy star program to provide better consumer education.

This is just a piece of what is beginning to happen in Washington today because of the initiative of the President of the United States, President Bush, who has seen that we have been shortsighted over the last 8 to 10 years and not developed a policy that leaves us vulnerable to foreign countries all across the world.

With that, I would like to invite the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, to begin perhaps a little dialogue on the bill that was begun in his committee today, and that is the Energy Security Act.

Mr. Speaker, I welcome the gentleman.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman from California for inviting me to be a part of this Special Order tonight. I would like to explain, with the gentleman's permission, some of the things about the plan that we introduced today.

Mr. RADANOVICH. Please do.

Mr. HANSEN. Mr. Speaker, let me point out that for 8 years we have just kind of been Moses in the desert wandering, trying to find out where we are going on this thing. I think Mr. Richardson, who is the Secretary of Energy, made an interesting statement when he said, for 8 years we have not had a policy, and now it is about time that we started putting one together. So for 8 years we have kind of wandered around wondering where we were going. In fact, if we did anything, we ruined a lot of areas because of monuments that were not thought out and things along that order.

Vice President Cheney was given the assignment to work on the energy program and did a very commendable job. I read it very carefully and, in my opinion, if there is one word that would explain what the present administration has come up with, it is the word ''realistic.'' They came up with a realistic program on how to face some of these things.

Now, I enjoy hearing my colleagues talk about all of these wonderful things that are going to happen and how it is going to come together, but when we get right down to it, in all honesty, what is ''going to happen'' is not there. We cannot drive into a gas station and go to this alternative energy pump because there is nothing there yet. As we look at where we get our energy, 2 percent comes from alternative areas such as wind and solar and things such as that, and I definitely feel we should do the technology and advance it as far and as rapidly as we can. However, it is not there right now.

I would like to use the illustration of a gentleman that came into my office about 5 or 6 years ago and he started telling me about all of the interesting things that have occurred in transportation. He said, years ago, we used to use horses and then we went to cars and most people went on buses or trains, and it was really a big deal when the 2 trains came together in Promontory, Utah, in my district, incidentally, and every May we celebrate the idea of driving the golden spike. Gosh, we could get on a train and instead of doing 4 miles an hour on a horse, we could breeze across the country in 3 or 4 weeks. That was a wonderful thing. People really thought it was a Utopian idea. Then came along airplanes and, of course, now we do not see too many people travel on trains, most of us go by air.

Well, he made an interesting statement. He said, I am working on a program, and, he said, I think it will be there, where you walk into a thing like a phone booth and you punch in San Francisco and sap, you end up in a San Francisco. Well, at that point I got just a tad nervous talking to this gentlemen. I said, when is it going to be working? He said, I do not know, but I know it is going to work. I did not ask how you change the molecules around and all that because he loved the idea, but that, in a way, I say to the gentleman from California, strikes me with a lot of these things we are hearing about alternative sources: 2 percent, tripled to 6 percent. When are we going to get to that area?

In the interim period, when someone comes up with this wonderful invention that moves us within seconds from one place to another, we still have to take that airplane, we still have to drive our cars, we still have to heat our homes, we still have to light our homes.

So while we are waiting, let us go back to what the Vice President was talking about. We are talking about a realistic program to get us out of this energy problem that we are in.

□ 2100

That is why this bill was introduced today in the Committee on Energy and Commerce today, so we could take care of these things.

I was interested, in listening to the former speakers. When I was listening to them, I thought back to that gentleman who came in and talked to me about this wonderful idea.

Gosh, I know there is a lot of energy from the sun. I agree with the gentleman from Oregon. It is too bad we cannot capture it and make it all work right now. If someone would step up to the plate and say, here is the technology we have, and doggone it, we are going to do it right now, I commend them, and I hope they come up with something good.

But right now, the plan that we have introduced in both of these committees is around this word ''realistic,'' and realistically, where are we getting our energy? Our energy is basically coming from fossil fuels. Also, it is coming from other areas. We do get some out of water. We do get some out of various sources of energy. But right now, the one that they have come up with takes care of that.

I notice the one gentleman from California talked about the idea that it was not California's problem, it was the problem of these big energy guys who would not build these things. Well, no disrespect to our good friend from California, and especially my friend, the gentleman from California (Mr. RADANOVICH), but let us look at what California has put in the way of restrictions compared to other areas.

California has made it so difficult to build a nuclear plant, a coal-fired plant, especially a coal-fired plant, a gas-fired plant, that it makes it totally impossible to do it.

A lot of these people come and say there are too many regulations, too many hoops to go through, and therefore, we do not want to do it.

Mr. RADANOVICH. If I may weigh in a little, too, California used to have three nuclear facilities. We only have one, now. A few years ago, the Rancho Seco Nuclear Power Plant, which was in the Sacramento area, the voters in the area voted to shut the thing down, so they not only discouraged new ones, they actually went after existing power-generating facilities.

So it was, unfortunately, the view that we could have increased population and not increase energy capacity. That is not realistic, but I think that is the view that the gentleman so well expounded. That alternative energy is great, I think it needs to be expanded, but it is not realistic to think that it is ever going to meet a significant portion of our energy needs. It is just another way of saying that we do not want to develop our own energy resources.

Mr. HANSEN. That is sad, in a way. Because if America is willing to say, all right, we do not want to drive our cars, heat our homes, we do not want power or air conditioning, we will just go back to the Stone Age, so to speak, then let us all stand around and say, gee, this is wonderful. Look at this beautiful environment.

But America is not going to do that. America is a forward, progressive country, always looking for that edge of the envelope where we can get ahead. Gosh, will that not be nice when we do develop these things. I hope it is in our lifetime where we can see these things come about, and we will not have the energy pollution and that type of thing.

But I hasten to say that a lot of these things are much better. We just talked about nuclear. They are very, very safe. It is kind of sad, but a lot of politicians like to get up and talk about how terrible it is, we are all going to die because we have that. A lot of people do not realize that we have not built these new nuclear plants, but we have gone from 12 percent of nuclear dependency up to 20 percent just through efficiency.

I think really, I would say to my friend, the gentleman from California, that the thing we have to realize is that we are now 57 percent dependent on foreign sources, 57 percent, according to testimony today in the committee from the Department of the Interior.

It was not too long ago, in fact I think right at the start of President Clinton's administration, where we were about in the thirties. So we have really gone in a hurry to get ourselves up to this amount.

What does America want to do? Where are we getting that 57 percent? Some of it is from our friends from Venezuela, some of those areas. But let us just have the American public look at this. That is, do we want to depend on those we can least depend upon? Do we want to depend upon Iraq, with a man like Saddam Hussein having his hand on the spigot of the oil we get? Do we want to depend on Iran? Do we want to depend on Libya? Do we want to depend on countries that we can hardly depend on who are sworn enemies to us, who many of them practice terrorism on us? Do we want to depend on those people?

People say, OPEC surely does not have the range of this thing. Who are we kidding? They can make this go up and down in the matter of a blink of an eye, and have shown that they can do that.

What was so bad about the idea of looking at other sources? Now, a real great actor who considers himself a great environmentalist, who has probably done more to foul it up than anybody I know, wrote a letter to the administration criticizing them for going to ANWR, and made the statement in his letter, well, we are only getting 6 months' worth out of that.

Come on, let us think about that a while. Where do we get this? Does it all come out of one big spigot? Of course not. We get some from Texas, some from Indiana, some from Utah, some from Venezuela, some from California, some from Saudi Arabia, some out of Alaska, we get some offshore, so it is an aggregate.

If we just took one of those, we could say that about any source there is, that that is the only source. Now we look at this thing at ANWR up on the North Slope of Alaska. What do we have up there? It is east of Prudhoe Bay. The last time I was there and heard these people talk about it, they used a lot of figures. One that jumps out at me was 1 million barrels a day for 100 years. That would be about 11 percent of what we are getting.

Then I debated one of our Senators. He said, there is no infrastructure. Where has he been? It is only 74 miles over to the Alyeska pipeline. That is a lot better than we have in the West in a lot of different instances where they could pipe it to the Alyeska pipeline, down to Valdez, and we could use that source.

Today in testimony it went on ad nauseum, and Secretary Norton did a very fine job in explaining the position of the administration about fouling up ANWR.

The gentleman from Alaska (Mr. YOUNG) was there, and very admirably talked about what ANWR is. Frankly, as we look at it, that is 19,600,000 acres. That is the size of South Carolina. If we look at that, we will say, how much are we going to use? The figure now is about 2,000 acres, but it could even be 10,000, but they said 2,000 today. Figure the percentages in that. That is an infinitesimal drop in the bucket.

Also, they talked about the technology, where they can use that small area, and tentacles go in, they can go to the oil areas, and we would never even know it was there.

The gentleman from Massachusetts said, yes, that is all right, who would be against that? But how do we get it out of there? Do we fly it out, balloon it out? He made light of the idea. He said no, what we do is put in oil lines. That is true, but they are not going all over the place.

Secondly, do they recover? Years ago, we moved some natural gas from Wyoming to California. It came out of a beautiful area in Wyoming. It came through Utah. I still remember one of my colleagues from Utah standing on this House floor holding that picture up and saying, ''Look at that scar. It will never go away. We are stuck with that scar forever.''

I am going to bring that same picture in today. I would defy any of our 435 Members, or the 100 over on the other side, to find that scar. Mother Nature took care of it. Even at that, they did a fairly good job in doing it.

So when we say that we are going to dig a trench, every time we fix a road we make a little mess, but Mother Nature can reclaim it, and will do it. So to give up on ANWR does not make a lick of sense to me when I think of the mix we are looking at. We have a mix of fossil fuels, of natural gas, of other areas, of nuclear, of water that we have to use.

Out in Salt Lake last Monday, I chaired a meeting with the seven States that use the Colorado River. The issue came up on hydropower. Hydropower is the cleanest and probably the best source we have, because once we put those turbines in, we do not see anything come out. It is a clean power.

It amazes me that some people will stand on this floor and other areas and criticize the use of hydropower. What is better than that?

I was talking to a gentleman. He said, let us all go to wind. Maybe that is good, I do not know, but I have gone through some of those areas with wind. Maybe they are doing it. But here are these beautiful green acres, and they are all filled up with propellers spinning around. I do not know if that is better. It bothers me maybe as much as an oil rig would. The Audubon Society points out they do not like all the birds going through and getting creamed by those things.

Let me just say to my friend, the gentleman from California, that the bill we have introduced today is a good

mix, a good step forward. Four committees of Congress are going to have to be involved, the Committee on Energy and Commerce, the Committee on Resources, the Committee on Ways and Means, and the Committee on Science, to determine if we can come up with a package.

I would just ask the people in America, let us get off this political nonsense. Let us not try to make political hay on this. Let us say we have a President, and we do not care if he is a Democrat or Republican, but this Republican President has decided he wants to cure a problem before it gets disastrous. Let us get behind him and get this done.

The cheap political points some people make on this do not make much sense to me. It makes more sense to say, all right, everyone is going to have to bend a little bit.

In my 42 years as an elected official, the thing that bothers me the most is the person who sees a beautiful piece of legislation, but boy, he cannot go along with it because it has two sentences in it that bother him. If he cannot get them changed, put it on a scale of one to ten, and if it is an eight or nine, why does he not go with it?

Years ago, I took my young family down to the Grand Canyon. We were standing on one of those beautiful points on the North Rim and looking at one of these seven wonders of the world. It boggles your mind. It is awesome.

My one little son, about 6, he says ''Hey, Dad, what about that ugly worm down there?'' I said, ''Paul, what is the matter with you? Here is the beautiful canyon, and this is the thing that you are worried about?'' He said, ''Dad, look at the worm.'' I looked at the worm. I could not get Paul off the idea of that little worm.

Every time I hear somebody say this is a great bill, but it only goes 90 percent, I cannot go for it, for heaven's sakes, if it is a 90 percenter, go for it. Give it some thought.

Maybe this bill will have something in it, it will have something that the gentleman does not like or I do not like, but right now it is the Grand Canyon. Let us not look at the worm.

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman from Utah for that, and for all his work on the Committee on Resources regarding the national energy policy.

Mr. Speaker, there are a couple of things that the previous speakers were speaking about that stick in my craw. I just have to address them.

One was regarding the issue of price-gouging. There was a lot of talk about price spikes and all these out-of-State generators that were making incredibly large fortunes.

FERC did a study. They came back, or at least the judge that is trying to resolve the dispute between all those involved in the California energy crisis, he came back with the numbers. The out-of-State generators, out-of-State of California, made up or earned about 10 percent of those monies that are alleged to be overcharged during these last 6 months. The other 90 percent went to in-State-qualified facilities and also public utilities, like SMUD, the Sacramento Metropolitan Utility District, and in L.A., the similar utility district in California.

Ninety percent of that number that is alleged to be price-gouged went to utilities within the State of California. So we had just better get our numbers right, and better yet, they had better stop doing the blame game and get to solving the problem in California.

There is another thing that was talked about. That is the price caps, the issue of price caps in California, keeping the price down. The FERC did react by providing what they call a 7–24 monitoring system, where 7 days a week, 24 hours a day they will monitor prices, rather than just doing it during the time of a stage 3 alert. They will authorize the resubmittal of funds that were overcharged.

The ISO, the independent system operator in California, is the one who has the ability to use those caps. They chose not to use them a couple of days ago because energy was at $84 a megawatt, and if they had put the cap that was provided for them by FERC on, it would have driven the price down to half of that, which would have been about $42 per megawatt.

The hydro facility that they were depending on getting energy from, which was up in the Northwest somewhere, and forgive me, I don't know which State, was going to refuse to sell California the power because they were going to hold the water behind the dam, in effect hold the energy back until the price went back up because they could get it for a higher price, or they could keep it in their reservoirs for their own use later on.

This is what we feared about price caps in the first place. That was that we are in the unfortunate position of having to worry about the price of energy, but also the number of blackouts that are caused by having no energy. Those of us who did not support caps were fearful that blackouts would increase by half again as much in California, and I think we are vindicated by the fact that even the independent system operator will not use the ability to lower their prices in California when they have the ability, because the lights will go out. This is what we have been saying all along.

Mr. Speaker, I really think if we want to solve the energy crisis in California, we need to get the Governor out of the energy purchasing business. We need to restore the credibility or the creditworthiness of the utilities, get them back in business, and worry about our State's infrastructure, and get that up and running just as fast as possible.

If the Governor and leader of the State of California would focus on that, rather than trying to focus blame on anybody but them, I think we would be moving to a solution faster.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. EHLERS), a good friend who is here to talk about science and technology as related to the production of energy in the United States.

I welcome the gentleman and thank him for coming down this evening.

Mr. EHLERS. I thank the gentleman from California for yielding to me, Mr. Speaker. I am very pleased to join him and the gentleman from Utah (Mr. HANSEN) in a discussion of the Republican energy plan, which is progressing nicely through the House of Representatives, and I hope we will be able to enact it fairly soon.

I will be taking a totally different tack in discussing this. This is because of my background as a professor, a nuclear physicist, and also because I have done a fair amount of research on energy over the years. So I am going to deal with the long-term view, but also talk about some basic facts of energy.

Part of the reason is that I listened to the previous hour of debate here in which the other party seemed to be implying that the Republicans do not know anything about energy or energy policy. Well, we have just heard from two speakers on the Republican side who know a great deal about energy policy, first about the situation in California, and secondly, about extraction of resources.

□ 2115

I am going to talk about it from the standpoint of basic science and what we can learn from that and what we can and cannot do and how that impacts us in the future. I am also going to take a rather long-term view on some of these issues because we have to think long term on this.

I do have to say that dealing with energy and public policy has been very frustrating to me because when I was first elected to the Michigan legislature and worked in both the House and the Senate, I tried to work on developing a solid energy policy for the State of Michigan. I could not get anyone interested either in the public or the legislature because we did not have a crisis at that point. Eventually I decided I could better spend my time elsewhere.

When I came to the Congress, I tried to do the same, and again no interest. Once the crisis hits, and by a crisis I mean the price of gas at the pump going up and the price of utility bills going up, suddenly everyone is interested then. I am a little concerned now that the price of gas at the pump is going down that the public may lose interest again. But regardless of what they say or do, we must have a good energy policy, and I hope that will emerge from my comments.

In the study of energy, one of the first things we encounter is the three laws of thermodynamics. Now, thermodynamics, that very word, means heat going into motion. And that was extremely important about 150 years ago

when the laws of thermodynamics were developed because that helped us build steam engines, and not only just build steam engines but helped to build efficient steam engines that led to the industrial revolution in terms of steam engines to do work in the factories and also steam engines to move trains across continents.

The laws of thermodynamics, and I do not want to get into a lot of detail, the first one we can ignore, it is very elementary, just dealing with temperature. The second is the law of conservation of energy, which simply says that in a closed system, energy can be neither created nor destroyed but can change form, from one form to another.

Well, what are the forms of energy? There are many, but I will just mention a few. First of all, let me explain that energy represents the ability to do work. And so when we apply a force through a distance, we do work. I happen to have here a rather giant rubber band, and when I pull on it, I have to exert a force. I exert a force through a distance. I am doing work on it. I am imparting energy to this. It is stored as potential energy in this rubber band; or at the molecular level it is stored in the molecular stretching of the bonds within the molecules and between the molecules. When I stop exerting the force, it pulls my hands back in. That energy was stored there and it was used to pull my hands back together. But we lost some in the process.

As I said, in a closed system we do not lose energy, but we have lost some to heat, that is because this is not a closed system, and that helps to warm the room. In fact, we could easily make a heat machine out of this if we wanted to use it for a heating system. Very inefficient, but we could have one that would just simply stretch rubber bands and the heat generated would result in being able to heat a substantial space.

The third law of thermodynamics is even more important than the second, even though the second is extremely important. The third one is the statement that entropy and any reaction, any transfer of energy, always increases. Now, I am not going to get into entropy here. It is a very complex concept. But it basically means every time we transfer from one form of energy to another, the quality of the energy degrades. That means it is less useful. It cannot do as much work.

Remember, energy represents the ability to do work, and that is why it is so important to us. We went, as human beings, from the nomadic existence to an agricultural existence, or the agricultural age, when we first learned how to tame nonhuman energy to do work. In other words, animal energy. Before that, humans had to do everything. They tried agriculture and it just did not work that well. There were various agricultural communities, but they all had trouble and many of them failed. Once we had animal energy to use, they learned how to harness domestic animals to do the work, the plowing, et cetera, and agriculture flourished and continued to grow and increase for years.

The next big change was when we learned how to use nonanimal energy, that is the industrial age, where we built steam engines and other machines that allowed us to do more work. And the better the quality of the energy, the more work we can do with it. But as I said, the third law of thermodynamics says every time we use energy, it degrades to a lower level. It is not able to do as much work.

In a modern power plant, we burn natural gas or burn coal, and that produces heat, which we either use to generate steam or operate a turbine. Out of that we get waste heat. We use cooling towers to get rid of it, but we could heat a lot of homes or greenhouses with that if we chose to. But we cannot get much more work out of it. Eventually, whatever we have done radiates out into space.

Now, those are very important concepts because what we have to remember about energy is it is our most basic natural resource simply because we cannot use any of our other natural resources without using energy. If we decide we want to dig a mine in Utah, for example, and extract some materials, and there is a huge copper mine in Utah, as I recall, that takes a lot of energy to extract the copper, to haul it to the mill where it is extracted and smelted, rolled, then transferred to a fabric factory, fabricated, and finally transferred to the consumer. Every single step of the way takes energy, and that is why energy is our most basic natural resource. But it is also our only nonrecyclable resource. The copper that is pulled out of that mine, we can use it, and when we are finished with it in a product, we can recycle it and put it in a different product. But energy cannot be recycled. Once we use it, it is gone.

Now, all of these principles make it very important for us to develop an energy policy that recognizes this, and I believe that the energy policy that Mr. Bush has presented recognizes these issues and begins us on the road for a very long-term plan. There are many different ways of obtaining energy. We have talked tonight about retrieving energy from fossil fuels, primarily oil and natural gas. Another fossil fuel is coal, and that is very useful to us. These involve burning these fossil fuels, because they are combustible, and extracting the heat energy from them and converting that into electrical energy or into energy of motion or things of that sort.

We also know of other ways of using energy. We have Einstein's famous equation, E equals MC squared, which means that mass can be converted into energy and vice versa. But if we can learn how to convert mass into energy, we get huge amounts of energy out of small amounts of mass. And that is what we have with nuclear power and nuclear weapons. It is just amazing when we consider that the bomb that exploded in Hiroshima had just basically a handful of enriched uranium, of which only a part was converted into energy but was sufficient to destroy a major city; or that a nuclear reactor, rather small, can generate huge amounts of power for a long time out of small amounts of fuel.

We also have another means of nuclear energy, and that is fusion, where we combine hydrogen nuclei or Lithium nuclei and extract energy that way, because we lose some mass in the process. And fusion, I hope someday, will be a very good source of energy, but it is a number of years away. But, again, we have to do the planning, we have to do the research, because we cannot recycle energy, and someday we are simply going to run out of the traditional sources.

Now, there are other things we can do. People talk about conserving energy. I do not really like to use that term, even though I support it. But I think it is much better to talk about efficiency of use of energy. Because conservation, I find, gives the image of people freezing in the dark. If we are heating our homes and we want to conserve, we turn the thermostat down, turn the lights out, and freeze in the dark.

In fact, I remember once I was at an event during the first energy crisis we know about, in 1973, and one of the speakers got up and he was very proud because they turned the heat down to 55 degrees. This is in Michigan, where I live. And they turned most of the lights out, and he told his teenaged daughters that they were not allowed to use hair dryers. They just had to let their hair dry naturally, and so forth. And he went on and on about conservation.

I asked him afterwards what kind of house he lived in. He said, well, we have a cement block house. I said do you realize that for a small amount of money you could insulate that concrete block house and still live comfortably with the same fuel bills? He did not realize that. He did not realize, for example, that concrete is not a good insulator. In fact, one-inch of Styrofoam has the same insulating power as four feet of concrete. In other words, by putting just one-inch of Styrofoam around his house, he would have saved as much as having a four foot concrete wall. And if they added a little more insulation, they would have been very comfortable.

That is what I mean about using energy efficiently. It is not a matter of using less, it is a matter of using it efficiently. And everyone, I believe, supports efficient use of resources. That is how businesses make more money, by being more efficient in their use of their material resources, human resources and machinery. So I think it is very important that we try to be as efficient as possible in our use of energy.

We also have to look at alternative ways of using energy. As an example,

hydrogen. I think one of the better developments in automobiles that is coming along the path is the use of fuel cells, where we will be able to use hydrogen, combine it with the oxygen in the atmosphere, and with almost no pollution produce electricity to drive an electric motor. Now, this is not easy technology, but we know it works because we used it on space vehicles, we have used it on the shuttle and other places for energy purposes, and we have trial automobiles which use fuel cells. Right now they are still expensive because they are experimental. But someday, when we get the design down and manufacture them in bulk, I am hoping that we will be able to use fuel cells as a good source of energy. We can either use gasoline in them or some other fossil fuel and preform it, as they say, so that we extract the hydrogen from it and run the hydrogen through the fuel cell and get our power that way.

Even better would be if we developed a hydrogen economy, where we develop hydrogen out of our fossil fuel resources, or by electrolyzing water, H_2O, remember, and separating it into hydrogen and oxygen, and that way we could, using electrical energy from nuclear plants or other plants, generate hydrogen and pipe it around, sell it at hydrogen stations instead of gasoline stations, and power our automobiles that way.

The Hybrid, incidentally, is an interesting way of improving mileage, and again using the energy more efficiently. A couple of manufacturers are doing that now. I expect a few more will be developed. But I regard that as an interim. It is slightly more efficient but not as good as the fuel cell is going to be.

We have to look at other possibilities for alternative sources of energy. Solar energy is tremendously promising in terms of its potential. We get as much energy on this earth from the sun per day as we expend from all our other energy sources for quite a number of years. Huge amounts of energy from the sun hitting the earth. The problem is it is very diffuse and, therefore, very low quality, very hard to use. But we are making progress in photovoltaic cells, and I expect in not too many years we will find new homes built with solar shingles on the roof, shingles that will generate electricity and help heat the hot water in the House, help heat and cool the house, provide electricity for cooking, for the clothes dryer, and things of this sort, and with some electronics can actually provide high enough quality electricity to run TVs, VCRs, and so forth.

So that is I think a promising alternative that is coming down the pike. I would estimate probably 10 years from now that will be economical. It is not going to be economically feasible to take our existing shingles off and put these others on. That would be costly. But as part of a new building or as part of a required replacement of shingles, it will become economically feasible.

□ 2130

We have others. Wind as power, of course, has potential. It is not a stable source of energy. We need an energy storage device or supplementary energy. The same of course is true for solar, but it again depends where one lives. I think it has real promise, particularly for less developed countries. That, incidentally, is one of reasons and the main reason I was opposed to the Kyoto protocol.

I think President Bush was exactly right in saying that it is dead because it only put restrictions on the developed nations, not to developing nations. If we do not have some restriction on them or at least tell them at a certain date they have to meet these requirements just as we do, we will soon find all of them putting in highly polluting coal burning plants that produce a lot of CO_2, greenhouse gases, a lot of pollutants. Then when we say, there is too much production. There needs to be a cutback. They will say, look, we have all these investments now and all of these marvelous plants. We cannot cut back now.

I think if we have an international agreement, if we ever reach one that places restrictions on us, it also has to place restrictions on less developed countries because then they will make investments in alternative sources of energy such as solar, which is certainly the best answer in many places such as Africa and parts of Asia, rather than building these power plants which will create more problems.

So I have talked about a whole range of different issues tonight, and I did not get into the specifics of some of our current problems. But I am simply saying that the plan that the Republicans are developing is a good launching pad for the things that I have been talking about that we have to move towards in the future. It contains the seeds of a long term national energy policy and certainly will provide the good short term energy policy that we need right now to address the problems of prices at the gas pump and the crisis in California.

One last thought on that. We have to not only consider energy issues as we have talked about now, but we also have to consider the international relations or foreign policy aspects of it. We are 70 percent dependent right now on oil from other countries. As I said earlier, energy is our most basic natural resource.

We are at the mercy of other countries because if they cut off our supply for whatever reason, political or war or whatever, we are at their mercy because our industry cannot operate without energy and we cannot produce enough internally instantaneously. That is why it is very important, as the energy plan of President Bush points out, that we must establish our independence from the fossil fuels of other countries. We have to develop our own sources. We have to develop alternative sources so we can truly be energy independent and not depend on the good will of individuals who may not feel very kindly toward us at various times.

Mr. RADANOVICH. Mr. Speaker, in closing I would say I hope that the lessons that are being learned in California do not have to be learned in the United States to get a decent energy policy. Even though California is second only to Rhode Island in energy conservation, we have had 68 stage one power emergencies, 63 stage two power emergencies and 38 stage three power emergencies.

The way it happens is when electricity begins to run out, that is a stage one alert. When it gets worse, that is a stage two alert. When that gets worse, that is a stage three alert and from there we enter into rolling blackouts.

We are having to suffer through that because I think we have not been keen on making sure that California has had adequate energy supply and we will create that. We will become a great State or continue to be the great State that we are. But I do not want the country to have to go through the same problems that California is because of an unrealistic expectation out of energy and where the supply needs to go.

California is getting real real fast. I think the rest of country needs to learn to get real about where our energy supplies need to come from. That is why I applaud the leadership in the House and also the President of the United States for putting this energy plan together, a realistic one that also includes alternative fuels, energies and conservation and puts them in their proper perspective.

ROLE OF THE FEDERAL GOVERNMENT IN AGRICULTURE AND EDUCATION

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, today we concluded the appropriations debate and passed an agricultural appropriations bill for $74.6 billion. I think that it passed with a minimum amount of discussion and controversy.

I think we had an overwhelming vote from all the members. I voted for it myself, even though in the past I have been wary of agricultural bills that have large amounts of subsidies for farmers for crops that no longer need subsidies. But that is not a point that I want to expand on. I want to say that we have passed a bill for $74.6 billion, the Federal Government's involvement in agriculture, and the farmers of the United States are less than 2 percent of the population.

We take good care of our farmers and they give us good return. We are the best fed Nation in the world, but we certainly take very good care of them. Any people among those farmers and

that particular group that continues to talk about not wanting the help of government or complaining about big government, telling government to get off their back, et cetera, it is hypocritical because the government is very much involved in producing the best agricultural system in the world. It is a monument to the achievement of government and education. The Morrell Act which created the land grant colleges in all of the States set off a process which created agricultural engineering and science, an approach to implementing new theories rapidly, the county agents, and a number of different innovations that still survive to this day. There are still committees in every county that relate to the Department of Agriculture.

The system has been very productive. The system is, however, a system that we oversee as the Federal Government, and it is fed and kept alive by the Federal Government. Most people do not know it, but the department of government in Washington which has the second largest number of employees, second only to the Pentagon, is the Department of Agriculture, although we now have less than 2 percent of the population which are actually farmers, bodies who can be called farmers.

Mr. Speaker, we take good care of agriculture and as a result, we get good return. There are 53 million children in the public schools of the Nation. That is far more than 2 percent of the population. If we want to put the same kind of investment into education, we would reap greater and greater returns, I assure my colleagues, on education. As I said before, the productivity of our agriculture system is directly related to the fact that we understood the role of education in agricultural production very early in the life of the Nation. Land grant colleges were not established to teach theology or philosophy. They were established to bring a new approach to teaching engineering, agriculture and biology in all kinds of things that were very practical and productive. So the great system for feeding America which feeds a large part of the world is based on a step taken by the United States government in the area of education. One of our monumental achievements in the area of education was the Morrell Act which established the land grant colleges in all of the States of the United States.

The Morrell Act, of course, was inspired by Thomas Jefferson's genius when he created the University of Virginia, a State-based university. He took the first step and Morrell followed through, and every single State benefited from the same vision, an extension of the vision of Thomas Jefferson.

We need the same kind of vision as we look at the 53 million children that are in our public schools. We need to understand that a large part of what we have been able to accomplish as a Nation is based on the fact that we have subscribed from the early days to the philosophy of universal education.

The Federal Government has not played the first role, but the Federal Government certainly has never interfered with the States, and every State accepted the responsibility. It is the ethic of the American people which lead to the creation in the constitution of every State the responsibility for education.

The Federal Government discovered in World War I and World War II that it had to go beyond that in terms of the development of its youth population, its scientists and technicians, and so it began to play a greater role in higher education in general. Now following the genius of Lyndon Johnson and the great society era where he established the first Federal support for elementary and secondary education, the Federal government has been a partner. We are weak partners. We do not have a major role in terms of funding. We actually only fund about 7 percent of the total education budget for the Nation. It is the State and local governments that fund the rest of the education budget, but we are involved.

We recognize the necessity for that involvement and I think every State education official and local education official, and certainly teachers and principals throughout the Nation, will indicate that since the Federal Government got involved to the present there have been improvements.

The Federal Government's role in education has been a very positive role, a role that we can be proud of. I am here today to sort of remind us that we should not allow this lull in the attention being offered by the Federal Government, by the people here in the Congress and the White House to education, do not let this lull allow us to take for granted what is going to happen next in the area of education in terms of this year's legislative agenda.

We have passed a bill here in the House of Representatives, Leave No Child Behind, the President's bill, and the bill has passed in the other body. It is now waiting deliberation by conference. I read in the paper that the other body has appointed its conferees, the people who will sit on the conference committee. We have not done that in the House, but I assume that we will do that fairly soon. It is likely this process will go beyond the August recess, and that the climax will take place in September when we return from the August recess.

In the meantime, I want Members to still be aware of the fact that the last word has not been stated, it is not over yet by a long shot. We have a major dilemma. We have to confront a major dilemma with respect to the bills that have passed in the House of Representatives and the other body. The dilemma is this. We have authorized in both cases amounts of money to implement the Leave No Child Behind education program, amounts of money that are far greater than the amounts of money that have been reserved in the budget, the budget which has been passed in this House and in the other body, does not allow for the implementation of the most important provisions of the Leave No Child Behind legislation.

For example, one very important piece, Title I, Title I has been the major instrument for granting and providing public assistance, Federal assistance to education agencies across the country. It is about $8 billion. Title I in the Leave No Child Behind legislation is supposed to double in the next 5 years beginning with increments which will go into effect this year. So in this year's budget, there has to be the first increment for the movement of Title I forward. And in a 5-year period, it will reach $17.2 billion, according to the authorization. It is hypocritical to have all of the powers that be, the White House, both parties agreed on this, and then to have the authorization sitting there without an appropriation to back it up. There is no room in the budget at this point.

□ 2145

So it is going to have to be negotiated through some extraordinary effort. We are going to have to break the budget or greatly shift some items around in order to accommodate the authorized amount. We certainly want to make certain that the priorities are such that this authorized amount will be honored before some other items may be honored. In order to do this, we cannot leave it to the processes here in Washington. The same processes that have generated this movement forward, however small it may be, and I am not pleased with the fact that Leave No Child Behind is inadequate in so many ways. It is inadequate because it has no money, not a single penny, for school construction. The Leave No Child Behind legislation that passed the House of Representatives did not allow a single penny for school construction. There is some hope because the other body did place $175 million in the budget for charter school construction.

It is very interesting, in an era where the majority party has insisted that it would not move forward on any school construction appropriation because it is not the job and the duty of the Federal Government, they do not want to get involved, the same leadership of the same party put in $175 million for charter school construction. I am all in favor of leaving the $175 million in there for charter school construction, but I would like to see it expanded so that we can at least get back to the $1.2 billion that the previous administration had appropriated for emergency school construction across the board, not just charter schools but all schools that had need.

So we have work to do. There are inadequacies and some of those inadequacies cannot be addressed in the appropriation process. They require new authorization. But some of the inadequacies can be addressed. The one that I have just given as an example can be

addressed. And since there is $175 million in the budget for charter school construction, then it is in order, it is certainly in order, to expand that school construction money to move it to encompass more than just charter schools, and I certainly will be intending to offer an amendment to that effect when the bill comes back to us. If you cannot offer an amendment, I certainly will seek through the conferencing process to have the conferees consider moving from $175 million just for charter schools to a larger amount which would deal with school construction emergencies across the board where they are needed.

There are many other items that they can deal with also because they are in the authorization language and we can move in that respect. I think that the other body had a set of authorizing figures, the amounts for authorization, in a number of areas that are higher than the authorization figures in the House of Representatives bill. So there is hope there that in the conferencing process, we can move in the direction of the amounts of money that have been established by the other body and be able to deal with some of the inadequacies that are left.

I think the important thing is the public must realize that the fact that education is on the agenda at all, the fact that it was one of the first items the new administration placed before the Congress is due to the commonsense pressure that is being applied from the bottom. It is the public opinion that keeps consistently stating to the elected officials that education has to be one of our priority items. It seems that we are always running away from it. Elected officials have not really engaged the education agenda the way they should. Considering the fact that for the last 5 years, it has been among the top item and for the last 2 years it has been number one on the agenda of the public opinion polls, we should have done more. We should have done more. But our engagement has been of a shadow boxing approach where we engage in it with rhetoric, there is a lot of talk about education, there is a lot of discussion, and then when the authorizing and the appropriation process takes place, there is minimum effort. In the Leave No Child Behind legislation, we do not have maximum effort, we have minimum effort. It is important for the public to remember that. Whatever we are going to conclude with this year is still far short of where we should be in terms of the Federal involvement in education.

People say, ''Well, it's really a local and a State matter.'' Yes, it should primarily remain a local and State matter. In terms of support for education, financing of education, funding of education should remain primarily a State and local matter. But that does not mean that the Federal Government cannot be more involved than 7 percent. Seven percent leaves us a lot of room. Why do we not shoot for 25 percent? There are people who fear that greater Federal involvement will mean a loss of local control, a loss of State control of the schools. With 7 percent involvement, and the local government and State government have 93 percent of the funding, then certainly you cannot control anything. If you have 93 percent, if the other party has 93 percent, you cannot control it with 7 percent. Let us not kid ourselves. If we increase it, the Federal share, from 7 percent to 25 percent, we still are not in a position to control, and that is a bogeyman that should be shot down and forgotten. We should be moving toward more Federal funding in terms of a greater percentage of the bill for education should be paid by the Federal Government.

All taxes, all revenue comes from the local area, anyhow. All politics is local, all revenue is local. The money we print in Washington is symbolic, it is symbolic of the taxes that are flowed in here from the States and the localities. So give it back to them in ways which promote the item that the American public has indicated is the number one item. They would like to see more Federal involvement in education. Let us keep the debate going, let us continue to talk in terms of what is needed, instead of merely settling for the parameters that have been established by the Leave No Child Behind legislation.

I want to take the opportunity today to talk about two groups, two statements of vision that have come to my office very recently. One is a book that is written by Dwight Allen who is an education professor at Old Dominion University and William Cosby, Bill Cosby. Most people do not know that Bill Cosby has a Ph.D. in education and that he has always been interested in schools and in children. Cosby wrote several books on children and families that were best sellers some years ago. This book is a combination with an education professor friend of his. The title of the book is ''American Schools, the $100 Billion Challenge.'' The $100 billion does not refer to $100 billion over the next 10 years, Mr. Speaker, it refers to $100 billion per year that ought to be added to the Federal effort in education. It is interesting that they would think in those terms, when a second presentation by the Children's Defense Fund, the Act to Leave No Child Behind as a bill that has been introduced in the Senate, S. 940, and in the House as H.R. 1990. Senator CHRISTOPHER DODD of Connecticut is the sponsor in the Senate and the gentleman from California (Mr. GEORGE MILLER), the highest ranking Democrat on the Committee on Education and the Workforce in the House is the sponsor. They are talking about $100 billion, also. It is very interesting. What can we make of this and should I waste your time with utopian proposals for the Federal involvement in education? Frankly, I do not believe they are utopian.

Because we operate within the parameters of political practicality, I have not offered an amendment to the effect of levels of funding as high as proposed in these two documents, but they make sense. Their proposals make sense. Their proposals talk about moving away from incremental, nickel-and-dime approaches to reform and let us do the things that are really necessary on a scale that is necessary to move us forward. What has America got to lose by having a greater Federal investment in education? And what does it have to gain? I think that the gains in investment in education are tremendously geometric. The gains are fantastic in terms of what you invest and the educated population that you get as a result, what they produce. What are we producing in America now? We are way ahead of the rest of the world. Agriculture is just an old-fashioned basic example. We got way ahead of the world by investing heavily in education in agriculture. We are way ahead of the world right now in terms of digitalization, computerization and anything involving science and the application of science. Our pharmaceutical industries, our medical. Why are we there? Because in addition to the Morrill Act which established the land grant colleges, on several occasions the Federal Government has acted with broad and thorough funding powers to boost education.

The GI bill. When the men who fought in World War II came back, every single one of them was given the right to an education financed by the Federal Government, from A to Z. There are some who went to barber school, some who went to business school. Many went into our universities. Our universities had never had such an enrollment. Enrollment was doubled and tripled in many of our universities as a result of the GI bill, a Federal bill that paid the bill, paid the expenses for men, veterans, to become educated. What came out of that? Large numbers of men who would never have gone to college, who would never have become technicians or never have become scientists, they entered the workforce and entered our economy at a time when automation was taking place. The great jump forward, the great leap forward after World War II was automation in our plants. We had the technicians and the mechanics and the people to do that because of this tremendous investment that this Nation made in education.

We have not looked back and really thoroughly examined what we have done. The institutional memory of the American citizens in terms of what we have done in education and what we have reaped as a result is not there automatically. You have to talk about it. But we got a great boost. The fact that we are ahead in computer science is not by accident. We filled our universities and the great expansion that took place in education following the GI bill, once the GI bill recipients were

out of college, every university that was publicly financed found its enrollment still going up, because through that experience, they expanded greatly, and they made it possible to have lower tuition and more and more young people could go to college and the age of the computer, digitalization, communications improvements, and all the kinds of things that we take for granted now were made possible by the crop of technicians and scientists who came forward through that process.

It is likely that if we were to invest $100 billion in education every year for the next 10 years, we will reap 10 times that much incrementally, it will probably be geometric, to heights that we cannot conceive. Most people cannot conceive the need for that many educated people. They say that you do not need that many educated people. When I came out of college, there was a raging debate in certain places about do we need more people, more educated people? They will only take the jobs of those who now have the jobs. Do we need more teachers? There was a limited supply of teacher jobs. We would have a pressure on the professions that could not be met by educating all these new people.

What has happened? We have gone through a process where now there is a tremendous shortage of teachers. Let us take teachers, because teachers outnumber lawyers. Teachers outnumber doctors. That is a profession that has large numbers of people involved, large numbers in school who come through the process and become teachers, and we used to take for granted, if you could not do anything else, you could teach and therefore you would always have a large number of people who on the way to some other profession would teach for a while first and then for various reasons teaching was a profession that we had no shortages. Women who were not allowed to get into corporations to the degree that they are today and many other professions had sort of walled them off, medicine, law, sort of hemmed women in, they kept them in teaching and nursing. All those barriers have fallen now and we have a tremendous shortage of teachers right now at this very moment and the shortage is increasing geometrically. It is increasing right now greatly.

New York City had 4,000 teachers who resigned or retired over a 2-year period 2 years ago. In this last year, they had 4,000 teachers in one year. They expect to have 6,000 retire next year. We are into a situation where they can see the number of people qualified in terms of years spent in the system and the other pressures will lead to a tremendous drain on the number of teachers.

□ 2200

There is a great shortage of teachers in New York City right now. We are not able to get trained, certified teachers to fill all of our classrooms, and many other big cities have the same problem.

The other pressure, other than just not having the bodies that come out of the process of education, is that the surrounding suburbs, which usually are more wealthy sometimes in other States, in New Jersey or Pennsylvania, New York is surrounded by suburbs that can pay much higher salaries for teachers. So they have shortages in those areas and it speeds up, it escalates, the drain of teachers in New York City.

I am told that one of the big problems we have with school construction is that school construction has now hit a problem because the construction industry certainly in the New York area has sort of over booked. They have more than they can handle because the construction industry has a great shortage of skilled personnel, carpenters, sheet metal workers. The people who make construction go are in short supply. So we have a skills problem in the area of construction.

We have a problem recruiting policemen. There is a difficulty. There is a big debate. They have lowered the standard for policemen. Whenever you move in search of some skills that go beyond just a high school education, there are shortages developing in big metropolitan areas. I am certain that the experience in Los Angeles and Chicago and Detroit and some other areas is not going to be so different. There is unemployment at the lower levels where you have no skills and no education, but in the areas where the people are semi-professional or professional, the shortages have already shown up. So just to fill the shortages, just to fill nurses, nurses is another area which we are hearing more and more about every day. I have heard some 1-minute speeches on the floor of the Congress. I have seen items in the newspapers repeatedly about hospitals not having enough nurses and other medical personnel. So that is another area of skilled and professional people where you have a shortage.

Just to fill those traditional positions, just to take care of the careers that we are all familiar with, you need more people who are educated. But when I talk about a great geometrical increase in the benefits that you get from having an educated population, I mean more than just replacement of the usual professionals, I am talking about professions that we have not even conceived yet that are just shaping up. The people in the area of genetics, a large numbers of people in the field of genetics, who were not there 10 years ago, it is an exploding field. People in biotechnology, on and on it goes in terms of the kinds of research that if you have the personnel, if you have the people who have the scientific know-how and have been trained, you can move much more rapidly to unearth new discoveries in science. Whether you are talking about discoveries in biotechnology and microbiology, in physics, all kinds of discoveries, telecommunications, can take place in direct proportion to the number of people who are educated. All of the forward motion in terms of technology and science can also move forward without the costs being so great. The greater the supply of professionals and technicians, the less the costs. We have some high cost scientists and some high cost scientific projects because there are too few scientists available.

In the area of computer technology, it is kind of a recession, a correction, they say, in the dot com industry. Computer specialists were in high demand. Information technology personnel is in high demand and I am told this is only a blip on the screen, that pretty soon the demand for information technology personnel will be as great as it was before. So an investment in education pays off geometrically. If we spend a billion dollars more per year on education for the next 10 years, it will give this society benefits which are worth far more than we invest. If you have to state everything in terms of dollar value, trillions and trillions of dollars would be realized because we would develop, we know that there are secrets out there waiting to be unlocked in biotechnology alone, that if you put more people to work there is a correlation between the ratio of people put to work and the benefits that you would achieve. The same thing is true in certain areas of digitalization, computerization and those areas. They reap benefits, what they call in economic terms productivity. American productivity has greatly increased, and one of the downsides of the great increase in productivity is that it puts out of work a lot of people who did mundane tasks but at the same time it creates a need for a different kind of employee and personnel with much more know-how.

We want to have the personnel with the know-how available to take the jobs. So our investment in education has a dual effect of moving us forward to an era where more will be unlocked at a faster and faster pace, new technology, new medical benefits, new ways to decrease the energy employed to produce items and all other so-called seemingly unsolvable problems, problems that cannot be solved now, seemed they cannot be solved. You can solve them if you get more personnel, if you get more trained people. The training process, the education process from the first grade to graduate school and beyond graduate school, is such that you are only going to produce a certain number of geniuses, but you can rest assured if you put a certain number of people through that process there will be geniuses discovered. The world is not run by geniuses. Geniuses are regular people who serve with partners with them, other scientists and theoreticians, and the theoreticians and scientists have to have technicians to work with them. The technicians have to have mechanics. All up and down the line of the funnel you will

have developed people breaking out in their own capacity.

If you give them the opportunity, they will develop to their fullest capacity, which means that everybody will be improved and everybody will be able to make a contribution that they could not make if they did not have the education.

We should not hold back and hesitate as most of our political leaders are. The governors and the mayors and the people who are in charge continually become an obstacle in the forward movement of the appropriation of the adequate sums of money for education. They are the ones who prefer to talk about education without really improving education.

We have a problem in New York City with the receipt of State aid over the years has been clearly unfair. They have not given the city pupils the same kind of support from the State that the other pupils have gotten outside of New York City. A court suit was mounted and a judge came to the conclusion that, yes, it is true. The State has not been appropriately financing the schools in the city and the State should take corrective action. The governor of the State has appealed that decision, and one of the things he said in his appeal is quite frightening. The firm that was hired by the State of New York, which is the firm that has been used in a lot of school segregation cases in the south, that firm has based its defense, its appeal on the following theory: That city students failed in school because of their poverty. No amount of money, whether to raise teachers' salaries, to build more schools or to install science labs, would make a difference. That is what the States attorneys are saying, that poverty is the cause of the failure of the school system; the inability of the children to learn is due to their poverty.

Now, we know that there would be a revolution if the governor had dared to say due to their race, due to their ethnicity or due to their religion. That would be clearly discrimination. Clearly, he would get a reaction from right across the country about that kind of approach. But it is a hidden statement. Most of the poor children in New York City are minority children, either Hispanic or children of African descent and they are being told in this defense that the governor has put up that poverty is a problem.

It is not the lack of funding. I do not want to go into that too far. I just want to point out that it is a frightening notion. If you move in that direction and do not challenge that kind of theory, the problem is that in 10 years you would end up with a clear statement by policymakers in the State that the State does not owe any children universal education because if they are too poor to learn then we should not invest the money trying to make them learn. The implications of assuming that poverty blocks learning, poverty dooms the school system, the implications are devastating and we hope to deal with that argument right away.

I got something from one of my constituents about a new proposal about reparations. There is a young man that has caused a stir by putting out a pamphlet about reparations, makes a statement about 10 reasons why reparations for blacks is a bad idea for blacks and it is a racist idea also. Reparations become suddenly not only a bad idea and something that we should not talk about but it is also a racist notion for any group to say we may be owed reparations. I can see 10 years from now if you let the governor go unchallenged with poor students, whether they are African American or Hispanic, being told it is a bad idea for you to demand a universal free education because, after all, we have tried and we could not educate you because you are poor.

I do not want to go too deeply into the implications of that kind of argument. My point is that the governors and the mayors and the people who are blocking the way, and people in high places, of course, in the Federal level, blocking the way in terms of the appropriations of ample resources for education, they are refusing to respond to the public outcry for improvements by dealing with basics. Basically, you need whatever it takes to provide certain physical facilities that are safe, physical facilities that are conducive to education. You need to provide basic instructional assistance by having trained teachers, teachers who are certified and know what they are doing. You need to have decent equipment, decent supplies, decent sized laboratories. You need a library at every school. The basics are not there.

Before we move to more theoretical kinds of considerations of accountability and testing and blaming the teachers, let us put the basics in place. The basics are not there, however. These people who talk about $100 billion per year are on track because instead of proposing utopian ideas, Dwight Allen and Bill Cosby are proposing ideas that make a lot of sense. Senator CHRISTOPHER DODD and the gentleman from California (Mr. GEORGE MILLER) in the Act to Leave No Child Behind, S. 940, H.R. 1990, are making some sound proposals. I must point out that the Act to Leave No Child Behind is not just an education bill. This is about children. It goes beyond education, to health, environment, nutrition, housing. This is about a program for children. In terms of the dollar figures, they come out at the same point as the cost by proposals, but nothing proposed here is outlandish, outrageous, utopian. It is all very sound and very on target.

□ 2215

But we have lost sight of that. In the deliberation of the education bill, I offered a motion to instruct which was related to construction. Now, because of the atmosphere, we were tempted to compromise and to try to win votes by watering down the original amendment that I had made. We came all the way down from an amendment that I made which would have appropriated $10 billion a year over a 10 year period for school construction, to $1.2 billion, the amount equal to the amount appropriated by the outgoing Clinton Administration for school repairs, mostly emergency repairs.

So even though the need clearly is up at the point where you need at least $10 billion a year just for school construction, and that is based on several studies that have been conducted by the General Accounting Office and conducted by the National Education Association showing that you needed about $320 billion. The National Education Association study, if you combined school construction and repair with new technology, you need $320 billion. New York State had the highest need of about $44 billion in order to bring the schools up to par to a level where they could serve the present population appropriately.

So my estimates and my figures on school construction were not pulled out of the air. They were already a compromise. But on the floor here I offered a motion to instruct which was watered down to $1.2 billion per year. Of course, that failed. It got a party line vote, and we failed to pass it. But it was a far cry from the need.

We have to do that. As people who are trying to compromise and get something done, we have to sacrifice our vision of what the need is. But I do not want the people out there who have had the common sense all these years to keep the pressure on elected officials to lose sight of what is needed. We do not need $1.2 billion for school construction, we need $10 billion a year for school construction. We need the kind of figures that are stated in this book, American Schools, the $100 Billion Challenge.

I am going to read a few examples from this $100 billion challenge which Bill Cosby and Professor Dwight Allen put forth. I am going to read these, as I said before, not as a politician, an elected official offering these as suggestions that I intend to put in legislation tomorrow, but as mind-stretching exercises.

Let us stretch our minds and try to look at education from the point of view of these experts. They are both Ph.D.s in education, they are both very concerned about it, but they are outside looking into the governmental process, and some of the conclusions they come to would be very instructive. We did not hear from these people in hearings before we passed the Leave No Child Behind legislation. Nobody was interested in hearing these kinds of statements.

But here is a vision that is worth consideration by all that really care about education. In the section $100 billion for teachers, a summary of the listing, they start out with $6 billion

regular in-service training on the Internet for all teachers.

Now, we have pages and pages of discussion of teacher training and teacher improvement, but I do not think any one of our legislative proposals dealt with anything of this nature, certainly not with that kind of figure. I think our total amount for training of teachers is something close to $4 billion for all training, and in-service training and upkeep for teachers.

Here, in this proposal, just to read a few examples, $6 billion for regular in-service training on the Internet for all teachers. Compensate every teacher in America $2,000 per year extra to spend 2 hours a week on the Internet upgrading their knowledge of his or her subjects, their teaching methods and of the newest research. We all agree that lots of teachers are out-of-date in their knowledge of both content and method of teaching. Current methods are hit and miss and often not valued by teachers who receive such training. The Internet offers a dramatic new potential. Developing and presenting new content and methods in a systematic way for all teachers can now be routine and cost-effective in a way never before possible—$6 billion they propose to spend on regular in-service training on the Internet for all teachers in the Cosby-Allen proposals.

Another area that they propose expenditures which I found to be interesting was the expenditure of $2 billion to train a corps of master teacher mentors. Provide a trained corps of clinical master teacher mentors for each teacher in training and for beginning teachers. There would be several concomitant benefits of paying mentor teachers $2,000 to $5,000 stipends each year. This is above their salary. First of all, well-trained mentors would provide better supervision and guidance for new teachers, and if the mentors are well paid, they will be encouraged to provide more and more and better assistance and they will stay in the school system, instead of moving on to higher paying jobs elsewhere.

Another item, $5 billion, $5 billion, this is one I have never seen before, for a corps of $100,000 classroom teachers. Listen closely, $5 billion for a core of $100,000 classroom teachers. Pay 5 percent of all teachers, pay 5 percent of all teachers, an added $50,000 per year to attract and hold a share of the brightest college and university graduates as master teachers.

In other words, you get master teachers who would be making up to $100,000 a year. Pay 5 percent of all teachers $100,000 a year. We need to break the mold of a single salary schedule for all teachers. Just as the dream of a NBA million dollar contract does energize sandlot and school basketball all over the Nation, realistic aspiration of $100,000 stipends per year for even a small percentage of teachers would energize applicants at all levels and increase the recruitment pool. We are a Nation that responds to financial incentives.

Another item, $10 billion, $10 billion, for teaching assistance and other support staff for teachers. Now, I would wholeheartedly endorse this one as being practical, being necessary, and we ought to write it into our legislation right away. Teaching assistance and other support staff for all teachers.

Build the concept of a teacher and his or her staff with clerical and technical support in the classroom, including teaching assistants and interns. Teachers are now required to do it all. Teachers are self-contained in their classrooms. Sporadically they may have teaching assistants or some volunteer support. If we are to make the most efficient use of our most valuable resource in education, well-trained teachers, we must begin to provide them the support that is routine for all other professionals.

I think we ought to stress that. Real professionals, every other professional, whether you are talking about lawyers or doctors or engineers, they have staff; they have staff assistants, they have people at various levels of support. Teachers deserve the same kind of support, and you would actually have a more efficient and more effective classroom, a more effective use of your highest price personnel, if you were to have each teacher being seen as part of a unit, where they are the head of the unit, directing the unit, but they are not weighted down with a lot of tasks that are not professional, not productive and do not involve learning. So I would wholeheartedly endorse that proposal as being a very practical one and one we should have moved on long ago.

We talk a lot technology in the classroom and about the use of technology in the classroom, computers in the classroom. I do not think teachers should have to learn how to make computers do new things in terms of their curriculum and opening the eyes of youngsters with more creative approaches to teaching. They should not have to do all that and also learn how to fix the machine when it breaks.

When computers are on the blink, they should not have to be the ones to fix them, the servicing of the computers, the servicing of any equipment. There is a whole array of things that teachers should not have to do, and if you had that built in a system, that taken care of by a unit, you would have more people staying in teaching instead of resigning and retiring as quickly as they can.

Another item they have here in the Cosby-Allen proposals is a $1 billion item, challenge grants for teacher initiatives for educational reform. Teachers should be encouraged to examine their own practices and to try new initiatives. A series of challenge grants should be established, with teachers from other states making a judgment about the priorities of which initiatives to fund.

The whole debate on education and the production of the Leave No Child Behind Act in both Houses of the Congress, the people who were consulted least were the teachers. We talk a lot about what teachers should do, we have prescriptions in here for their training, we even talk about teacher preparation institutions, penalizing them if they do not graduate teachers who can pass the certification tests. We are deeply into education and the molding of teachers and the use of teachers, but very few teachers were consulted, I assure you, in this process.

Because of the pressure of public opinion, we politicians, we elected officials, have gotten involved, but we have left out the most important ingredient, and that is the input, the advice and consultation of the teaching profession and the teachers themselves.

So this $1 billion challenge grant would recognize that teachers have initiatives and teachers are sometimes the best teachers of other teachers. Teachers should be encouraged to examine their own practices and to try new initiatives.

Another item, $6 billion for 6 years of pre-service training for teachers. Provide $10,000 per year for 6 years of universal teacher training for 100,000 teachers each year. There is a wide consensus that we need to attract a share of the brightest student to the profession of teaching. They propose 6 years of funding, an incentive to increase the time of training profession and to raise the standards of the teaching profession generally.

There are all sorts of variations possible. For example, funding can be in the form of loans that include one year of funding forgiven for every year as a teacher. We have had those proposals offered in terms of forgiving loans, but we have not had any proposals that talked about $10,000 per year in order to allow students to get a 6 year education.

Another item, $3 billion, one-year internship for teachers after professional training. These are items which coincide with some practical proposals that have been made in legislation already. $1 billion for higher salaries for more teacher educators. Increasing salaries of $10,000 teacher educators by $25,000 to $75,000 per year. Again, the same principle, to attract the brightest graduates into teacher education.

Another $1 billion is proposed for the development of teacher training materials. Then technology, $15 billion proposed for technology for all schools, the purchase, maintenance and replacement. And on and on it goes, into a budget which concludes with $100 billion per year for education, American schools.

Again, I have been talking about a vision offered by Bill Cosby and Dwight Allen. Dwight Allen is a noted Professor of Education Reform at Old Dominion University, and Bill Cosby has a Ph.D. in education and has been interested in education for a number of years and has written several books on children and families.

In conclusion, I have offered these two visions which are outside the usual discussion that takes place here on the Hill. It just so happens that they come at a time when there is a great need to keep the dialogue going.

We cannot sit still and wait until the conference committee acts. We should not sit still and wait until the final negotiation takes place, probably at the end of September. We need to keep the pressure on. The public needs to remind each one of us in the Congress that they have made education a priority, and making education a priority, there is a need to have resources behind the rhetoric.

The dilemma we face is that we have two bills that have passed, one in the other body and one here in the Congress, and both have authorization figures much higher than any provisions that have been made in the budget. We need to solve that dilemma in a positive way. We need to have the pressure applied from those who care about education to make the appropriations figure measure up to the authorization figures as a one first positive step.

At least the Leave No Child Behind legislation should not be hypocritical, it should do what it says it is going to do in the authorization bill. That is the first step. The other steps require the kind of vision to go forward that is indicated in these two visions, one from the book written by Bill Cosby and Dwight Allen, and the other from the Leave No Child Behind legislation which deals with more than just education, and is sponsored really with the backing of the Children's Defense Fund.

□ 2230

We are going to hear more about this as we go toward September. The important thing is that we should understand that the door is not closed, and the final decision has not been made. There is room for an appropriation which measures up to the authorization and all of us should dedicate ourselves to the proposition that we will fight to have the appropriation measure up to the authorization for education.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

HONORING OUR FALLEN FIREFIGHTERS

Mr. MCINNIS. Mr. Speaker, I would like to take a few moments of my Special Order to address a very sad situation that occurred yesterday in Winthrop, Washington State. As my colleagues know, this time of year is the time of year in our Nation across the Nation that we face horrible forest fires. Most of the time, we are able to conquer those fires through the able leadership of the Forest Service, the BLM, our professional fire departments, our volunteer fire departments and volunteers across the country. But every once in a while the fire gets the best of us, as it did in Storm King Mountain in Glenwood Springs, Colorado, the town that I was born and raised in.

I was in Storm King at the time of the incident and I remember the situation very well. I remember the horrifying fire that took Storm King Mountain. I remember the horrible tragedies and the tears of the young children and the widows and the mothers and the fathers and all the families and the friends and the shock of that community. We had hoped that Storm King Mountain in Glenwood Springs, that the incident would never repeat itself, but we knew at some point in time that it would, because it is almost like part of a fate of fighting fires. Over a period of time, we are going to have casualties. It is a war of its own, really. We think about it, thinking about a fire that is unpredictable, in some cases; some cases it is predictable, an enemy that has no discrimination as far as who it picks to destroy. We see it destroy animals, we see it destroy mountains.

We know that basically, it is a force that can erupt, just like the force erupted yesterday. Yesterday we had a fire of about 5 acres and we had what we call the blowup. The thing that scares anybody dealing with fires, the worst condition that we can have are the conditions that accumulate in the incident called fire blowup. That means we have low humidity, we have very dry timber, and we have a wind that is unexpected that comes in. This fire which burns 5 acres over some period of time exploded from 5 acres to 2,005 acres in a matter of moments. These firefighters that lost their lives yesterday, 4 of them, had no chance. By the way, I understand we lost another firefighter who was a pilot on a slurry bomber at another fire; not this fire, but at another fire somewhere in the northwest as well.

So my words of honor this evening are for all 5 of those firefighters. But I am only knowledgeable on the incident of the 4 firefighters who lost their lives yesterday. I would like to mention their names. Tom Craven, Tom was 30 years old. He was from Ellensburg, Washington. Karen L. Fitzpatrick. Karen was 18 years old, of Yakima. Devon A Weaver. Devon was 21 years old of Yakima. Jessica L. Johnson. Jessica was 19, of Yakima.

Tom, Karen, Jessica and Devon 2 days ago were alive. Two days ago, when our country called upon them to respond to a fire, they did so without hesitation. Now, despite the young age and, in fact, this was one of the first fires, or not the first fire for one of those individuals, despite the age, they received training. And at some point, one has to fight their first fire. At some point, one has to pick up actual field experience.

Almost every firefighter we have had in the history of this country gets through those first few fires. In fact, almost all of our firefighters are able to retire, or at least leave it without a fatality. But that was not meant to be the case for these 4 young people. We lost a lot of spirit. We lost a lot of youth. Two days ago, we did not have families in mourning, we had families who were excited that their children, in most cases, and I am sure in this case, were doing what they dreamed of doing for a long time, and that is going out and taking on fire, and going out and helping our country in a time of need. Going out and literally saving communities, saving animals, saving vegetation, saving our mountains. We have seen it. We have seen it throughout our country, what these people do. I saw it at Storm King Mountain in Glenwood Springs, Colorado, about 7 years ago.

So my comments tonight are intended to be in honor of these 4 firefighters. In fact, I expand that beyond those 4 firefighters to the fifth firefighter who I understand lost their life yesterday, to all firefighters across the Nation. To those firefighters who today cannot of course hear these words because they are camped out on the side of a mountain fighting a fire somewhere in Colorado or fighting a fire in Oregon or Washington or out there in California. These are gutsy people, and they carry out a mission that takes a lot of risk. They know the risk. They go into it with full knowledge. But I guess if one is a young spirit, one always goes into it thinking, I can overcome, I can get by it, but they did not get by it, and we should recognize them for the hero status that is properly bestowed upon them.

I can say to the families of these 4 deceased, our Nation, the United States of America, owes your family a great deal of gratitude, that we consider these lost firefighters heroes, the way the word ''hero'' should be used, not for some celebrity sports figure, but for a figure to me that is much more of a hero than any movie star or sports figure could ever be, and that is these 4 young people who gave their lives yesterday for the United States of America.

ENERGY CRISIS IN CALIFORNIA

Mr. Speaker, I would like to move on to my topic discussion. As usual, as my colleagues know, we have had preceding speakers here on the floor, and it was interesting when I listened to my good friend, the respected gentleman from California (Mr. FILNER) and the respected gentleman from California (Mr. DEFAZIO). Both, most of the time, seem to be fairly knowledgeable on the subjects that they address, but I have disagreements with the statements that they made this evening. I was surprised that the gentlemen from California, when they talked about the energy shortage that they have had in California, as has become typical with some of the people out of California, blame everybody else; blame everybody else.

If we listen to the gentlemen from California this evening, or if we listen to the gentleman from the northwest, one would think that everybody in this Nation is to blame for the shortage, the energy crisis that they have experienced in California, that the blackouts in California have nothing to do with the political leadership of the State of California. That the energy blackouts in the State of California have nothing to do with the fact that they have not been able to build a power generation plant in California for years and years and years. The fact that they have an energy crisis in California has nothing to do with the attitude of some people out there in that State that say, do not build in my State, do not build in my backyard. We do not need electrical generation plants. We do not need gas transmission lines in our State. Let the other States generate it and we will buy it from them.

It was interesting to hear that the gentleman in the northwest is blaming what he calls the greedy companies. Well, I have seen plenty of greed in my life, and perhaps that is one of the contributing factors, but do not continue to run away from the fact that it was poor policy in California. I say California versus the northwest, because in the northwest it was not necessarily poor policy. In the northwest, they have a minor problem. The Columbia River is going dry. They have had a drought. They did not get the rain or the moisture that they expected, so they were not able to generate the hydropower which, by the way, is very clean power, a very clean way to generate energy. So the northwest is a little unique.

But let me focus in on California. They did not have a river go dry on them. What happened out there is that they refused to accept the responsibility, especially the political leaders in California, to look to the future, to have a vision for the future, to know that they have to provide energy for their constituents.

Now, I also heard the gentleman say, whacko environmentalists, that those who have criticized the State of California say it is because of whacko environmentalists. Well, there are some whacko environmentalists, there are some whacko developers. But putting that aside, the fact is that California has got a lot of balanced, reasonable environmentalists who understand the fact that they need clean generation of power. But the leadership in California, whether it is at the local level or the State level or the governor's level, have refused to allow it to occur. They kind of brought it upon themselves.

Mr. Speaker, I know that the gentleman from California says he was tired of hearing people say, California brought it upon themselves. Well, let me say how interesting it is that out of 50 States, California stands alone. Do they in California not think that the political leaders in California had a little something to do with the problems that they are facing out there?

Now, my colleague mentioned, well, several of his colleagues have said, the heck with California, that is their problem, let them suffer. That is not the attitude of this Congressman. I think California is a very important State in our Nation. I do not think we can just walk away from California. But it is awful frustrating for those of us who want to help the State of California to see that there are those in California who are too stubborn or too lazy or have an idealogical philosophy that they will not even pull themselves up by their own bootstraps, that some in California will not provide self-help. That is what the problem is. We cannot walk away from California. This is a nation. This is a nation of 50 States. We are like brothers and sisters. We are tied together. It is a good union of being tied together.

But the fact is, when somebody is not pulling their load, we have to be frank about it and say, you are not pulling your load. It is like pulling a wagon up a hill. If we have somebody that is supposed to be pulling and they continually jump in the back and ride the wagon and you say to them, hey, Johnny, you got to get out of the wagon, you got to help pull it. Johnny gets out and says well, the whole reason I have to get out of this wagon is because the rest of you are not pulling hard enough. That is exactly what California is saying and that is exactly what some of my colleagues from California, especially the gentleman who spoke earlier, and that is a good analogy. We have said to the gentleman from California, look, we are not going to let the wagon go, we still have to get this wagon to the top of the hill, but you have to get out of the wagon and help pull the wagon up the hill. Do not just sit there and complain about how abused you are because the rest of us asked you to get out of the wagon to help us pull the wagon up the hill. Get out of the wagon, get off your duff and help the rest of us.

Mr. Speaker, ever since I was young my folks took us camping. My district is the Rocky Mountains of Colorado, born and raised, multi-generations in Colorado. My folks had a little rule. That is, if you went camping with them and you wanted to enjoy the campfire in the early mornings when it was quite chilly, as we know it gets, my district is the highest in the Nation, so it gets cool there in the mornings, or cold. So if you want to enjoy the camp fire, guess what you got to do? You got to help gather the firewood.

In California, it is the same thing. If you want to have enough energy, not just for this generation, but for future generations, you got to help gather the firewood. You got to help build electrical generation facilities. You have to plan natural gas transmission lines in your State. You have to be serious about conservation. To California's credit, let me say that this energy problem that we have, conservation can make a big dent in it, and California does deserve credit. In the last couple of months, the citizens of California have been responsive to conservation issues, although I am concerned that as this energy problem begins to resolve itself, people will put conservation along the side. I think in this Nation, all of us, every American, needs to adopt conservation on a permanent adoption basis.

□ 2245

Conservation is important. But California, do not expect the rest of us not to be frustrated if they are not going to help themselves get out of this mess. Do not continue to blame the President. That is what Gray Davis, the Governor out there, did for some period of time. When he found out that was not working, he blamed the greedy companies down in California. Then he threatened to seize the companies, like it was some type of socialistic government that we operate in this country. Everything except themselves they have blamed for this crisis.

I am saying to the leaders and I am saying to the Governor of the State of California and I am saying to my good colleagues here on the floor from California who are taking these issues up about how badly treated California is, we want to help, but they have to help, too. Simply going up and saying, ''In 2 weeks I am going to show up in San Diego and cut the ribbon for a power generation company, now pat me on the back, and by the way, you are responsible for our power crisis,'' that does not cut it, California. We want to help, but they have to help themselves.

How do they help themselves? The entire Nation can help itself with conservation and alternative fuels, those things. But alternative fuels really are something of the future. Today if we took all of the alternative energy in the world, all of the alternative energy in the world, and we put it all into the United States of America, we are talking about 3 percent of our power needs, 3 percent of our energy needs.

So clearly, alternative energy is going to be what the generation behind myself, my children's generation, my three kids and their generation, they are going to be primarily dependent on that like we are dependent on fossil fuels for our generation, and the two generations preceding us were dependent upon it.

That is going to be important. But in the meantime, what do we do for the current generation? We have to do a couple of things. California has to allow generation facilities to be built on a reasonable basis.

The gentleman from California, as supported by the gentleman from Oregon, seemed to suggest that we set aside, or people on both sides of the aisle say that the suggestion is that we set aside their environmental regulations and safeguards and build generation facilities wherever we want. They want to sound like heroes, that, ''We

are not going to let these environmental regulations be set aside. Why should we destroy our environment, like everybody outside of California wants us to do?''

That is absurd on its face. We can build generation facilities that are balanced. We can build generation facilities that have an acceptable impact on the environment. I am not asking, and I do not think many of my colleagues, are asking for the State of California to drop all of their environmental laws. I do not know anybody in here who really is calling the mainstream environmental community in California wackos. I do not think they are wackos at all, and that is a direct quote from the gentleman from California who had spoken previously, about an hour ago.

What we are saying to California is, hey, there is a balance with the environmental regulation. There is a balance with the zoning. They are going to have to have a power line in somebody's backyard in order for everybody's backyard to enjoy power. They have to be reasonable.

It is unreasonable for California to be the only State in the last 10, 15, 20 years that has not allowed an electrical generation power facility to be built in their State. California, is it not a little odd that they are one out of 50? Is it not a little odd that they are now the one out of 50 that is suffering the crisis out there?

The rest of the country is not in an energy crisis. Now, we have gotten a very clear warning, no doubt about it, but we are not in an energy crisis. Why? Because the other States have taken a more reasonable approach than has the political leadership of the State of California.

I am telling the Members, in my opinion, the Governor of California has taken absolutely the wrong direction on how to solve the problem. First of all, about 2 or 3 or 4 weeks ago, maybe 5 weeks ago, at the height of the market, the Governor finally decides he is going to sign long-term contracts, so he has bound the people of California into long-term contracts at the highest possible price that we have seen in any number of years for electrical power. So if they think they are going to get rate relief in California, citizens of California, through my colleagues here, they are not.

The second thing is, the Governor of California has tried to say to the people, let us put on price caps. In other words, they say, let us artificially lower the price of the power. Let us not have them pay what the power actually costs to produce, the price that allows for some margin for reinvestment for the next generation, but let us subsidize the power price by either selling bonds, which is what the Governor of California has done, he has indebted in billions, by billions of dollars future generations to pay for this generation's power.

If I was talking to the Governor, I would say that that is the wrong approach. First of all, this generation ought to pay for this generation's power. Furthermore, this generation has an obligation to exercise some type of leadership, some type of responsibility, some type of vision for the next generation. We need to start planning for their energy needs.

California can join in and do it with us. Let me reiterate, I do not think California should be left alone. California, if it were a country of its own, would be the sixth most powerful country economically in the world. California has a lot of American citizens. It is a big part of our Union. It would be a deep, deep mistake for anybody on this House floor to turn their back and walk away from California.

But it is not a mistake for anybody on this floor to look at our colleagues from the State of California and say, quit blaming everybody else, Governor. Quit blaming everybody else, newspaper editorials out there. Accept some of the blame. Consider and accept the fact that they have to have self-help, and let us move forward as a team.

That is my message to California: We want to help them pull the wagon up the hill, but they need to help us pull the wagon up the hill. For 10 or 15 years they have gotten a free ride by riding in the back of the wagon. Now all of a sudden it is time for them to come up and help the rest of us. When they do, they are going to find out, just like I found out, when we help gather firewood at the campsite we get to sit by the campfire. But if they are not going to help gather firewood when they have the capability to gather firewood, then they should not sit by the campfire and enjoy the benefits of that fire.

Let me talk just for a moment about conservation, because while we are on energy, I think it is important that we discuss conservation.

I had a fascinating thing happen to me not long ago. I was talking to a young person. I would guess the person was 23, 24 years old, and seemed to me to be very, very bright, very capable. I got to talking, as I often do with that generation, and saying, what are you going to do? What is your career orientation?

This particular individual said to me, well, my orientation, my career, is how do we get energy out of the ocean. How do we get energy out of movement? Every time there is movement, as those who have studied physics and so on know, every time there is movement, there is energy.

In this particular thing, she said, I think there is energy in movement. How do we become more expedient, more efficient at being able to take movement, seize energy from it, and utilize it for or energy needs?

It was not long after I visited with this young person that I ran into a gentleman. He was in the energy field. I was telling him about it. He reached in his pocket and he said, let me show you what she is talking about. I have one right here. See this?

Members are not going to be able to see my demonstration, other than the fact that they are going to have to take my word that it is occurring. If the Chamber, Mr. Speaker, was dark, we could see the demonstration.

This is simply a strip of material encased in a sheet of plastic. It has two wires going to a miniature light bulb right here on top. This is the miniature light bulb. What this person did to me, he said, this could capture energy from the waves. He began to go like this, showing movement. Now, Members are not able to see this because of the distance away from this, but I can tell the Members that as this moves up and down, this little light right here goes on. That is what is generating electricity, this simple movement.

This gentleman said, just imagine if we could put this in the ocean, where we have natural, continuous movement, we could generate electricity. I thought that little thing right there was fascinating. I think that is what is the ticket for the future. That is what our generation has an obligation to try and help the future generation, encourage that generation, and then the generations that are not yet born to become dependent upon, to be more creative than using fossil fuels.

But at the same time, we as a generation have an obligation to accept the responsibility that fossil fuels are what we primarily depend upon right now.

I heard my colleagues earlier criticizing the Bush administration about the energy policy. Ironically, I would mention that the Clinton administration and Clinton and Gore had no energy policy for 8 years, had no vision into the future about what to do in regard to energy. The only one who has come up recently, stepping forward, stepping out of the line to take a leadership role, has been President Bush.

I notice that they criticize right off the bat the fact that the President, in his budget, has cut some funds for some research. Let me tell the Members, this is an old-time Washington, D.C. trick. Every program in the Federal budget has a good name to it. It is either for the children or it is for the future or it is alternative energy.

Why does every program have a good name to it? Because it is hard to cut it. It is hard to take money out of it. Once we create a program back in Washington, D.C., we can pretty well be assured that program has a life, a long life of being able to use taxpayer dollars.

The first thing that happens back here with the special interests, and special interests that go the entire band of interests, these special interest groups, the first thing they do when they get a program, and this includes Federal agencies, the first thing they do when they get a program put into place is to put a protective shield around it, in case somebody ever comes and says, look, what is the bottom line? Tell me, what are we doing for accountability? Tell me what the results

are. Oh, we would like to do an audit to see if you are doing what you said you are going to do. What kind of results have you given us for this money?

Then they can immediately deploy their weapons, the weapons of special interest. That is to say, how dare you ask a question about whether or not, for example, money is being spent efficiently on the school lunch program? You must want children to starve. It is the same kind of thing we are seeing here. We have research programs that we have funded for years, year after year after year on energy, and the bottom line is the results are not there. They are not there.

The minute we go up to them, as the President has done, and said, look, we are going to have to not take the money away and use it for some other purposes, use it for highways or something, we are going to put this money and put it into research we think is going to make a difference, the first thing they do is run to the local or national media and say, my gosh, the President is proposing that we cut research. How terrible, in an energy crisis. This is a President who only wants oil drilling. He wants to cut our research dollars.

At best, at best that is a misleading statement. That is giving them the benefit, here. In fact, most of these programs, when we go after accountability, they are well-designed to do whatever is necessary to protect that program and keep that program alive.

Let me talk for a moment about the energy policy of this country. I mentioned earlier that President Clinton, the former President and the Vice President, they had no energy policy. We need an energy policy. What happened in California, what happened up in the Northwest, now, the Northwest was primarily because of the Columbia River, but what happened in the Northwest was a warning shot to all 50 States. It was a warning shot saying to us, hey, one of these days we are going to face a real energy crisis. One of these days, we had better be prepared for it, because we are not going to get a second chance. We have to be prepared with energy alternatives.

What do we need to do that? We need to have some kind of energy policy. That is exactly what the President has done. Now, Members may not agree with the policy. Members may not agree with elements of the policy. But I think every person in this country should agree with the fact that we need a policy.

Now, it is debate on this House floor, it is debate that really should start in the kitchen of every household of this Nation, as to what kind of energy policy should this country have; what kind of components should we put together so that our Nation as a unified group of 50 States has a policy that will allow us to get through future energy crises, that will allow us the kind of vision, leadership, and responsibility that is necessary for future generations, that will allow us to propel our economy and keep it strong, that will allow us to do all of these things that energy allows us to do?

Let us look at some of the elements that I think are important for an energy policy. First of all, there is discussion and debate. What President Bush has done is a favor to all of us by stepping forward and putting an energy policy on the table.

□ 2300

And by saying we ought to put conservation on the table, and we ought to put alternative energy on the table. We have to talk about supply. We have to talk about exploration. Put it on the table. We have to talk about what areas of the country should or should not be explored for fossil fuel or should or should not be explored for other type of energy recovery. At least the discussion has begun.

Now, that does not mean that we have to adopt everything they have put on the table. That is not what it means. But what it does mean is that we have an opportunity now to start to put this policy together. So discussion is an important benefit of what the President's energy policy has put forward.

Now, let us talk about some of the other elements that are obviously very important for any energy policy. First of all, we have to ask what is it that every American could do? What could every American out there do to help our Nation on an energy policy, to help our Nation through these energy problems, to help our Nation assure future generations that an energy crisis is not going to be something they have to worry about?

The first thing every American can do, every American that is capable of moving and thinking, is conservation. Even simple conservation. Now, there is a lot of conservation that can take place in our Nation without an inconvenience to our lifestyles. Let me give a couple of examples. Turn out the lights when we leave the room. Now, that sounds kind of simplistic. Sounds like, gosh, that is so basic, of course we turn off the lights. But what difference does it make if I walk out of the room over here and I have the lights off for 2 minutes? I am going to be back there in 2 minutes anyway. Imagine the difference if every American that is using lights right now as I speak shut off their lights for 2 minutes. How much energy would we save? How much conservation is that? It is significant.

And let us put that together with a little less idling of our cars; maybe turning our air conditioning a little higher, at 70 degrees instead of having it set at 68 degrees; maybe in the winter having the heat set at 68 degrees instead of 75 degrees; maybe just simply checking our ceiling fans to make sure they are turning in a clockwise direction or motion so that they draw the cool air up and help cool our homes; maybe going to our car owner's manual and determining that we only need to change the oil of the engine of our car every 6,000 miles instead of every 3,000 miles, as the people out there that market oil products are trying to get us to do. There are a lot of ways that average Americans, every American, can help conserve energy, and that is a very critical part of an energy package.

I think it is important for all of us to assume that we have an obligation to help with that. All of us have that obligation. But that is only a part of the energy package that we need for this country. What other element should be in that energy package? Well, of course, alternative energy.

As I mentioned, I was fascinated by this little device, this device that I showed my colleagues earlier, which seizes energy from motion. That simple motion turns this little light on. That motion, through the physics and all the other engineering, we need to have that. We need to have research. But when we put research aside for alternative energy, we need to be able to have accountability from the people that we give this money to. We need to know that our research is at least moving us in the right direction. We need to know that the people doing this research have oversight. Because we do have an obligation not just to throw money at anybody that says I have an idea for future alternative energy, so give me money, Federal taxpayers.

There are a lot of scams that take place out there, and most of the people getting scammed in this country are taxpayers. And most of the scamming is done by special interest groups who know how to give a program a great name and then take gobs and gobs of money without results. So while I say research is very important, it has to be research that means something. It has to be research that is going to come up with a result or at least move us towards the path of a result.

So we know we need to have conservation. We know we need to have research for alternative fuels. We also need to face the fact, as I said earlier in my comments, that if we took all of the alternative energy in the world, all of it, whether it is wind power, whether solar power, whether it is some other type of generational electrical power, even like this little device, if we took all of it around the world and directed all of it to the United States of America, it would only supply 3 percent of our needs.

So we need to face the fact that as we put this energy policy on the table and we are crafting what a future energy policy should look like, we need to face the fact that we are going to have to drill for oil. We have to come up with additional fossil fuel until that point in time that we have conserved and reached alternative energies so that we can lessen our dependence on fossil fuels. If we do not do that, the demand for fossil fuels still exists.

So how do we fill that gap? I will show my colleagues. On this chart

right here, this is oil field production. This is the oil that we are now bringing out at the 1990–2000 growth rates. It is flat. It is actually not flat, as we can see from the angle of my pointer. It actually is declining. Our oil production is declining. Yet if we look at the red line to my left, we will see a line that is labeled oil consumption, and we see that that is going at an angle up and the oil production, field production, is at an angle going down. That means we have a projected shortfall. That is the blue.

How do we make up the difference? How can we possibly have oil consumption up here when we have energy production down here? Does not make sense, does it? Well, it does. Because what fills that blue spot on this chart, what goes in there and fills that big hole is foreign oil. Foreign oil. Our dependency on foreign oil.

Remember the other energy crisis? Many are too young to remember, but the energy crisis in the early 1970s is when we were 40 or 30 percent dependent on foreign oil. Today we are over 50 percent dependent on foreign oil. This gap right here is becoming larger and larger and larger. We need to begin to close oil consumption through conservation, and we need to bring up our energy resources through not just alternative energy but also through our own resources so that we become less dependent on countries like Iraq and so on.

So in my opinion an energy policy needs to be put together by this Congress. And we should commend the President. We do not have to agree with all the elements of an energy policy, but certainly everybody in these chambers should commend the President for at least stepping forward and saying, number one, we need an energy policy, which is a dramatic change from what we have had over the last 8 years under the previous administration; and, number two, we need to put an energy policy together that makes sense on a number of different fronts: Conservation, alternative fuels, research, and further exploration of fossil fuels.

Now, there are some other areas that an energy policy brings up debate on this floor: Nuclear. Nuclear energy. Now, probably some of the most socialistic liberal groups in the world are the Europeans. Guess what, they have a 70 or 80 percent dependency on nuclear plants. The problem with nuclear, of course, is disposal. It burns cleanly, but we have disposal issues. Maybe we ought to put more of our research money into disposal.

Then there is hydropower. That is the energy of movement from water as it drops from a high point to a low point, and we grab that energy as it comes down to spin a turbine to create electricity. The most beautiful thing about hydropower is we do not have to use gasoline. We do not have to fuel it. It is a natural occurrence of energy. We are capturing that natural occurrence of energy. Hydropower is by far the cleanest energy that we have out there, and it uses a renewable resource.

The energy that we use to run our cars, called gasoline, is not renewable. It has become more efficient, and frankly it has to become more efficient than it is today, but it is not renewable. Hydropower provides us with a renewable resource.

So my concluding remarks regarding energy this evening, before I move on to my other subject, are this: Number one, we heard previously comments from my colleagues from California and the State of Oregon.

□ 2310

My message to the State of California is we are not turning our backs on California. We cannot. You are like a brother or a sister. We have 50 states. We all stick together. But the fact is, California, we cannot afford to have you riding in the back of the wagon anymore. We cannot continue to provide your energy or if we do, you will have to pay the price that we need to get to provide it for you. You need to get out of the wagon and help yourself.

California, you have to help 49 other states that are not in the same predicament you are in for good solid reasons. You have got to help them pull the wagon. You cannot continue, California, to sit in the back of the wagon and point at everybody else and blame them for the fact that you are going to have to get out of the wagon and help pull too.

California, the frustration that some of us have on this House floor is the frustration that you do not want to seem to use self-help. In the last 15 or 20 years you have not wanted any self-help. You have refused to allow generation facilities in your State. You have not allowed gas transmission lines in your State for probably 8 or 10 years. You need some self-help.

California is too important to walk away from, even if they were not the economic power base that they are in this country. Even if it was the smallest State of the union like the State of Wyoming for population, we could not afford to walk away from California because we have an inherent obligation to the citizens of America to help our fellow States. But we also have the right within the realm of fairness to say, hey, if you are going to sit by the camp fire, you help collect the fire wood.

Now, from these chambers we should be open to some type of energy policy. The President has got to start it. He has put some ideas on the table. He does not live or die by those ideas, but he has exercised vision for this country and leadership in saying that at least begin the debate, Congress. Let us put an energy policy together, Congress. We cannot afford, as we have done for the last 8 or 9 years, not to have an energy policy. So at least give credit to the President for stepping forward and putting an energy policy on the table.

Now, it is up to us to add or delete. In the elements of that, number one, look at conservation. Number two, look at exploration of fossil fuels and other ways it can be picked up. Number three, ask the legitimate question: How dependent should we be on foreign oil? Is over 50 percent a safe number? Should we continue to buy in that quantity or should we begin to accept a little of that obligation or a little of that reservoir ourselves to go into our own resources? Those are all questions that I hope we have good healthy debate on.

I know next week in several of the committees, including the Ways and Means Committee on which I sit, we are going to have that kind of debate.

So energy is an important thing in this country.

Let me conclude my energy remarks with one final caution. We have seen in the last three or four weeks, although it may not be seen at the local pump, it should be seen at the local pump. If not, there should be questions asked. But the price of gasoline in this country has dropped dramatically in the last 3 to 4 weeks. We now have a position where demand has dropped in part to conservation and supply has increased, so price has dropped.

I am a little concerned that as prices finally begin to drop at the pumps out there as they should, as heating and air conditioning bills begin to drop as they should, as our electrical generation facilities around this Nation become on line, and by the way, if every generation plant currently on the drawing board today is constructed we will have a new one line every day 5 days a week for the next 5 years so we will have adequate electricity, we are going to be put back into that comfort zone. We will not only not be facing an energy crisis, we will have energy comfort.

As we go into that it would be a very serious mistake, probably for our generation, certainly for the next generation, to believe that, one, we do not need to conserve; that, two, we do not need to look at alternative energy for the future; and that, three, we do not have some kind of obligation to continue to meet this generation's needs by looking at our resources located within the boundaries of this country.

Let me move on from that.

Mr. Speaker, I had a discussion last night about public lands in the West, and I had some questions come up today which I thought would be worthy of clarification.

As many of my colleagues know, this is one of my favorite charts. Why? Take a look at this. This chart shows the people of America that there are distinctions, there are differences between the eastern United States and the western United States. Let me just point out a couple of them.

First of all, water. The State of Colorado, and my district is this color, the poster here to the left. My district is about 64,000 square miles. My district is larger than the entire State of Florida. This is the highest point in the

United States right here. As a result, we have water and lots of snow. Our State provides water, just the Colorado River, which goes like this, that river alone provides drinking water for 25 million people. But that water comes from snow melt. Colorado, this State in the center of the United States, has no water. It is the only State in the lower 48, Colorado, that has no free flowing water that comes into its State for its use. The only State out of the lower 48.

When one takes a look at water in the West, you have the western United States, a chunk about like this, that is over half of the United States, yet that area that I have just pointed out that I have the pointer on, while it consists of over half the land of the United States, it only has 14 percent of the water in the United States. We do not have much rainfall in the West. In the East, people sue each other to shove water, make sure that water is diverted over to their neighbor's property.

In the West, out in the West, life is written in water. Water is like blood in the West. We are an arid region. I had not seen a heavy rain until I came East. Our rain in Colorado is cold and does not last a long time. Once in awhile we get some heavy storms, but generally we do not get much rain. We depend very heavily in the West on water storage because for about 6 to 8 weeks, we get all of the water we could possibly ask for generally, and that is in the spring runoff as the high snows begin to melt and come down. But the rest of the year we do not have that kind of water. Even that 6 weeks, it is not on a consistent basis. Some years we have more snow, and some years we have less snow.

So in the West, we are dependent on water storage. In the West we have Hoover Dam with Lake Mead and we have the Glen Canyon Dam with Lake Powell that provides 80 percent of our water storage. Our water storage is necessary to get us from year to year. It is not nearly as critical in the East as it is in the West. In fact, primarily a lot of your water storage facilities in the East are flood control. You have got too much water.

Our water storage facilities in the West are also flood control, but primarily utilized to store these waters. That is the difference between the East and the West. Let me tell you another difference between the East and the West, and that is public lands. Follow my pointer over here to the left. In the early days of our country, our population really was on the East Coast like this up in this area. And our Nation began to acquire through the Louisiana Purchase and the Missouri buys and things like that large chunks of land out here. In the East our political leaders decided as we grow this great Nation of ours, we have to figure out how to get ahold of this land and put people out on this land. You see back then, simply having a title, having a piece of paper that said you owned the land, it did not mean a hoot.

□ 2320

What you needed to do if you wanted to own the land is you needed to possess it probably with a six shooter on your side. That is where the old saying came from, ''Possession is nine-tenths of the law.''

So they came up with a problem, how do we influence people to move to the West? West being just Kentucky, out here in the Virginias. How do we get them to move west? Somebody came up with the idea, ''Let's do what we did in 1776.''

What did they do in 1776? We all remember that date. What did they do in 1776? Believe it or not, the government decided, hey, let's give land to deserters, or people who will defect, soldiers who will defect from the British army. As a reward we'll give them land if they will be defectors. So let's deploy the same type of strategy, not for defectors but since land seemed to work pretty well then, let's give away land. Let's tell people that if they move to the West, we will give them 160 acres. We'll call it the Homestead Act.

Here is kind of a demonstration of it. In 1862, this is later on, because for a while, we could not get the Homestead Act because the North and the South were constantly fighting because they did not want too much of a population in one area that might go slavery or might be opposed to slavery. But in 1862 the U.S. Congress passed the first of many homestead laws that opened settlement of the West. The law provided that anyone was entitled, either the head of a family, 21 years old or a veteran of 14 days of active service in the U.S. Armed Forces, and who was a citizen or had filed a declaration intending to become a citizen could acquire a tract of land in public domain not exceeding 160 acres. It included federally owned lands in all the States except the original 13, Maine, Vermont, West Virginia, Kentucky, Tennessee and Texas. The land was often desolate without trees, wood or adequate water. Many homesteaders' homes were made of sod bricks from their land. It was a tough life. How do you get people to go out there and live a tough life? You gave them land.

Well, there happened to be a problem. As people began to come out here, they took up those offers of homesteading and they settled. This is where they settled. All of a sudden when they hit, including the eastern district of the Third Congressional District of Colorado, word got back to Washington, D.C., these people aren't settling here. They're either turning back and going back into the main part of the United States or they're trying to go up and around and come out here on the coast of California where you see this large white patch, but they are not settling in this area. That set off alarm bells in Washington.

Remember what I said. In order for us to grow this Nation, we had to have people in possession. So this great Nation of ours that owned these large, hundreds of millions of acres out here but nobody was on them to defend them. Nobody was possessing them. So in Washington, the alarm bells went off. We have got to get people into these lands. Somebody said, well, 160 acres in eastern Colorado or Nebraska or Kansas or out here in Missouri, 160 acres is enough to support a family.

They said, well, in the mountains, at those high elevations, in a lot of cases, 160 acres, it won't even feed a cow.

What do we do? Somebody says, I'll tell you what we do. Let's give the people 3,000 acres. Let's give them several thousand acres, compared to the 160 acres where the ground is much more fertile and where you can support a family.

Somebody else said, we can't do that politically. There's no way that we can give individuals thousands of acres each. Somebody else came up with an idea and they said, you know what we ought to do, just for formality, let's go ahead and keep the title to all this land in the Federal Government, let's just allow the people to use the land. That is where the concept of public lands came from, and that is where the concept of multiple use came from and that is where the sign that I grew up, when I would go into the forest or Federal lands and, by the way, in my district almost every community in my district is completely surrounded by public lands, when we went on those public lands, there was a large sign there, ''You are now entering the Roosevelt National Forest, a land of many uses.'' A land of many uses. That is just what I have here to the left of my chart.

What has happened is of late, we have organizations like the National Sierra Club who would like to take down the water storage project at Lake Powell which consists of about 40 percent of our water storage in the West. We have groups like Earth First that are coming out and trying to educate people out here in the East that in the West all this land, the reason it was never put into private ownership was so that it could be conserved for all future generations and not to be used by the people in the West and really we ought to get rid of the concept of multiple use.

What they do not tell you is there were some lands, like right up there, the great Yellowstone National Park, Teton National Park, fabulous areas. Everybody should go see those areas. Those were set aside specifically as national parks and so on. But this land out here was never intended to be a land with a no trespassing sign on it. It was thought to be a land that could support life, a land of which the people could have multiple uses, whether it was recreation, whether as we know today protection of the environment, whether it was farming or skiing or having a highway or having a power line or having your home or being able to go out and hunt or fish, just watch, be a wildlife watcher. That is a big difference between the East and the West.

In the East they do not know what public land is in a lot of States. In the East not a lot of people understand the issues and the differences between water in the East and water in the West. In the East if you are going to build a power line or something like that, you go to your county planning board. Here in the West, our planning board is right back here in Washington, D.C. So you can see why the people of the West get a little sensitive when people in the East start dictating the terms of which the people in the West must live under.

And so my purpose here tonight, after my discussion last night, was not an attack on the East obviously, but to help my dear colleagues from the East, so that you can talk to your constituents and say, you know, life in the West really is different. I mean, they are Americans, we are one country, but we need to take into consideration public lands and private lands. We need to take into consideration the different water issues of the West, compared with the water issues of the East. We need to take into consideration the fact that in the West, they deal with much different geographic differences, or elevations even, than we do in the East. And as you begin to look at those things, as you begin to hear our side of the story in the West, a lot of you begin to say, wow, I did not realize that. I did not know that. Gosh, that map that you showed us this evening really does show something that we ought to think about, something we ought to consider when we make legislation off this fine floor of the House of Representatives.

So my purpose again to reiterate tonight is simply to demonstrate that there are differences that we must consider as we have legislation dealing with everything from water to public lands.

Mr. Speaker, let me very quickly end my remarks as I started my remarks, and, that is, I wish to honor this evening four firefighters who lost their lives yesterday in service to their country. Those firefighters were Tom L. Craven, 30 years old, of Ellensburg; Karen L. Fitzpatrick, 18 years old, of Yakima; Devin A. Weaver, Devin was 21 years old, of Yakima; and Jessica L. Johnson, who was 19 years old, of Yakima.

If some of you colleagues have just come in towards the end of my remarks, let me tell you that 2 days ago, these four young people were called to service to fight a fire, a fire that started at five acres and within minutes moved to 2,500 acres. From five to 2,500. These firefighters and some of the others that managed to survive on that fire experienced the horror every firefighter has, the bad dream that every firefighter has, and that is called a blowout. These four people fit the classification of the definition of the word hero as we see it in our dictionary, as we feel it in our mind, as we think about it in our emotions.

In my concluding remarks tonight, I would ask that this body and every citizen in America, all your constituents, extend their sympathies and their prayers to the families of these firefighters who lost their young loved ones, and also, it also gives us a little time for consideration. The next time you see a fireman, whether it is a volunteer fireman, professional fireman, a police officer, an EMT or just the local volunteer from the community that helps us take on the battle of fires which we face every summer, pat them on the back, tell them thanks, tell them we care about them.

But tonight, colleagues, before you go to sleep, if you say prayers, and I do, if you say prayers, say just a little prayer for those firefighters who gave their lives in the last 24 hours as the duty of their Nation called.

□ 2330

They answered that call. They fulfilled their duty and they are now part of history. I ask for your consideration and your prayers.

RECESS

The SPEAKER pro tempore (Mr. KERNS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0123

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 1 o'clock and 23 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2356, BIPARTISAN CAMPAIGN REFORM ACT OF 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–135) on the resolution (H. Res. 188) providing for consideration of the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 36, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF FLAG OF UNITED STATES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–136) on the resolution (H. Res. 189) providing for consideration of the bill (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Mr. GEPHARDT) for July 10 and today on account of illness.

Mr. LEWIS of California (at the request of Mr. ARMEY) for July 10 and the balance of the week on account of personal business in California.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today. (The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WAXMAN, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes a.m.), the House adjourned until Thursday, July 12, 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:

2817. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Aminoethoxyvinylglycine (AVG); Time-Limited Pesticide Tolerances [OPP–301147; FRL–6790–7] (RIN: 2070–AB78) received July 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2818. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Aminoethoxyvinylglycine; Temporary Tolerance [OPP–301144; FRL–6788–7] (RIN: 2070–AB78) received July 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2819. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Application Guidelines for Archeological Research Permits on Ship and Aircraft Wrecks Under the Jurisdiction of the Department of the Navy (RIN: 0703–AA57) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2820. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Disposition of Property (RIN: 0703–AA60) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2821. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Availability of Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public (RIN: 0703–AA58) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2822. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Rules Applicable to the Public (RIN: 0709–AA62) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2823. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Assistance to and Support of Dependants; Paternity Complaints (RIN: 0703–AA66) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2824. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Garnishment of Pay of Naval Military and Civilian Personnel for Collection of Child Suppport and Alimony (RIN: 0703–AA67) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2825. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Rules Limiting Public Access to Particular Installations (RIN: 0703–AA63) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2826. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Naval Discharge Review Board (RIN: 0703–AA64) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2827. A letter from the Head, Regulations and Legislation Branch, Administrative Law Division, Department of the Navy, transmitting the Department's final rule—Rules Applicable to the Public (RIN: 0703–AA69) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2828. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David S. Weisman, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2829. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins and National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins [AD–FRL–7010] (RIN: 2060–AH47) received July 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2830. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and South Coast Air Quality Management District [CA 071–0283; FRL 6997–6] received July 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2831. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 and Emission Guidelines and Compliance Times for Large Municipal Waste Combustors that are Constucted On or Before September 20, 1994 [AD–FRL–7010–3] (RIN: A2060–AJ51) received July 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2832. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Attainment for Carbon Monoxide (CO); Anchorage CO Nonattainment Area, Alaska [Docket No. AK–01–002; FRL–7010–6] received July 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2833. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to Georgia State Implementation Plan [GA–47; GA–52; GA–55–200111; FRL–7009–3] received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2834. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting annual report covered by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104–164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

2835. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2836. 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.

2837. A letter from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2838. A letter from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2839. A letter from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2840. A letter from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2841. A letter from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2842. A letter from the Acting Secretary & CAO, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2843. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Recreational Fishery [I.D. 051701G] received July 9. 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2844. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Correction to the Emergency Interim Rule; Closure [Docket No, 010112013–1160–05; I.D. 061401A] (RIN: 0648–AO82) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2845. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 1 [Docket No. 010319071–1103–02; I.D. 061501C] received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2846. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the Second Half of 2001 [I.D. 053101F] received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2847. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, Hyannis, MA [CGD01–01–090] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2848. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Festa Italiana 2001, Milwaukee Harbor, Wisconsin [CGD09–01–043] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2849. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, Provincetown, MA [CGD01–01–074] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2850. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Kewaunee Annual Trout Festival, Kewaunee Harbor, Lake Michigan, WI [CGD09–01–045] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2851. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Lake Erie, Huron, OH [CGD09–01–057] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2852. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Milwaukee Harbor, Milwaukee, WI [CGD09–01–059] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2853. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Lake Erie, Huron, OH [CGD09–01–052] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2854. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Tall Ships Challenge 2001, Moving Safety Zone, Muskegon Lake, Muskegon, MI [CGD09–01–009] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2855. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Northcoast Rockin' & Roarin' Offshore Grand Prix, Lake Erie and Cleveland Harbor, Cleveland, OH [CG09–01–033] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2856. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Swampscott July 2nd Fireworks, Swampscott, Massachusetts [CGD1–01–099] (RIN: 2115–AA97) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2857. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Sabine Lake Texas [CGD08–01–013] received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2858. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Disaster Assistance; Debris Removal (RIN: 3067–AD08) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. BOEHLERT: Committee on Science, H.R. 100. A bill to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; with an amendment (Rept. 107–133 Pt. 1).

Mr. BOEHLERT: Committee on Science. H.R. 1858. A bill to make improvements in mathematics and science education, and for other purposes; with an amendment (Rept. 107–134 Pt. 1).

[July 12 (legislative day of July 11), 2001]

Mr. REYNOLDS: Committee on Rules. House Resolution 188. Resolution providing for consideration of the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform (Rept. 107–135). Referred to the House Calendar.

[July 12 (legislative day of July 11), 2001]

Mr. LINDER: Committee on Rules. House Resolution 189. Resolution providing for consideration of the joint resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 107–136). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration H.R. 100 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 1858 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 100. Referral to the Committee on Education and the Workforce extended for a period ending not later than July 11, 2001.

H.R. 1858. Referral to the Committee on Education and the Workforce extended for a period ending not later than July 11, 2001.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BURTON of Indiana (for himself and Mrs. MORELLA):

H.R. 2456. A bill to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment; to the Committee on Government Reform.

By Mr. CANNON (for himself, Mr. BISHOP, Mr. WHITFIELD, Mr. RADANOVICH, Mr. LEWIS of Kentucky, Mr. HUTCHINSON, Mr. GOODE, Mr. SHIMKUS, Mr. PICKERING, Mr. MCHUGH, Mr. SAXTON, Mr. JENKINS, Mr. GREEN of Wisconsin, Mr. SHOWS, Mr. KELLER, Mr. PUTNAM, Mr. GRAHAM, and Mr. SWEENEY):

H.R. 2457. A bill to amend the Immigration and Nationality Act to impose a limitation on the wage that the Secretary of Labor may require an employer to pay an alien who is an H–2A nonimmigrant agricultural worker; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Ms. HARMAN, Mr. SANDLIN, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. SCHIFF, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. DOOLEY of California, Mr. MCINTYRE, Mr. KIND, Mr. CRAMER, Mr. TANNER, Mr. STENHOLM, Mr. THOMPSON of California, Mr. FORD, Mr. MOORE, Mr. CARSON of Oklahoma, Mr. ROSS, Mr. DAVIS of Florida, Mr. SMITH of Washington, Ms. ESHOO, Mr. ETHERIDGE, Mr. BOSWELL, Mr. BOYD, Mr. BENTSEN, Mr. EDWARDS, Mr. WU, Ms. HOOLEY of Oregon, Mr. HILL, Mr. LAMPSON, Mr. PRICE of North Carolina, Mr. DOGGETT, Mr. HOLT, Mr. LARSON of Connecticut, Mrs. THURMAN, and Mr. GREEN of Texas):

H.R. 2458. A bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes; to the Committee on Government Reform.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. RAHALL, Ms. LEE, Mr. CLAY, Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. UDALL of Colorado, Mr. BROWN of Ohio, Ms. SOLIS, Mr. FARR of California, Mrs. JONES of Ohio, Mr. STARK, Ms. MCKINNEY, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. FILNER, Mr. DAVIS of Illinois, Ms. VELAZQUEZ, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. HONDA, Mr. OWENS, Mr. EVANS, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. CARSON of Indiana, Mr. SERRANO, Mr. BAIRD, Mr. HOLT, Mr. MCGOVERN, Ms. WATERS, and Mr. SCOTT):

H.R. 2459. A bill to establish a Department of Peace.

By Mr. BOEHLERT:

H.R. 2460. A bill to authorize appropriations for environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities of the Department of Energy and of the Office of Air and Radiation of the Environmental Protection Agency, and for other purposes; to the Committee on Science.

By Mr. ANDREWS:

H.R. 2461. A bill to amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes; to the Committee on House Administration.

By Mr. BRADY of Pennsylvania:

H.R. 2462. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2463. A bill to provide limits on contingency fees in health care liability actions; to the Committee on the Judiciary.

By Mr. BRADY of Texas:

H.R. 2464. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for contributions to candidates for Federal office; to the Committee on Ways and Means.

By Mr. BRYANT (for himself and Mr. HILLEARY):

H.R. 2465. A bill to amend the Appalachian Regional Development Act of 1965 to add Hickman, Lawrence, Lewis, Perry, and Wayne Counties, Tennessee, to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. COBLE (for himself, Mr. EHRLICH, Mr. GOSS, Mr. BARR of Georgia, Mr. ISAKSON, Mr. HEFLEY, Mrs. CUBIN, Mr. CULBERSON, Mr. OTTER, Mr. TIBERI, Mrs. BIGGERT, Mr. HILLIARD, and Mr. BACHUS):

H.R. 2466. A bill to amend title 49, United States Code, to permit an individual to operate a commercial motor vehicle solely within the borders of a State if the individual meets certain minimum standards prescribed by the State, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COBLE:

H.R. 2467. A bill to suspend temporarily the duty on [3,3'-Bianthra[1,9-cd]ptrazole]-6,6'(1H,1'H)-dione,1,1'-diet yl-; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2468. A bill to extend the suspension of duty on 3-amino-2'-(sulfato-ethyl sulfonyl) ethyl benzamide; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2469. A bill to extend the suspension of duty on MUB 738 INT; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2470. A bill to extend the suspension of duty on 5-amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2471. A bill to extend the suspension of duty on 2-amino-5-nitrothiazole; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 2472. A bill to protect children from unsolicited e-mail smut containing sexually oriented advertisements offensive to minors; to the Committee on Science, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan:

H.R. 2473. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 2474. A bill to amend the Immigration and Nationality Act to specify that imprisonment for reentering the United States after removal subsequent to a conviction for a felony shall be under circumstances that stress strenuous work and sparse living conditions, if the alien is convicted of another felony after the reentry; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.R. 2475. A bill to provide for the distribution to coastal States and counties of revenues collected under the Outer Continental Shelf Lands Act; to the Committee on Resources.

By Mr. SANDERS (for himself, Mr. MCGOVERN, Mr. ALLEN, Mr. BALDACCI, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BOUCHER, Mr. CONYERS, Mr. CROWLEY, Mr. DEFAZIO, Mr. DELAHUNT, Mr. EVANS, Mr. FILNER, Mr. FORD, Mr. FRANK, Mr. HINCHEY, Mr. LANTOS, Ms. LEE, Ms. MCCARTHY of Missouri, Ms. MCKINNEY, Mr. MEEKS of New York, Mrs. MINK of Hawaii, Mrs. NAPOLITANO, Mr. OLVER, Mr. OWENS, Mr. PASCRELL, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. WAXMAN, and Mr. WEINER):

H.R. 2476. A bill to amend the Higher Education Act of 1965 to increase the funds available for the provision of student financial assistance, and for other purposes; to the Committee on Education and the Workforce.

By Ms. WATERS:

H.R. 2477. A bill to amend title 49, United States Code, to prohibit the expansion of the passenger or cargo capacity of any airport that is located in a county with a population of more than 9,000,000 and that has the capacity to serve 80,000,000 or more air passengers annually; to the Committee on Transportation and Infrastructure.

By Ms. WOOLSEY (for herself, Mr. FILNER, Mr. SANDERS, Ms. MCKINNEY, Mr. HOEFFEL, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. BAIRD, Mr. BACA, Mr. BALDACCI, Ms. RIVERS, Mr. BLUMENAUER, Mr. LANTOS, Mrs. MINK of Hawaii, Mr. WU, Mr. HONDA, and Mr. UDALL of Colorado):

H.R. 2478. 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 Ways and Means, and in addition to the Committees on Science, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 2479. A bill to ratify an agreement between The Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes; to the Committee on Resources, and in addition to the Committee on 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. WALDEN of Oregon:

H. Res. 187. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

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

H.R. 7: Mr. CALVERT, Mr. NORWOOD, and Mr. WICKER.

H.R. 13: Mr. ROHRABACHER.

H.R. 17: Mr. KUCINICH and Mr. OWENS.

H.R. 31: Mr. BISHOP.

H.R. 91: Mr. SCHAFFER.

H.R. 116: Ms. SOLIS, Mr. CROWLEY, Mr. CLAY, Mr. HORN, Ms. SCHAKOWSKY, and Mr. HOEFFEL.

H.R. 150: Mr. GREEN of Wisconsin.

H.R. 169: Mrs. MINK of Hawaii.

H.R. 218: Mr. DAVIS of Illinois and Mr. HALL of Ohio.

H.R. 303: Mr. JACKSON of Illinois and Mr. LANTOS.

H.R. 325: Mr. BLUMENAUER and Mr. SKELTON.

H.R. 368: Mr. PENCE.

H.R. 369: Mr. PENCE.

H.R. 460: Ms. WATSON.

H.R. 510: Ms. ESHOO.

H.R. 526: Mr. ORTIZ, Mr. SPRATT, Mr. GUTIERREZ, and Mr. BORSKI.

H.R. 600: Mr. ROSS and Mr. REYES.

H.R. 612: Mr. HILLEARY and Mr. COSTELLO.

H.R. 635: Mr. KUCINICH.

H.R. 664: Mr. THOMPSON of Mississippi, Mr. SHOWS, Ms. WATSON, and Ms. MILLENDER-MCDONALD.

H.R. 678: Mr. BAIRD.

H.R. 690: Mr. BONIOR.

H.R. 709: Ms. SCHAKOWSKY and Ms. BROWN of Florida.

H.R. 716: Mr. ROTHMAN.

H.R. 717: Mr. DEUTSCH.

H.R. 721: Mr. LARSEN of Washington, Mr. QUINN, Mr. EDWARDS, and Ms. BERKLEY.

H.R. 778: Ms. PELOSI.

H.R. 781: Mr. CRAMER and Mr. WYNN.

H.R. 817: Mr. HOEFFEL, Mr. BROWN of Ohio, Ms. PRYCE of Ohio, Mr. DICKS, and Mr. WELDON of Florida.

H.R. 839: Mr. OWENS.

H.R. 862: Mr. MANZULLO.

H.R. 868: Mrs. MCCARTHY of New York, Mr. THUNE, Mr. DAVIS of Illinois, Mr. LAHOOD, and Ms. ESHOO.

H.R. 902: Mr. MCINTYRE.

H.R. 903: Ms. MCKINNEY.

H.R. 917: Ms. SOLIS.

H.R. 918: Mr. CARDIN, Mr. WEINER, and Mrs. NAPOLITANO.

H.R. 933: Mr. WATT of North Carolina.

H.R. 950: Mr. GOODLATTE.

H.R. 951: Mr. RUSH, Mrs. BIGGERT, Mr. SCOTT, Mr. MCDERMOTT, Mr. MEEHAN, Ms. MCKINNEY, Mr. TAYLOR of North Carolina, Mr. OWENS, and Mr. ETHERIDGE.

H.R. 968: Mr. TURNER, Mr. REYES, and Mr. KERNS.

H.R. 975: Mr. WATT of North Carolina.

H.R. 1007: Mr. HORN, Mrs. TAUSCHER, Ms. SCHAKOWSKY, Ms. MCCOLLUM, Mr. RUSH, Mr. HALL of Ohio, Mr. WEINER, and Mr. CALVERT.

H.R. 1014: Mr. JACKSON of Illinois, Mr. CLYBURN, Mr. STARK, and Mr. FARR of California.

H.R. 1032: Ms. PELOSI, Mr. SANDERS, and Mr. MCDERMOTT.

H.R. 1038: Mr. DELAHUNT.

H.R. 1073: Mr. THOMPSON of California, Mr. DEAL of Georgia, Mr. MCDERMOTT, Mr. HEFLEY, Mr. MOORE, Mr. ORTIZ, and Ms. WATSON.

H.R. 1086: Mr. DEFAZIO.

H.R. 1097: Mr. ALLEN.

H.R. 1110: Mr. CHAMBLISS.

H.R. 1111: Mr. RUSH, Ms. LOFGREN, Mr. HORN, Mr. SMITH of Washington, and Mr. CARDIN.

H.R. 1136: Mr. CALVERT, Mrs. THURMAN, Mr. WEXLER, Mr. NUSSLE, Mr. SCHIFF, and Mr. SANDLIN.

H.R. 1146: Mr. HEFLEY and Mr. SESSIONS.

H.R. 1155: Mr. RUSH, Mr. MCDERMOTT, Mr. MARKEY, Ms. KAPTUR, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, and Mr. TOOMEY.

H.R. 1171: Mr. KENNEDY of Minnesota.

H.R. 1194: Mr. COYNE, Mr. LOBIONDO, Mr. WAXMAN, and Mr. KUCINICH.

H.R. 1263: Mr. LATHAM.

H.R. 1266: Mr. ISSA.

H.R. 1273: Mr. SPENCE, Ms. HART, Mr. RYUN of Kansas, and Mr. GOODLATTE.

H.R. 1296: Mr. TIBERI, Mr. RYUN of Kansas, Mr. PASCRELL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1298: Mr. NEAL of Massachusetts and Mr. MATSUI.

H.R. 1310: Ms. MCKINNEY.

H.R. 1354: Mr. BAIRD.

H.R. 1356: Mr. KUCINICH and Ms. LEE.

H.R. 1377: Mr. NORWOOD, Mr. SCARBOROUGH, Mr. LATOURETTE, Mr. LARGENT, Mr. GILCHREST, Mr. JENKINS, and Mr. BRYANT.

H.R. 1401: Mr. ENGLISH, Mr. GILCHREST, Mr. LAHOOD, Ms. ROYBAL-ALLARD, and Mr. PETERSON of Pennsylvania.

H.R. 1405: Mr. DEFAZIO, Ms. NORTON, Ms. MCCOLLUM, Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, and Mr. MCDERMOTT.

H.R. 1427: Ms. JACKSON-LEE of Texas.
H.R. 1433: Ms. MCCOLLUM and Mr. GEORGE MILLER of California.
H.R. 1435: Mrs. MCCARTHY of New York.
H.R. 1459: Mr. BEREUTER, Ms. DUNN, Mr. INSLEE, and Mr. PETERSON of Minnesota.
H.R. 1460: Mr. STUMP, Mr. WICKER, Mr. HALL of Texas, Mr. BARCIA, Mr. DOOLITTLE, Mr. OTTER, Mr. ENGLISH, Mr. GORDON, Mr. SHADEGG, Mr. SMITH of Washington, Mr. LUCAS of Kentucky, Mr. NETHERCUTT, Mr. BARTLETT of Maryland, Mr. SUNUNU, and Mr. KERNS.
H.R. 1509: Mrs. JO ANN DAVIS of Virginia, Mr. ABERCROMBIE, Mr. BACHUS, Mr. STARK, and Mr. YOUNG of Alaska.
H.R. 1524: Mr. HILLEARY.
H.R. 1543: Ms. LOFGREN.
H.R. 1601: Mr. PETERSON of Minnesota.
H.R. 1605: Ms. MCKINNEY.
H.R. 1642: Mr. LAMPSON.
H.R. 1644: Mr. LAHOOD and Mr. FLETCHER.
H.R. 1675: Mr. CUNNINGHAM and Mr. PENCE.
H.R. 1679: Mr. WYNN.
H.R. 1682: Mr. PAYNE and Mr. SMITH of New Jersey.
H.R. 1690: Mr. WATT of North Carolina.
H.R. 1723: Mr. BLAGOJEVICH, Mr. ENGEL, and Mrs. TAUSCHER.
H.R. 1781: Mr. REHBERG.
H.R. 1798: Mr. LATHAM, Mr. WEXLER, and Mrs. MORELLA.
H.R. 1806: Mr. LEVIN and Ms. MCKINNEY.
H.R. 1835: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1858: Mr. HALL of Texas, Mr. SMITH of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EHLERS, Mr. GORDON, Mrs. MORELLA, Mr. BARCIA, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mr. CALVERT, Mr. ETHERIDGE, Mr. BARTLETT of Maryland, Mr. UDALL of Colorado, Mr. GUTKNECHT, Mr. BAIRD, Mr. NETHERCUTT, Mr. BACA, Mrs. BIGGERT, Mr. MATHESON, Mr. JOHNSON of Illinois, Mr. ISRAEL, Mr. GRUCCI, Mr. HONDA, and Ms. HART.
H.R. 1862: Ms. MCKINNEY, Ms. ROYBAL-ALLARD, and Mr. TIERNEY.
H.R. 1873: Mr. BONIOR, Mr. BLUMENAUER, and Mr. BALDACCI.
H.R. 1891: Mr. LINDER.
H.R. 1922: Mr. WAXMAN.
H.R. 1938: Mr. BLAGOJEVICH.
H.R. 1943: Mr. TRAFICANT.
H.R. 1949: Mrs. NAPOLITANO, Ms. MCKINNEY, and Ms. SCHAKOWSKY.
H.R. 1950: Mr. POMBO.
H.R. 1956: Mr. TERRY.
H.R. 1961: Mrs. WILSON and Ms. LEE.
H.R. 1979: Mr. WATTS of Oklahoma, Mr. DOOLITTLE, and Mr. FLAKE.
H.R. 1990: Mr. KUCINICH, Mr. BONIOR, and Mr. CLAY.
H.R. 1992: Mr. DEUTSCH.
H.R. 2001: Mr. NUSSLE.
H.R. 2005: Mr. BONIOR.
H.R. 2014: Mr. TERRY.
H.R. 2055: Mr. KOLBE.
H.R. 2078: Mr. DEUTSCH and Mr. SAWYER.
H.R. 2098: Mr. LATOURETTE, Mrs. MORELLA, and Mr. NADLER.
H.R. 2117: Mr. SAWYER.
H.R. 2118: Mr. PAYNE and Mr. FARR of California.
H.R. 2123: Mr. REYES, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. RAHALL, Mr. FILNER, Mrs. THURMAN, Mr. RUSH, Mr. BACA, Mr. ISSA, Mr. TAUZIN, and Mr. GUTIERREZ.
H.R. 2125: Mrs. DAVIS of California and Mr. SCHAFFER.
H.R. 2138: Mrs. CAPPS, Mr. BALDACCI, Mr. SANDLIN, and Mr. TERRY.
H.R. 2143: Mr. CALVERT, Mr. SIMMONS, and Mr. HEFLEY.
H.R. 2149: Mrs. ROUKEMA.
H.R. 2152: Mr. HILLIARD, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mrs. NAPOLITANO, Ms. LEE, Mr. FILNER, Mr. FROST, Mr. JEFFERSON, Mr. FALEOMAVAEGA, Mr. BONIOR, Mr. HOYER, Mr. BACA, Mr. STUPAK, Ms. MCKINNEY and Mr. HONDA.
H.R. 2167: Ms. PELSOI, Mr. SANDERS, and Mr. MCDERMOTT.
H.R. 2172: Ms. ESHOO, Mr. TOWNS, Mr. LANGEVIN, and Mr. WU.
H.R. 2206: Mr. BONIOR.
H.R. 2207: Mrs. MEEK of Florida and Mrs. TAUSCHER.
H.R. 2221: Mr. MCGOVERN, Mr. FILNER, Mr. RUSH, Mr. NADLER, and Mr. GEORGE MILLER of California.
H.R. 2249: Mr. ISAKSON and Mr. MANZULLO.
H.R. 2283: Mr. UDALL of New Mexico, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania and Ms. WOOLSEY.
H.R. 2286: Ms. SCHAKOWSKY and Mr. PRICE of North Carolina.
H.R. 2348: Mr. JEFFERSON, Mr. KILDEE, Mr. BAIRD, Ms. LOFGREN, and Mr. RODRIGUEZ.
H.R. 2349: Ms. DELAURO and Ms. LOFGREN.
H.R. 2365: Ms. WOOLSEY and Mr. LAHOOD.
H.R. 2368: Ms. LEE.
H.R. 2369: Ms. MCKINNEY, Ms. LOFGREN, and Mr. ENGLISH.
H.R. 2375: Mr. NEAL of Massachusetts, Ms. RIVERS, and Mr. SABO.
H.R. 2377: Mr. HASTINGS of Florida.
H.R. 2379: Mr. MCGOVERN, Mr. GUTIERREZ, Mr. WYNN, Mr. FROST, Mr. RANGEL, and Mrs. JONES of Ohio.
H.R. 2390: Mr. SAM JOHNSON of Texas and Mr. LEWIS of Kentucky.
H.R. 2413: Mr. KUCINICH and Ms. WOOLSEY.
H.R. 2417: Mr. WATKINS and Mr. HERGER.
H.R. 2423: Mr. MORAN of Kansas.
H.R. 2436: Mr. PETERSON of Pennsylvania.
H.R. 2453: Ms. ESHOO.
H.J. Res. 6: Mr. BRADY of Pennsylvania.
H.J. Res. 54: Mr. BAKER, Mr. COMBEST, and Mr. HEFLEY.
H. Con. Res. 17: Mr. BARRETT and Mr. GILCHREST.
H. Con. Res. 67: Mr. GREEN of Wisconsin.
H. Con. Res. 97: Mr. LOBIONDO.
H. Con. Res. 102: Mr. TIBERI, Mr. CUMMINGS, Mr. LATOURETTE, Mr. LEVIN, Mr. CAPUANO, Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. GREEN of Wisconsin, Mr. GUTIERREZ, Ms. ESHOO, and Ms. WATERS.
H. Con. Res. 116: Mr. HOLDEN, Mr. GUTIERREZ, and Mr. TERRY.
H. Con. Res. 164: Mr. MCNULTY.
H. Con. Res. 177: Ms. KILPATRICK, Mr. SABO, Ms. SCHAKOWSKY, Mr. RANGEL, Mr. MCDERMOTT, Ms. HARMAN, Mrs. JONES of Ohio, Mr. WYNN, Mr. BLAGOJEVICH, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. LANGEVIN, and Ms. LOFGREN.
H. Con. Res. 181: Mr. RILEY, Mr. SANDERS, Mr. SHIMKUS, Mr. JENKINS, Mr. MORAN of Kansas, Mr. ETHERIDGE, and Mr. KUCINICH.
H. Res. 26: Mr. QUINN.
H. Res. 173: Mr. CALVERT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2330

OFFERED BY: MR. BACA

AMENDMENT NO. 31: Page 74, after line 21, insert the following new section:

SEC. 741. The amount otherwise provided by this Act in title I under the heading ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' for an education grants program for Hispanic-serving Institutions (7 U.S.C. 4231) is hereby increased by $16,508,000.

H.R. 2356

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 1: Amend section 308(a)(1) to read as follows:

(1) in subparagraph (A), by striking ''$1,000'' and inserting ''$2,000''; and

H.R. 2356

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 2: Strike subsections (a) and (b) of section 308 and insert the following:

(a) INCREASE IN LIMITS ON INDIVIDUAL CONTRIBUTIONS TO NATIONAL PARTIES.—Section 315(a)(1)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(B)) is amended by striking ''$20,000'' and inserting ''$25,000''.

(b) AGGREGATE INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by section 102(b), is amended by striking ''$30,000'' and inserting ''$25,000''.

H.R. 2356

OFFERED BY: MR. TERRY

AMENDMENT NO. 3: Amend section 308 to read as follows:

SEC. 308. INCREASE IN CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL AND POLITICAL COMMITTEE CONTRIBUTION LIMITS.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''$1,000'' and inserting ''$3,000'';

(B) in subparagraph (B), by striking ''$20,000'' and inserting ''$60,000''; and

(C) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''; and

(2) in paragraph (3) (as amended by section 102(b))—

(A) by striking ''$30,000'' and inserting ''$75,000''; and

(B) by striking the second sentence.

(b) INCREASE IN MULTICANDIDATE LIMITS.—Section 315(a)(2) of such Act (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking ''$5,000'' and inserting ''$7,500''; and

(B) by inserting ''except as provided in subparagraph (D),'' before ''to any candidate'';

(2) in subparagraph (B)—

(A) by striking ''$15,000'' and inserting ''$30,000''; and

(B) by striking ''or'' at the end;

(3) in subparagraph (C), by striking ''$5,000'' and inserting ''$7,500; or''; and

(4) by adding at the end the following:

''(D) in the case of a national committee of a political party, to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $15,000.''.

(c) INDEXING.—Section 315(c) of such Act (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting ''(A)'' before ''At the beginning''; and

(C) by adding at the end the following:

''(B) Except as provided in subparagraph (C), in any calendar year after 2002—

''(i) a limitation established by subsection (a), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A); and

''(ii) each amount so increased shall remain in effect for the calendar year.

''(C) In the case of limitations under subsection (a), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election.''; and

(2) in paragraph (2)(B), by striking ''means the calendar year 1974'' and inserting ''means—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsections (a) and (h), calendar year 2001''.

(d) INCREASE IN SENATE CANDIDATE CONTRIBUTION LIMITS FOR NATIONAL PARTY COMMITTEES AND SENATORIAL CAMPAIGN COMMITTEES.—Section 315(h) of such Act (2 U.S.C. 441a(h)) is amended by striking ''$17,500'' and inserting ''$90,000''.

(e) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply to calendar years beginning after December 31, 2001.

(2) the amendments made by subsection (c) shall apply to calendar years after December 31, 2002.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, JULY 11, 2001 No. 96

Senate

The Senate met at 10 a.m. and was called to order by the Presiding Officer, the Honorable MARK DAYTON, a Senator from the State of Minnesota.

PRAYER

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

Dear God, we belong to You. You gave us our talents, nurtured us by parents and teachers and friends, opened doors of opportunity we could never have pried open without You, and gave us creative vision of what we were to accomplish. You have been the author of our insights and the instigator of solutions to problems. We praise You for all that You have provided us so we can serve our Nation.

We thank You for the people You have sent to the Senate. Today we especially thank You for Gary Sisco as he completes his time of service as Secretary of the Senate. We thank You for his deep faith, his commitment to the work of Government through the Senate, and his loyalty to all of us as friends. We humbly thank You for all that we have and are because of Your incredible generosity. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be given his full 15 minutes. The two 15-minute spots would take us probably to 10:35 or thereabouts. I ask unanimous consent that Senator SPECTER control the first 15 minutes.

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

UNANIMOUS CONSENT AGREEMENT—S. 2217

Mr. REID. Mr. President, I further ask unanimous consent that the Senate proceed to H.R. 2217 at 10:35 this morning. I note to anyone within the sound of my voice, we have been in touch with Senator CRAIG and Senator KYL who had some suggestions last night in moving to this bill. Their questions have been answered.

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

The Senator from Pennsylvania.

NOMINATION OF ROBERT MUELLER

Mr. SPECTER. Mr. President, I have sought recognition this morning to comment about the confirmation hearings which are scheduled later this month for Mr. Robert Mueller to be Director of the Federal Bureau of Investigation. That position arguably is as important as any position in the United States of America, perhaps even the most powerful position.

The statutory 10-year term is 2 years longer than the maximum a President may serve under the Constitution. The Director of the FBI has power over the largest investigative organization in the world, global in its exposure.

There are an enormous number of problems which have befallen the agency in recent years. The confirmation hearing will provide a unique opportunity for oversight for the U.S. Senate to seek to establish standards as to what the FBI should be doing in cooperating with congressional oversight.

The FBI is a well-respected organization. I have had very extensive opportunities to work with the FBI. After graduation from college, I was in the Air Force Office of Special Investigations for 2 years and had training from the FBI. The commanding officer of the OSI was a former top aide to Director J. Edgar Hoover. I worked with the

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

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FBI on the prosecution of the Philadelphia Teamsters, an investigation which was conducted by the McClellan committee, with then-general counsel, Robert Kennedy, and saw their very fine work. Then, as Assistant Counsel to the Warren Commission, I worked with the FBI; then as district attorney of Philadelphia and for the last 20 years extensively on the Judiciary Committee.

I have great respect for the Federal Bureau of Investigation. At the same time, my experience has shown me that there is an over concern by the personnel of the FBI with their so-called institutional image and that there cannot be a concession of any problems, which is really indispensable if problems are to be corrected.

(Disturbance in the visitors' galleries.)

The ACTING PRESIDENT pro tempore. Will the Sergeant at Arms restore order in the galleries.

Mr. SPECTER. We have a nominee who has been put forward by the President who has very impressive credentials: United States Attorney in Boston, United States Attorney in San Francisco, 3 years as Assistant Attorney General in the Justice Department, where I had contacts and saw his impressive work.

He will be succeeding a man, Director Louis Freeh, who came to the Bureau with extraordinary credentials and overall did a good job, although he presided over the Bureau at a time when there were many institutional failures.

I analogize Director Freeh to the little boy on the Netherlands dike running around putting his finger in all the holes to try to stop the water from coming through. With so many holes and so many problems, it was not possible.

I believe similarly that the Congress, including the Senate and the Senate Judiciary Committee, has not been sufficiently active on oversight. These hearings will give us an opportunity to set standards as to what the FBI should be doing in response to oversight activities by the Senate Judiciary Committee.

I had an opportunity to talk for the better part of an hour yesterday to FBI Director-designee Mueller and went over quite a number of issues that I intend to ask him in the public forum.

I comment about these today because the Senate ought to be preparing for this hearing with unique care for this very important position.

One of the matters I intend to discuss with Mr. Mueller in the confirmation hearings is the failure of the FBI to turn over for congressional Senate oversight a memorandum dated December 9, 1996, which was written at a time when there was a question as to whether Attorney General Reno was going to be reappointed by President Clinton. At that time, the campaign finance investigation was just being started. There was a conversation by a top FBI official Esposito, with a top Department of Justice official Lee Radek, and FBI Director Freeh wrote this memorandum to the file to Mr. Esposito actually. Referring to a meeting that he had with the Attorney General on December 6, Director Freeh wrote this memo December 9:

> I also advised the Attorney General of Lee Radek's comment to you that there was a lot of ''pressure'' on him and the Public Integrity Section regarding this case because the ''Attorney General's job might hang in the balance'' (or words to that effect).

This memorandum did not come to the attention of the Judiciary Committee until April of 2000, some 3½ years later, when, in my capacity as chairman of the subcommittee on Department of Justice oversight, a subpoena was issued for all of the FBI records and writings relating to the campaign finance investigation. When this memo was discovered, Director Freeh was questioned as to why he hadn't turned it over for Judiciary Committee oversight, because it was the view of many that it absolutely should have been done.

Director Freeh defended his inaction on the ground that it would have compromised his relationship with Attorney General Reno. But notwithstanding that fact, it is my view that this is the sort of oversight the Judiciary Committee must undertake. This will be the subject of my questioning of Mr. Mueller during the confirmation hearing.

Director Freeh declined to appear voluntarily before the Judiciary Committee or the subcommittee to comment about this memorandum, and the committee decided not to issue a subpoena, which I thought should have been done.

It is my view that when a matter of this importance comes to light there ought to be a public inquiry as to what happened between the Attorney General and the Director of the FBI. It takes a congressional committee to get to the bottom of that. When Attorney General Reno testified, she said, ''I don't recall that, but if that had come to my attention, I certainly would have done something about it.'' In my view, anybody who is going to be confirmed for FBI Director has to have a commitment to making this sort of information available to Senate oversight.

Another matter which I intend to question Mr. Mueller about is the insistence of the FBI on not cooperating with Senate oversight where there is a pending criminal investigation. Now, I understand the sensitivity of a pending criminal investigation, having some experience as a prosecutor myself, but the case law is plain that congressional oversight is so fundamental and so important that it may proceed even as to pending criminal investigations. But that has not been honored by the Department of Justice or by the FBI. And in the case involving Dr. Wen Ho Lee, the subcommittee on the Department of Justice oversight was stymied at every turn by the FBI refusing to make available information, citing a pending criminal investigation.

Now, the chairman of the committee and the ranking member, or chairman and the ranking member of the subcommittee, have standing, it seems to me, on a discrete inquiry, carefully controlled, where the prosecution would not be compromised. That is the role of oversight. But when Wen Ho Lee was indicted on December 11, 1999, immediately, the FBI used that as a reason to resist any further Senate oversight. And there was a real question of why the FBI and the Department of Justice allowed Dr. Lee to remain at large after a search of his premises in April of 1999 was conducted, and then he was at liberty, at large, until December when an arrest warrant was issued. Suddenly, he became more problematic than public enemy No. 1, when he was put in manacles and solitary confinement, in a situation which had all the earmarks of an effort at the top of the Justice Department and FBI to coerce a guilty plea.

After the guilty plea was entered, Judiciary Committee oversight had been further stymied by the refusal of the FBI to allow access to what was going on because Dr. Lee was still being debriefed. Here again, I believe the Judiciary Committee is entitled to a commitment that oversight will be respected, and the case law will be respected, and that there may be oversight even on pending criminal investigations.

In the case of Hanssen, who has just entered a guilty plea on an arrangement to be spared the death penalty, raises some very fundamental questions that need to be answered as to procedures in the Federal Bureau of Investigation. Although this matter did not come to light until very recently, in August of 1986, Hanssen's voice was recorded by an FBI wiretap on his Soviet contact's telephone. In 1992, Hanssen improperly accessed his supervisor's computer. In 1997, Hanssen began to search the FBI computerized case database for his name, his home address, and for terms referring to espionage activities.

A question arises, what steps have been taken by the FBI to detect a spy such as Hanssen? There was a very probing report issued by the inspector general of the CIA after Aldrich Ames was detected as a spy, and the inspector general of the CIA, Fred Hitz, wrote this in the report:

> We have no reason to believe that the directors of Central Intelligence who served during the relevant period were aware of the deficiencies described in this report.

That relates to Aldrich Ames.

> But directors of Central Intelligence are obligated to ensure that they are knowledgeable of significant developments relating to crucial agency missions. Sensitive human source reporting on the Soviet Union and Russia during and after the Cold War clearly was such a mission, and certain directors of Central Intelligence must therefore be held accountable for serious shortcomings in that reporting.

Now, what that does essentially is to say that the Directors are at fault, even though they didn't know about Aldrich Ames, or have reason to know about Aldrich Ames, because the presence of spies in the Central Intelligence Agency so threatens national security that the Directors have an obligation to find out about it. If you make it an absolute responsibility, that, according to the CIA inspector general, would put the pressure on the Directors to find out about it.

The three Directors of the Central Intelligence Agency who were in office during the time Aldrich Ames functioned—Judge Webster, Gates, and Woolsey—responded with a very hot letter denying responsibility and saying that the standard set by the CIA inspector general was too high. Well, this is a subject I have discussed preliminarily with Mr. Mueller and intend to ask him about.

It is a very tough standard to say that a public official is liable for matters that he didn't know about or didn't have reason to know about. But if our Nation's secrets are to be guarded, and if we are to be secure from spies such as Ames and Hanssen, this is a matter that we are going to have to determine as to what is the appropriate standard.

When I talked to Mr. Mueller, I didn't ask him for a response, but this is another subject that will be probed during the course of the confirmation hearings. The issues of management in the FBI are just gigantic; they are enormous. We have seen repeated failures by the Federal Bureau of Investigation to come forward with documents in a timely manner. In the McVeigh case, for example, the FBI had reason to know as early as January of this year that all of the documents relating to McVeigh had not been turned over to McVeigh's lawyers. Yet those documents were not made available until May. And then there was the issue about the fairness to McVeigh. No doubt he was guilty; he had confessed to the most horrendous crime in American history, where 168 people were killed in a Federal building in Oklahoma City—women, children, men, going there for official business, blameless, and it was done in a cold, calculated way.

There was no doubt as to guilt or as to the justification for the death sentence which was imposed, but there was an obligation on the part of the prosecution to turn over all the papers. There may have been something which bore on sentencing. Here you had a 5-month delay where the Federal Bureau of Investigation had reason to know that all those documents were not turned over.

The question is: What is to be done in the management of the Federal Bureau of Investigation to avoid this sort of an error? In an age of computerization and mechanization, we search for an answer and really must find a way that the FBI will correct these kinds of problems.

A similar issue was confronted in the Waco matter. It was an incident which occurred on April 19, 1993, where the compound was attacked and where so many people lost their lives in one of the most controversial incidents in American history, but it was not until August of 1999 that the FBI suddenly found a whole ream of records. Here again, management responsibilities require something much, much better than that.

The incident at Waco is really a very sad chapter in American history for many reasons: The confrontation, the deaths, the failure of congressional oversight, the failure of candid disclosure by the officials who were in charge.

On April 28 of 1993, Attorney General Reno and then FBI Director William Sessions testified before Congress that no pyrotechnic tear gas rounds were used at Waco. The hostage rescue team commander, Richard Rogers, who was present for their testimony but who did not testify, did not correct them.

Regrettably, that is an occurrence which has happened too often where there is a concern about the FBI institutional image which blinds people who ought to be coming forward and who ought to be making a disclosure as to what the facts were when there is congressional oversight and you have critical testimony by the Attorney General of the United States and by the Director of the FBI.

When Mr. Mueller and I talked yesterday, we discussed at some length the culture of the Federal Bureau of Investigation and the difficulties of even the Director finding out what is going on in the FBI. That is a challenging task which Robert Mueller is going to have to confront.

In the context of what has happened with Wen Ho Lee, Waco, McVeigh, Hanssen, and the campaign finance investigation, these are issues which need to be very thoroughly explored in the confirmation hearing, and we ought to come to some common understanding between those of us who have oversight responsibilities on the Judiciary Committee and the Director of the FBI as to what his standard will be and what we think the standard should be so that we can come to a meeting of the minds or so that we may not confirm a Director who does not measure up to what Congress thinks is required as a matter of legitimate oversight.

At the same time, as I suggested before, Congress has not done its job on oversight. We had the incident at Waco on April 19 of 1993. In my view, there should have been a prompt, detailed, piercing oversight investigation of what went on there. It was not until former Senator Danforth undertook that investigation in 1999 that anything really was done.

Who can say as to the bombing of the Oklahoma City Federal building 2 years to the day after the Waco incident, when the Oklahoma City bombing occurred on April 19, 1995, whether that was related to the Waco incident or whether it might have been prevented had there been vigorous congressional oversight?

In 1995, I served as the chairman of the Subcommittee on Terrorism and moved to have oversight hearings at that time on both Waco and Ruby Ridge because I thought a great deal more needed to be done. Finally, the subcommittee was permitted to have oversight as to Ruby Ridge.

That was an incident where Randy Weaver was on the mountain and refused to come down. There was a veritable army which approached him and had a firefight, and a U.S. marshal was killed in the process.

The oversight in which the Terrorism Subcommittee got to the bottom of the matter, and to the credit of FBI Director Louis Freeh, the FBI changed the rules of engagement related to the use of deadly force in what was a very important matter.

When we finished the hearings, Mr. Weaver said in the hearing room, had he known there was going to be this kind of congressional oversight, he would have come down from the mountain if he had believed there would be an inquiry and an appropriate resolution.

It was at that time that militia were springing up in some 40 States across the United States. If Congress exercises appropriate oversight, it is my view that will do a great deal to quell public unrest and public doubts as to what is happening with Federal action in a place such as Ruby Ridge and Federal action in a place such as Waco.

In summary, these are matters which are of the utmost importance when we will be confirming the next Director of the FBI, an occurrence which happens only once every 10 years because it is a 10-year turn, although a Director may leave earlier. Louis Freeh is leaving after 8 years, a term of office longer than the maximum a President may serve under the Constitution. The Justices of the Supreme Court have enormous power on 5–4 decisions establishing the law of the land, but there are four others who go with the one deciding vote.

The FBI, with all of its power—most of what it does is necessarily confidential and secret—requires that there be very profound changes in FBI management on the items which have been mentioned and an attitude that will not emphasize the institutional image to the sacrifice of not having appropriate congressional oversight, not having appropriate congressional disclosure of the memorandum referred to, having appropriate congressional disclosure when a matter is pending, even if it is a criminal matter.

Mr. President, I ask unanimous consent that the full text of the memorandum from Director Freeh, dated December 9, 1996, be printed in the CONGRESSIONAL RECORD.

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

DECEMBER 9, 1996.

To: Mr. Esposito.
From: Director, FBI.
Subject: Democratic National Campaign Matter.

MEMORANDUM

As I related to you this morning, I met with the Attorney General on Friday, 12/6/96, to discuss the above-captioned matter.

I stated that DOJ had not yet referred the matter to the FBI to conduct a full, criminal investigation. It was my recommendation that this referral take place as soon as possible.

I also told the Attorney General that since she had declined to refer the matter to an Independent Counsel it was my recommendation that she select a first rate DOJ legal team from outside Main Justice to conduct the inquiry. In fact, I said that these prosecutors should be ''junk-yard dogs'' and that in my view, PIS was not capable of conducting the thorough, aggressive kind of investigation which was required.

I also advised the Attorney General of Lee Radek's comment to you that there was a lot of ''pressure'' on him and PIS regarding this case because the ''Attorney General's job might hang in the balance'' (or words to that effect). I stated that those comments would be enough for me to take him and the Criminal Division off the case completely.

I also stated that it didn't make sense for PIS to call the FBI the ''lead agency'' in this matter while operating a ''task force'' with DOC IGs who were conducting interviews of key witnesses without the knowledge or participation of the FBI.

I strongly recommend that the FBI and hand-picked DOJ attorneys from outside Main Justice run this case as we would any matter of such importance and complexity.

We left the conversation on Friday with arrangements to discuss the matter again on Monday. The Attorney General and I spoke today and she asked for a meeting to discuss the ''investigative team'' and hear our recommendations. The meeting is now scheduled for Wednesday, 12/11/96, which you and Bob Litt will also attend.

I intend to repeat my recommendations from Friday's meeting. We should present all of our recommendations for setting up the investigation—both AUSAs and other resources. You and I should also discuss and consider whether on the basis of all the facts and circumstances—including Huang's recently released letters to the President as well as Radek's comments—whether I should recommend that the Attorney General reconsider referral to an Independent Counsel.

It was unfortunate that DOJ declined to allow the FBI to play any role in the Independent Counsel referral deliberations. I agree with you that based on the DOJ's experience with the Cisneros matter—which was only referred to an Independent Counsel because the FBI and I intervened directly with the Attorney General—it was decided to exclude us from this decision-making process.

Nevertheless, based on information recently reviewed from PIS/DOC, we should determine whether or not an Independent Counsel referral should be made at this time. If so, I will make the recommendation to the Attorney General.

Mr. SPECTER. Mr. President, I ask unanimous consent that an extract of a report from CIA Inspector General Frederick Hitz be printed in the CONGRESSIONAL RECORD.

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

We have no reason to believe that the DCIs who served during the relevant period were aware of the deficiencies described in this report. But DCIs are obligated to ensure that they are knowledgeable of significant developments related to crucial Agency missions. Sensitive human source reporting on the Soviet Union and Russia during and after the Cold War clearly was such a mission, and certain DCIs must therefore be held accountable for serious shortcomings in that reporting.

Mr. SPECTER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I rise to express grave disappointment and concern that yesterday the Secretary of Health and Human Services, Tommy Thompson, indicated he would not implement a bipartisan law passed by this Congress last session. This legislation would open the borders of our country so that American citizens, who pay for a good share of the research done on prescription drugs in this country, to support the development of medications that are desperately needed, could get the best price for American-made, FDA-safety-approved medications from other countries such as Canada.

Last year, Congress passed a bill that says we will no longer protect the prices charged in this country that disadvantage our citizens by stopping us from free commerce across the border. I supported this effort in the House of Representatives. I find it ironic, at a time when our President talks about wanting free trade authority and expanding free trade, that we stop our citizens at the border from being able to benefit from free trade regarding the purchase of prescription drugs.

Yesterday, the Secretary of Health and Human Services said he was concerned about the safety of reimported prescription drugs. We addressed those concerns in the previously approved legislation. Further, I have introduced legislation called the Medication Equity and Drug Savings Act, S. 215, the MEDS Act, that addresses the safety concerns expressed by former Secretary Shalala. My bill guarantees in the clearest terms that American labels will be used on the wholesale products that come from another country and that there will be complete safety precautions to make sure Americans will be receiving American-made, safe, FDA-approved drugs.

What is the difference in cost for prescription drugs? The difference is clear when I stand in Detroit, MI, and I look across the river, I know that prices for American-made prescription drugs can be cut in half for my constituents with a quick 5 minute drive across the bridge to Canada. In some cases, the savings are even greater. Tamoxifen, a breast cancer treatment drug, is $136 a month in Michigan. Last year, we drove across the bridge with a group of seniors to purchase the exact same medicine; the price was only $15. There is something wrong with this picture.

The bill the Secretary chose not to implement would have begun to address this price difference by opening the borders, to make sure our hospitals, our businesses, and our pharmacists, could develop business relationships with wholesalers in other countries to bring back drugs at a lower cost and make sure our citizens could get medication at lower prices.

Today I urge my colleagues to join together again in a bipartisan way to act. We must guarantee that this law will be put into effect this year, whether it be by passing my legislation, making changes on another bill, or including it in Medicare prescription drug legislation which is so critical. We must act now. Over and over again I hear from families in my State and States across our country. Families, seniors, individuals with disabilities, and working people with ailments are all concerned about the high costs of prescription drugs. People are having to choose between paying the electric bill, getting their food, or getting their medicine. In the great United States of America, this great country, that should not be happening.

I express grave concern and disappointment about the decision and the information released yesterday by the Secretary. I urge him and invite all my colleagues to join with me to address this issue in a way that will allow opening of the borders to reaffirm competition for the best, lowest price for the safest prescription drugs that are manufactured in this country, that our citizens help to subsidize. Whether through the R&D tax credit, through funding the Federal labs, or through other efforts, taxpayers help to develop these prescriptions. We helped fund the development of the medication, and Americans pay top dollar compared to anybody in the world for these same prescription drugs. It is not right.

It is time now to act to make sure we can truly reduce the costs of one of the most important parts of the health care system today—medicines for our people, for the families of America. We deserve a break. Unfortunately, the roadblock was maintained yesterday. It is time to take down the barrier at the border and allow our people to buy prescription drugs wherever they can get the best price. I urge we act as quickly as possible.

Mr. BURNS. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will begin consideration of H.R. 2217, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30th, 2002, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $775,962,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $775,962,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: Provided further, That of the amount provided, $28,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That balances in the Federal Infrastructure Improvement account shall be transferred to and merged with this appropriation, and shall remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $589,421,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for burned areas rehabilitation and fire suppression by the Department of the Interior, $70,000,000, to remain available until expended, of which $50,000,000 is for wildfire suppression and $20,000,000 is for burned areas rehabilitation: Provided, That the entire amount appropriated in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $220,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $50,000,000 is for the conservation activities defined in section 250(c)(4)(E)(xiii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $45,686,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $106,061,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and

density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28f(a) of title 30, United States Code, is amended:

(1) In section 28f(a), by striking the first sentence and inserting, ''The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 2002 through 2006, a claim maintenance fee of $100 per claim or site''; and

(2) In section 28g, by striking ''and before September 30, 2001'' and inserting in lieu thereof ''and before September 30, 2006''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $845,714,000, to remain available until September 30, 2003, except as otherwise provided herein, of which $31,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That balances in the Federal Infrastructure Improvement account shall be transferred to and merged with this appropriation, and shall remain available until expended: Provided further, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That not less than $2,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That not to exceed $9,000,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $55,526,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $108,401,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES

CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $91,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(vi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–

4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,000,000, to remain available until expended: Provided, That funds made available under this Act, Public Law 106–291, and Public Law 106–554 and hereafter in annual appropriations acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That the Secretary shall, after deducting administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: 30 percent based on the ratio to which the land area of such State bears to the total land area of all such States; and 70 percent based on the ratio to which the population of such State bears to the total population of the United States, based on the 2000 U.S. Census; and the amounts so apportioned shall be adjusted equitably so that no State shall be apportioned a sum which is less than one percent of the total amount available for apportionment or more than 10 percent: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106–291, $49,890,000 for State Wildlife Grants are rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,473,128,000, of which $10,881,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended; and of which $17,181,000, to remain available until September 30, 2003, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $66,106,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement (not heretofore made), pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act (Act), to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: Provided, That hereafter the appropriations made to the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $65,886,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $20,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(x) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E)(xi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $338,585,000, to remain available until expended, of which $60,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2002 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $287,036,000, to be derived from the Land and Water Conservation Fund, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, of which

$164,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program, and of which $11,000,000 shall be for grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission: Provided, That lands or interests in land acquired with Civil War battlefield grants shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)): Provided further, That of the amounts provided under this heading, $15,000,000 may be for Federal grants to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and $16,000,000 may be for project modifications authorized by section 104 of the Everglades National Park and Expansion Act: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 256 shall be for replacement only, including not to exceed 237 for police-type use, 11 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $892,474,000, of which $64,318,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $23,226,000 shall be available until September 30, 2003 for the operation and maintenance of facilities and deferred maintenance; and of which $164,424,000 shall be available until September 30, 2003 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That of the amount provided herein, $25,000,000 is for the conservation activities defined in section 250(c)(4)(E)(viii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $151,933,000, of which $84,021,000, shall be available for royalty management activities; and an amount not to exceed $102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2003: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $102,144,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2002 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $203,171,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage

from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,600,000 per State in fiscal year 2002: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,804,322,000, to remain available until September 30, 2003 except as otherwise provided herein, of which not to exceed $89,864,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $130,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2002, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $3,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $436,427,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2002, and shall remain available until September 30, 2003; and of which not to exceed $58,540,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2003, may be transferred during fiscal year 2004 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2004.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $360,132,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2002, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $7,950,000 shall be available for future water supplies facilities under Public Law 106–163; of which $21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which $6,254,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: 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 $75,000,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $486,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter

school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,450,000, of which: (1) $71,922,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, not to exceed $2,000,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,245,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $67,541,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $44,074,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $34,302,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $99,224,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2002, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,872,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or

other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within thirty days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 114. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 115. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 116. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 117. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery, and (2) as a burial ground.

SEC. 118. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 119. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking ''2001'' and inserting ''2002''.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 122. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'', with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term ''secretary'' means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for constructing of replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction on replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 123. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section as the ''Administrator'') shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the ''Mine'').

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.— The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.

(2) Sewage Treatment Building.

(3) Electrical Switchgear Building.

(4) Water Treatment Building/Plant.

(5) Ventilation/Fan Building.

(6) Water Storage Tanks.

(7) Mine Hoist Cage and Headframe.

(8) Miscellaneous Mine-related equipment.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the ''White River Oil Shale Mine'' and described as follows:

(1) T. 10 S., R 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.

(2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

(d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) shall be available until expended, without further Act of appropriation—

(A) first, to reimburse the Administrator for the direct costs of the sale; and

(B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.

SEC. 124. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 125. Upon application of the Governor of a State, the Secretary of the Interior shall (1) transfer not to exceed 25 percent of that State's formula allocation under the heading ''National Park Service, Land Acquisition and State Assistance'' to increase the State's allocation under the heading ''United States Fish and Wildlife Service, State Wildlife Grants'' or (2) transfer not to exceed 25 percent of the State's formula allocation under the heading ''United States Fish and Wildlife Service, State Wildlife Grants'' to increase the State's formula allocation under the heading ''National Park Service, Land Acquisition and State Assistance''.

SEC. 126. Section 819 of Public Law 106–568 is hereby repealed.

SEC. 127. Moore's Landing at the Cape Romain National Wildlife Refuge in South Carolina is hereby named for George Garris and shall hereafter be referred to in any law, document, or records of the United States as ''Garris Landing''.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $242,822,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $287,331,000, to remain available until expended, as authorized by law, of which $101,000,000 is for Forest Legacy and Urban and Community Forestry, defined in section 250(c)(4)(E)(ix) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations provide to the Secretary, in writing, a list of specific acquisitions to be undertaken with such funds: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $5,000,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,324,491,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2002 shall be displayed by extended budget line item in the fiscal year 2003 budget justification: Provided further, That of the amount available for vegetation and watershed management, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided for Wildlife and Fish Habitat Management, $600,000 shall be provided to the State of Alaska for wildlife monitoring activities.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,115,594,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2001 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $4,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That amounts under this heading may be transferred as specified in the report accompanying this Act to the ''State and Private Forestry'', ''National Forest System'', ''Forest and Rangeland Research'', and ''Capital Improvement and Maintenance'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: Provided further, That transfers of any amounts in excess of those specified shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That:

(1) In expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government

procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local and nonprofit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2)(A) The Secretary of Agriculture may transfer or reimburse funds to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2001 and 2002.

(B) Only those funds appropriated for fiscal years 2001 and 2002 to Forest Service (USDA) for wildland fire management are available to the Secretary of Agriculture for such transfer or reimbursement.

(C) The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

For an additional amount to cover necessary expenses for emergency rehabilitation, wildfire suppression and other fire operations of the Forest Service, $165,000,000, to remain available until expended, of which $100,000,000 is for emergency rehabilitation and wildfire suppression, and $65,000,000 is for other fire operations: Provided, That the entire amount appropriated in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

For an additional amount, to liquidate obligations previously incurred, $274,147,000.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $541,286,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which $61,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Forest Service shall be transferred to and merged with this appropriation and shall remain available until expended: Provided further, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $300,000, appropriated in Public Law 106–291 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $128,877,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(iv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,488,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 130 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, including the Oscoda-Wurtsmith land exchange in Michigan, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The Forest Service shall fund indirect expenses, that is expenses not directly related to specific programs or to the accomplishment of specific work on-the-ground, from any funds available to the Forest Service: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided, That during fiscal year 2002 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund. Obligations in excess of 20 percent which would otherwise be charged to the above funds may be charged to appropriated funds available to the Forest Service subject to notification of the Committees on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $750,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $604,090,000, to remain available until expended, of which $11,000,000 is to begin construction, renovation, acquisition of furnishings, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania, and of which $33,700,000 shall be derived by transfer from funds appropriated in prior years under the heading ''Clean Coal Technology'', and of which $150,000,000 is to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded demonstrations of commercial scale technologies to reduce the barriers to continued and expanded coal use: Provided, That the request for proposals shall be issued no later than one hundred and twenty days following enactment of this Act, proposals shall be submitted no later than ninety days after the issuance of the request for proposals, and the Department of Energy shall make project selections no later than one hundred and sixty days after the receipt of proposals: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this heading, $2,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,371,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State

of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2002 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $870,805,000, to remain available until expended: Provided, That $251,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $213,000,000 for weatherization assistance grants and $38,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,996,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $169,009,000, to remain available until expended, of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $75,499,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,388,614,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $430,776,000 for contract medical care shall remain available for obligation until September 30, 2003: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2003: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $288,234,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2002, of which up to $40,000,000 may be used for such costs associated with the Navajo Nation's new and expanded contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $362,854,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2002, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian

Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act. With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended. Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance. The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,148,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,490,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $401,192,000, of which not to exceed $43,713,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $67,900,000, to remain available until expended, of which $10,000,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs, including closure of facilities, relocation of staff or redirection of functions and programs, without approval by the Board of Regents of recommendations received from the Science Commission.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or

rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $68,967,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,220,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $15,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,796,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,234,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,882,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,622,000, to remain available until expended, of which $11,622,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $26,899,000, to remain available until expended.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $17,000,000 for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,174,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,310,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $36,028,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,125,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, 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. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 308. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 309. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 310. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 311. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, and 106–291 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 312. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 313. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 314. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 315. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 316. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 317. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 318. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 319. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 320. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 321. Amounts deposited during fiscal year 2001 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 322. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 323. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2002, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2002, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 324. 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.

SEC. 325. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 326. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 327. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 328. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 329. Notwithstanding any other provision of law, for fiscal year 2002, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 330. The Secretary of Agriculture, acting through the Chief of the Forest Service shall:

(1) extend the special use permit for the Sioux Charlie Cabin in the Absaroka Beartooth Wilderness Area, Montana, held by Montana State University—Billings for a period of 50 years; and

(2) solicit public comments at the end of the 50 year period to determine whether another extension should be granted.

SEC. 331. Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, Division A, section 101(e), is amended by striking ''and 2001,'' and inserting '', 2001 and 2002,''.

SEC. 332. Section 551(c) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is amended by striking ''2002'' and inserting ''2004''.

SEC. 333. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2002''.

Mr. REID. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be terminated.

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

Mr. BYRD. Mr. President, I am very honored to join with my colleague, the distinguished Senator from Montana, Mr. BURNS, in bringing before the Senate H.R. 2217, the Interior and related agencies bill for fiscal year 2002, as amended, by the Senate Appropriations Committee.

This is the first of the 13 annual appropriations measures to be considered by the Senate this year. In my opinion, this is a well-crafted bill. It balances both the needs of the American people and the resources available to the committee. We only have so much money available and ''we ain't going to spend what we ain't got.''

That being the situation then, I urge my colleagues to adopt this bill in a timely fashion so we can proceed to conference with the House of Representatives. We have gotten a late start this year and we have to work hard and long to catch up. Darkness may have fallen, from time to time, before we catch up on these appropriations bills.

H.R. 2217 provides more than $1.2 billion in much-needed funding to attack the deferred maintenance problems at our national parks, our national wildlife refuges, our national forests, and other federal recreational facilities across this nation. The bill would provide $480 million to the National Park Service, $108 million to the Fish and Wildlife Service, $78 million to the Bureau of Land Management, and $541 million to the Forest Service for literally hundreds, hundreds and hundreds of important maintenance projects.

In addition, the bill restores $35 million in abandoned mine clean-up funds that were unwisely proposed to be cut by the administration. We are not going down that road, Mr. President. It restores nearly $80 million in proposed cuts to the budget of the U.S. Geological Survey, a matter of great importance to many of our colleagues. The bill fully funds the construction needs of the next six schools on the priority list of the Bureau of Indian Affairs, while increasing funding for the Indian Health Service. It increases funding for important energy research programs overseen by Department of Energy, another issue of particular importance to those from the West. Finally, this bill provides nearly $895 million in funding for various cultural agencies: agencies such as the Smithsonian Institution, the National Gallery of Art, the Kennedy Center for the Performing Arts, the National Endowment for the Arts, the National Endowment for the Humanities, and the Office of Museum Services.

I am proud of the fact that the committee has kept its previous commitment and has fully funded the Conservation Spending Category established in title VIII of last year's Interior appropriations bill. Included in that amount is $406 million for federal land acquisition; $221 million for State and other conservation programs such as endangered species programs and wetland conservation programs; $137 million for historic preservation programs; an additional $50 million for the Payment-In-Lieu-of-Taxes program; and $180 million for Federal infrastructure improvements.

This is a well-balanced bill, given the demands placed on the committee as a result of 1,799 Member requests versus the resources available to it. Despite that, I know there are Members who are passionate about some of the programs funded in this bill, and they would like to increase funding in one area or another. I appreciate that. I respect the right of every Member to come to the floor and offer such an amendment. But let me unfurl the warning flag. As reported by the Appropriations Committee, this bill is

fully consistent with the 302(b) allocation provided to the Interior Subcommittee.

In short, in plain, simple, mountain language, that means there is no extra money on the table waiting to be spent—none, no extra money waiting on the table, waiting to be spent.

Friends, Romans, countrymen, lend me your ears: There is no extra money on the table. Any amendment proposing to increase spending in one area of the bill will have to be offset with a cut in some other area. Any Senator who wishes to add money may have to think whether or not he wants to take that money away from CONRAD BURNS or the minority leader or the majority leader or the humble slave, ROBERT C. BYRD.

With respect to offsets, let me add that Senator BURNS and I, as managers of this bill, will generally oppose amendments which propose to cut the so-called travel and administrative expenses accounts.

The agencies funded in this bill have done a good job generally in trimming these expenses to the bone, and unless Members are willing to offer real, honest to goodness programmatic cuts as a way to pay for their amendments, we will oppose all bogus offsets.

I urge my colleagues to come to the floor. I have heard it said that some Senators think we are working too hard in the Senate. Let the record show that a great stillness fell over the Chamber upon my saying that. I have heard rumors that some Senators are concerned that we are working too late, too long, too hard.

It is mortifying to hear such rumors. I can remember when for Easter Sunday we were out on Friday and came back here on Monday. We didn't used to have so-called ''breaks.'' We were also in session Mondays through Fridays, and sometimes we were in on Saturdays.

God made the universe—all of creation, the beasts of the fields, the fowl of the air, fruits and herb yielding seed—and he made man, not in 3 days. He didn't have a 3-day work week.

We have gotten used to 3-day workweeks here; come in late on Tuesday, vote late on Tuesday, vote on Wednesday, vote Thursday, and be out Friday, out Saturday, and out Sunday. God said keep the Sabbath day holy. But that is not why the Senate lets out on Sunday.

Let us not be stunned if we are asked to work a little later or a little longer. I would be happy to start voting on Monday and vote late on Friday. I would just as soon be here as to be at home on Saturday mopping the floor.

Let some of these Senators learn how to mop the floor for their wives. Then they, too, will probably be married 64 years, as I have been. Mop the floor, keep the wrists and the fingers strong. There is no arthritis in my fingers. They tremble, but the bones are strong. The wrists are strong, You would be surprised how many men I can wrestle to their knees with these strong wrists. These strong wrists come from mopping the floors. Yes. I mop the bathroom. I mop the kitchen floor. I mop the utility room. I vacuum. I dust. It is good for me. It keeps me humble. I even clean the commodes around my house. Things have changed in this country. It used to be that we ate on the inside of the house and went outside to the toilet. But anymore we eat on the outside of the House and go inside to the toilet.

A Senator? Surely, a Senator wouldn't be concerned about working a little longer or a little later. We have become spoiled. It is all right for Senator REID and me to become spoiled on Fathers' Day. But to say that we don't want to vote on Mondays, and we don't want to vote on Tuesdays until after the conference—we didn't even have weekly conferences here when I was majority whip. We Democrats didn't have conferences every Tuesday. We didn't need them.

But when I ran for the office of United States Senator for the eighth consecutive 6-year term, I didn't say just sign me up for 3 days a week. I didn't tell the majority leader when I was sworn in here, don't count on me on any Fridays or Saturdays. I didn't say that.

I hope this is mere rumor that I hear that certain Senators have been complaining that they have been working too long, too late, too many days a week. I hope the majority leader will keep us in late tonight. I hope he will keep us in late tomorrow night, if we don't finish this bill. I hope he will say we will be in Friday, and with votes, if we don't finish this bill today. And if we aren't finished by Saturday, I hope the leader will say: Let's go at it, boys. We will be in Saturday.

But if there is a Senator who is complaining about working too hard, Mr. Majority Whip, tell them where my office is. While we are on this bill, I am for working. I want to get this bill finished. We have 12 more appropriations bills behind this bill.

I urge my colleagues to come to the floor today to offer any amendment they may have and to allow us to conclude debate on this measure no later than tomorrow so I can be with Lady Byrd and my little dog, Billy Byrd. The bill and report have been available for more than a week, and Senator BURNS and I are here ready and willing to work with our colleagues.

Mr. President, I thank, at this time, my colleague, Mr. BURNS, for his steady hand and for the leadership he has demonstrated in the markup, in the hearings on the bill, and for his splendid cooperation, for his always charitable attitude toward other Senators, and for his fairness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my good friend and colleague from West Virginia, the chairman of the Interior Appropriations Subcommittee. I am recommending that this body pass the Interior appropriations bill for fiscal year 2002.

I join my colleague in what he said in relation to folks who would complain about working too much. I come from an agricultural background. I was raised on a small farm in northwest Missouri. My dad always had a little saying: When you look like a mule, you've got to work like one. So I guess I have hired on for the duration.

We will get this bill completed. I was lucky enough to hold the chairmanship of this Interior Subcommittee earlier this year, and I made it a priority to move this bill forward in a noncontroversial and bipartisan way. I was extremely pleased to learn, when the Senator from West Virginia took control of the gavel, that he also shared this vision. He and his staff have been extremely gracious in dealing with all the requests before the subcommittee.

The bill up for consideration is a delicate balance of meeting our Nation's needs while remaining fiscally responsible.

Not everyone will be happy with every portion of this bill—it has never happened with this particular piece of legislation since I have been in the Senate for the last 12 years—but I can guarantee you, the bill is extremely fair. We had to make some tough choices, but I believe those who have worked with us to put this bill together will agree that the chairman has done an exemplary job in dealing with the resources we had available to us in the subcommittee.

The bill before us provides over $18.5 billion in budget authority. This number is $343 million above the President's request; however, it is over $470 million less than has been requested by the House of Representatives and almost $420 million below last year's appropriations for the same activities.

The unprecedented and unsustainable increases of previous years have been checked, but we have still upheld our commitments as stewards to our public lands.

If time will allow, I would like to highlight some of the accomplishments in this bill.

The Bureau of Land Management receives a substantial increase in funding to help address our Nation's energy needs while balancing these needs with the ongoing maintenance necessary to keep our public lands healthy.

Initiatives of which I am especially proud include an increase in excess of $15 million over last year's level for energy and minerals management to help address the current backlog in energy-related permitting, an increase above the budget request for noxious weed research, control, and outreach, and the highest funding level ever for the payments in lieu of taxes account.

Let me tell you, I am especially thankful to our chairman. Noxious weeds is not a great—for the lack of another word—''sexy'' issue. When you

start talking about things around Washington, DC, folks do not think a lot about weeds, but they are something that we deal with across this Nation on a daily basis; and also payments in lieu of taxes, which means in the areas of counties that have a big preponderance of BLM land, they are paid, as if taxes will be collected on that land, by the Government. In other words, if the Federal Government has made the choice they want to own that land, then they have to pay taxes like everybody else—county taxes—that go to support schools, public services, roads, and other demands of local government.

Our commitment to the Nation's wild spaces is continued in the U.S. Fish and Wildlife Service budget, which has received a $62 million increase over last year's level. This level allows us to address habitat needs while working with private landowners through brand new initiatives such as the Landowner Incentive Program. These new initiatives will allow us to focus on a new idea of working across land-ownership lines to do what is best to help the species and their needs.

The National Park Service remains one of my top priorities. After all, I have two of the really crown jewels of the National Park System in my State: Yellowstone Park, of which part is in the State of our friends to the south, in Wyoming, and Glacier National Park. It receives an increase of almost $161 million above a year ago. This funding helps address our crumbling infrastructure in our most treasured public areas while increasing our assistance to States to protect the areas that are high on their priority lists.

I am also pleased the bill provides $11 million for grants to preserve Civil War battlefields.

Also, within the Bureau of Indian Affairs, no other priority is higher on my list than the education of our Native American children. We have been able to continue our aggressive attack on the construction backlog of schools in Indian country by providing funds to replace the next six schools on the Bureau of Indian Affairs' replacement list. Again, the chairman has done an admirable job in attempting to meet my request for a substantial increase in the operating funds available to tribally controlled community colleges. It remains one of my top priorities, and I hope to work with the chairman to increase the funding level even further in future years.

We have seen great strides made, especially in the 2-year colleges on our reservations. In fact, the gentleman who operates one of the tribal colleges in our State is probably one of the best educators I have ever known, and the impact he has had on his people on that reservation has been tremendous.

Additionally, I am pleased that we have been able to match the President's request for trust reform and management issues. And there are many.

The Forest Service's largest initiative in recent years is the new Interagency Fire Plan. We have continued to support the efforts of the Bureau of Land Management and the Forest Service to address the dangerous buildup of fuel in our national forests and adjacent lands.

Fire operations will continue to drain hundreds of millions of dollars again this year as we enter another historic fire year, but the investment in hazardous fuel reductions will pay off tenfold in future years.

Last year was a devastating fire year in the West. We are still experiencing drought in those areas. We can expect fires again this year.

Unfortunately, the Department of Energy received massive proposed cuts in this year's budget request. However, I believe the chairman has restored these accounts in a very responsible manner. Working with the rest of the committee and me, he has focused the fossil energy accounts toward technologies that will increase efficiency and the cleanliness of our aging power infrastructure, while addressing the negative impacts of power generation.

We have started a new clean fuels initiative and increased our research in methods to control and capture greenhouse gases. The conservation accounts under the Department of Energy also receive substantial increases over last year, including an addition of over $60 million from last year's weatherization assistance, and large increases to make our buildings and transportation methods more efficient.

Finally, the conservation spending category created in last year's final appropriations negotiations has been retained, and the compromise of last year has been upheld both in the spirit and in the execution. The bill contains $1.32 billion for the conservation spending category, continuing our focus on protecting our wild areas while taking care of our publicly owned facilities.

Clearly, a bill of this magnitude is difficult to craft, especially considering the volume of requests that we field in this subcommittee every year and those with which we have to deal. I thank the chairman for his willingness to address the requests of all Members to the best of his ability. I urge our colleagues to recognize his generosity and take a hard look at the bottom line prior to attempting to amend this bill.

I also ask our colleagues to respect our collective request that legislative riders be avoided so we can get this bill to the President as soon as possible.

Mr. CONRAD. Mr. President, I am pleased to rise today in support of H.R. 2217, the Interior and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate provides $18.5 billion in nonemergency discretionary budget authority including an advance appropriation into 2002 of $36 million, which will result in new outlays in 2002 of $11.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $17.6 billion in 2002. Of that total, $1.32 billion in budget authority and $1.03 billion in outlays falls under the new cap for conservation spending. The remaining amount counts against the general purpose cap for discretionary spending. The Senate bill is within its Section 302(b) allocations for budget authority and outlays for both general purpose and conservation spending.

In addition, the Senate bill provides new emergency spending authority of $235 million for wildland fire management, which will result in outlays of $167 million. In accordance with standard budget practice, the budget committee will adjust the appropriations committee's allocation for emergency spending at the end of conference.

I again commend Chairman BYRD and Senator STEVENS for their bipartisan effort in moving this and other appropriations bills quickly, in order to meet our responsibilities to maintain an effective federal government. Their bill limits the use of the contentious legislative riders that have hampered its predecessors, and provides vital funding to manage our nation's natural resources, to support better and more efficient use of our energy supplies, and to meet our commitments to Native American tribes.

I urge the adoption of the bill.

Mr. President, I ask for unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

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

H.R. 2217, INTERIOR AND RELATED AGENCIES, 2002

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	General purpose	Conservation	Mandatory	Total
Senate-reported bill:				
Budget Authority	17,150	1,320	59	18,529
Outlays	16,539	1,029	77	17,645
Senate 302(b) allocation:				
Budget Authority	17,151	1,376	59	18,586
Outlays	16,626	1,030	77	17,733
House-passed:				
Budget Authority	17,621	1,320	59	19,000
Outlays	16,726	1,031	77	17,834
President's request:				
Budget Authority	16,857	1,226	59	18,142
Outlays	16,396	823	77	17,296
SENATE-REPORTED BILL COMPARED TO—				
Senate 302(b) allocation:				
Budget Authority	(1)	(56)	0	(57)
Outlays	(87)	(1)	0	(88)
House-passed:				
Budget Authority	(471)	0	0	(471)
Outlays	(187)	(2)	0	(189)
President's request:				
Budget Authority	293	94	0	387
Outlays	143	206	0	349

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions, including removal of emergency funding ($235 million in budget authority and $167 million in outlays) and inclusion of 2002 advance appropriation of $36 million (budget authority and outlays). The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference. Prepared by SBC Majority Staff, 7–10–01.

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

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

Mr. REID. Mr. President, will the Senator from West Virginia yield for a comment?

Mr. BYRD. Yes.

Mr. REID. Mr. President, around here it is easy for us to forget people. I want the record to reflect what a good job Slade Gorton did on this bill during the time he was the chairman of this subcommittee. Slade is not in the Senate anymore. The record should be spread with the fact that he did an outstanding job when he was chairman of the subcommittee.

He was always willing to listen to us. He held meetings and was very inclusive. I don't want to dwell on it other than to say that I have not forgotten Slade Gorton and the good work he did on this bill. I am confident that his successor, the Senator from Montana, will do just as well.

I know as a Senator I learned a lot from Senator Gorton from the way he handled things. I hope we will all remember Slade Gorton for his dedication to the Senate and the good work he did.

Mr. BYRD. Mr. President, I join the distinguished Democratic whip in recalling Slade Gorton. Slade Gorton was an outstanding chairman of this subcommittee. On many occasions, I lauded Slade Gorton's chairmanship. He was eminently fair, preeminently knowledgeable of the bill. In conferences, he knew everything that a Senator ought to know about the projects and the items at issue between the two Houses. I have never seen a subcommittee chairman who was better than Slade Gorton when he was chairman of this subcommittee.

He was also very kind and good to me. I am glad the distinguished majority whip has had the thoughtfulness to mention Slade Gorton today.

Along this line, let me say that on yesterday, and the day before, we worked hard to complete the supplemental appropriations bill. Senator STEVENS is the former chairman of the Appropriations Committee in the Senate, about whom I have no hesitancy in saying, he was the best chairman of the Appropriations Committee that I have seen in my 43 years in the Senate, including ROBERT BYRD. I have no hesitancy, not a bit, in lauding a Republican. I have no hesitancy in saying, ''He is a better man than I am, Gunga Din.''

I have seen some great chairmen of this committee, the Appropriations Committee. Senator Russell, to me, was the finest Senator, the best Senator with whom I have ever served in my 43 years in the Senate. He was chairman of the Appropriations Committee at one time. There have been other great Senators, such as Senator Stennis of Mississippi. He was always courteous, always the gentleman. Then there was Senator Mark Hatfield.

But times have changed and chairmen have to change in accordance with the times and the circumstances. So in our time, in our day, TED STEVENS is the best. I don't mind thinking I might have been second. But I won't dare say that. It is a bit like Publius Cornelius Scipio Africanus Major, who defeated Hannibal in the Battle of Zama in 202 B.C. He met Hannibal at Ephesus, and they walked together upon one occasion and he asked Hannibal, ''Who was the greatest general?'' Hannibal thought for a moment, and then he said, ''Pyrrhus the Greek from Epirus was the greatest. The second was Alexander. The third was I, Hannibal.'' Whereupon, Scipio Africanus Major asked, ''Where would you have placed yourself if I had not defeated you at Zama?'' Hannibal thought for a moment, and then said, ''I would have been first.''

I did have the good fortune to chair this committee for 6 years. But TED STEVENS I salute. He is a Republican, yes, but a great one, a fine gentleman, a gentleman always, somebody who keeps his word. And he doesn't put politics at the apex of all things that matter. Well, with his assistance and his leadership, on yesterday we passed the supplemental appropriations bill. The President requested $6.5 billion and that bill did not exceed that request one thin dime.

The Senators' amendments were offset. The amendments that Senators offered and were considered, if they were adopted, if they had to do with money, were offset. Senators had offsets—meaningful offsets, not ''waste, fraud and abuse.'' There is no doubt but that there is some waste, fraud, and abuse in the budget in every department, I would say, in this Government. But we don't offset with false offsets. We had everything appropriately offset.

There wasn't a single amendment designated as an ''emergency'' in this Senate. The President had complained about the use of ''emergencies.'' Mr. STEVENS and I believe there is a time and place for emergencies, yes, but there is no question but that the designation of ''emergency'' has been overdone in both Houses. And in the supplemental appropriations bill that passed the House, there are $473 million in emergencies. Not $1 in the bill that passed the Senate was designated as an emergency.

Where is the President going to stand on this when the bill goes to conference? I hope he will let us know. What is his position going to be with regard to the emergencies that were in the Republican-controlled House bill? The first question that was ever asked in the history of the human race was, when God entered the Garden of Eden in the shadow of the evening, in the cool of the day, and he started looking for Adam. Adam had hidden himself, and God said: ''Adam, where art thou?'' That was the first question ever asked in the history of mankind. ''Adam, where art thou?''

So, if I might, in my small way as a direct descendent of Adam, let me ask the question of the President: Mr. President, where art thou in regard to the $473 million in emergencies that are contained in the House-passed bill? Let us know, Mr. President, where art thou? If I get a chance to ask the President, I am going to say: Mr. President, where art thou with respect to the $473 million that was added as emergencies in the House bill? Where art thou? Let us know. We would like to know.

In any event, that is the kind of bill we passed in this Senate. No emergencies, not one Indianhead copper penny above the President's request, not one! Mr. STEVENS and I had cooperation of the Senators on both sides of the aisle. I could not resist the opportunity to say that without TED STEVENS and his help, his assistance, his leadership on that bill, the cooperation of Senators and staff on both sides, the help of our distinguished Democratic whip, and our leaders, we could not have accomplished that. So I take this opportunity to compliment our colleagues.

AMENDMENT NO. 877

Mr. BYRD. Mr. President, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 877.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical correction)

On page 152, line 4, strike ''$17,181,000'' and insert ''$72,640,000''.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the amendment and that it be adopted.

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

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 877) was agreed to.

Mr. BYRD. Mr. President, Senator BURNS and I are here. We are at our posts of duty. We are ready to entertain any requests for an amendment by any Senator. The clock is running.

Mr. BURNS. We are open for business.

Mr. BYRD. The sign is out: Open for business. Senator BURNS and I join in urging the leadership and all Senators to let us know of any amendments Senators intend to offer by no later than 4 p.m. today, and it will be my hope that at 4 p.m. we can close out the window for amendments. I hope all Senators within the sound of my voice and all staffs within the reach of our joint voice will be alerted to the fact that when the clock strikes 4 this afternoon, we expect to close out the window on all amendments.

Mr. REID. Will the Senator from West Virginia yield for a comment?

Mr. BYRD. Absolutely; gladly.

Mr. REID. As directed by the two managers of this bill, we have asked both Cloakrooms to clear their request: that there be a filing of amendments by 4 o'clock today, which gives people ample time, many hours. It was announced even prior to the break that the Interior bill would be the first bill brought up, and we even indicated when it would be brought up. So I hope we can get this cleared right away.

I say to my friend, the junior Senator from Montana, who has done such a good job in getting this bill to this point, the holdup now is on that side. Maybe if we go into a quorum call Senator BURNS will be gracious enough to see if he can move this along. Until that happens, my experience is this bill is in a flounder.

Mr. BYRD. I thank the distinguished whip.

Mr. BURNS. Mr. President, it is my hope that we can do this by 4 o'clock this afternoon. There is no need for us to dillydally around here when we have other things to do. I only have one thing I have to do at 2 o'clock this afternoon. I have to introduce a couple of judges who have been nominated to the Montana district court system. By the time I get that done, 4 o'clock should be our cutoff.

We should be talking about amendments right now. There is no reason why we cannot move this bill to final conclusion tomorrow.

Mr. REID. I believe the Senator from West Virginia still has the floor, if I can make another comment.

Mr. BYRD. Surely.

Mr. REID. It is my thought, if the two managers agree, that at 12:30 p.m., if there is still a problem with hotlining, a unanimous consent request be made and if anybody objects to it, they are going to have to come here in person to object to it. That is my suggestion. On a bill as important as this, we need to have the Senators, not the staff lurking in some of these rooms around the Capitol complex making objections for their Senators.

After we go into a quorum call, upon consulting with the two managers, I make the suggestion that perhaps that is what we should do.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Nevada, the majority whip, for his suggestion. I like it. We have just heard Senator BURNS voice his opinion.

Mr. BURNS. We will do everything we can to get that taken care of. We do not want to close anybody out either, understanding the sensitivity of that. I believe we have made a reasonable request. I thank the chairman.

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

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

RECESS

Mr. BYRD. Mr. President, there being no Senators seeking recognition and having discussed the following request with the distinguished majority whip and the distinguished manager on the other side of the aisle, it appears it might be best if the Senate stood in recess until 12:15 p.m., during which time some work may be done hopefully that will speed up the entire process to some extent.

I, therefore, ask unanimous consent that the Senate stand in recess until the hour of 12:15 p.m. today.

There being no objection, at 11:39 a.m., the Senate recessed until 12:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. With the consent of Senator BYRD, I ask unanimous consent all first-degree amendments to H.R. 2217, the Interior appropriations bill, be filed at the desk by 4 p.m. today, Wednesday, July 11.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 880

Mr. BYRD. Madam President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 880.

Mr. BYRD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 157, line 7, insert "Protection" after the word "Park".

Mr. BYRD. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside.

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

The Senator from Illinois.

AMENDMENT NO. 879

Mr. DURBIN. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mrs. MURRAY, and Mr. DAYTON, proposes an amendment numbered 879.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for the conduct of preleasing, leasing, and related activities within national monuments established under the Act of June 8, 1906)

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . PRELEASING, LEASING, AND RELATED ACTIVITIES.

None of the funds made available by this Act shall be used to conduct any preleasing, leasing, or other related activity under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundary (in effect as of January 20, 2001) of a national monument established under the Act of June 8, 1906 (16 U.S.C. 431 et seq.), except to the extent that such a preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.

Mr. DURBIN. Madam President, I note that the Republican ranking member is not on the floor at this time. I will proceed and, of course, afford all opportunity for him for comment or rebuttal or perhaps a speech in support of my amendment. I want to make sure I extend that courtesy to him since he is not currently in the Chamber.

The amendment I bring before us today is one that is very straightforward. I suppose I could have had it read, and it would have made it very clear what I am setting out to do. It basically will prohibit any preleasing or other related activity within the boundaries of a national monument.

What it boils down to is, there are certain lands in the United States which have been designated as important national treasures. We call them national monuments. Virtually every President in the last century, save three, decided to designate certain areas of land in America that were so important they wanted to preserve them so that future generations could enjoy the bounty which God has left us.

There are those, of course, who see that land not as a great treasure to be valued but as a resource to be used. The purpose of my amendment is to stop oil and gas drilling on national monuments across the United States.

We owe the existence of many of America's natural treasures to pioneers of yesterday. Their appreciation of our rugged, untamed new country gave them the foresight to preserve many of our natural resources and public lands for future generations to enjoy.

Theodore Roosevelt was one such pioneer. In 1906, he established Devils Tower in Wyoming, the first national monument.

Right outside this Chamber in the hallway is one of the most remarkable busts of a former Vice President—the bust of Theodore Roosevelt. Every time I walk by it, I can just feel the life in that piece of stone. He has his jaw stuck out as if he is ready to take on the world. I can imagine in 1906 when Teddy Roosevelt said to a lot of people in this country: You know what. We have resources in this country that are worth fighting for and worth preserving, and we are going to do it. There were probably people standing on the sideline saying that Teddy Roosevelt was crazy, that he certainly did not want to set aside land that might have had great value to our future. Yet he did it. Not only did he do it; he established a standard that President after President followed.

The Republican Party, of which Theodore Roosevelt was a proud member at one time, certainly was that party of preservation and conservation. It set a standard that the Democratic Party followed, and I am glad they did. It was a bipartisan idea. These are treasures that don't know the difference between parties, the treasurers which our children and future generations should enjoy. Roosevelt said this at one point, and his words I think tell the story: ''We must ask ourselves if we are leaving for future generations an environment that is as good or better than what we found.''

That is simple. That inspired him in 1906 to create the first national monument at Devils Tower, WY. Unfortunately, not every President has been inspired by Teddy Roosevelt. Sadly, I come to the floor today because of threats by this new administration in Washington to at least consider the option of drilling for oil and gas in these national monuments across the United States.

Some leaders in Washington lack the foresight of our Founding Fathers and pioneers. They hide today behind the shield of an ''energy crisis''—an energy crisis, which they believe means that we have to change all the rules, saying we can no longer keep this land at least protected so future generations can enjoy it. They say because of our need for energy we have to break a lot of rules; we have to start drilling in the Arctic National Wildlife Refuge; we have to start drilling in the national monuments; we have to start looking for oil and gas in places that a lot of Americans honestly believed we had declared off limits.

President Bush and Interior Secretary Gale Norton have publicly stated they believe that some of our national monuments would be good places for oil and gas drilling or coal mining. Oddly, the monuments being targeted have one thing in common: Every single one was designated by one President, President William Jefferson Clinton. So when they look at monuments across the United States that they want to go drilling on, they have only picked one group—those designated by President Clinton.

President Bush needs to realize that damaging these irreplaceable lands is not going to solve America's energy crisis, but it could cause a crisis in conservation. Americans are rightfully concerned about energy security. But I don't think that most Americans believe that we are in such dire straits that we should invite the big oil and gas producers into these protected lands.

My amendment would simply prohibit new mineral leases from being issued in designated national monuments. My amendment does not affect any valid existing rights or prevent leasing in any area that was authorized for mineral activity when the monument was established. I want to make that point clear. Some will come before us and say: You are going to shut down oil and gas drilling and mining in these monuments, and it has been going on for years. If it took place before, if it is existing, if it has been approved, this amendment has no impact whatsoever. But it is the new drilling, the new mining, this new exploration in these national monuments that would be prohibited by this amendment.

When a President issues a proclamation designating a national monument, it is not unusual for existing rights to drill to be maintained. The real intent of this amendment is to preserve the existing boundaries of monuments so this administration can't shrink them to make even more lands available for energy exploration.

Since 1906—the day of Teddy Roosevelt that I noted earlier—14 of the next 17 Presidents of the United States, Democrat and Republican alike, unapologetically and proudly designated national monuments under the Antiquities Act, for a total of 118 national monuments. Only three Presidents in the 20th century did not designate national monument territory—Presidents Nixon, Reagan, and the elder George Bush.

People say, well, I have heard of national parks and national forests. What is a national monument? Half of our national parks started out as national monuments. Let me tell you what they include. The Grand Canyon was designated as a national monument; Glacier Bay; Zion; and Acadia National Park. The national monument is the first designation of a piece of land in America that can have lasting values as part of our national heritage. Can you imagine, for a moment, if those who preceded us did not have the foresight to protect those lands, what America would have given up not to have these resources available, so that families of today and tomorrow can take their children and look out at that magnificent expanse of the Grand Canyon and stand in awe and wonder of God's creation? Thank God, someone had the foresight to think ahead and believe it was worth designating that, first, as a national monument and then as a national park, to be protected.

This amendment is addressing a new mindset that says when it comes to today's national monuments, it is a different story; they are up for grabs. We are involved in an energy crisis. People can drill for oil and gas on these new monuments designated by President Clinton. That is so shortsighted. It loses vision when it comes to what our country is all about and should be all about.

The Bureau of Land Management has the responsibility of managing public lands across the United States, and we have thousands and thousands of acres. I see Senator HARRY REID from Nevada is here. I don't know what percentage of his home State is Federal land——

Mr. REID. It is 87 percent.

Mr. DURBIN. It is 87 percent. Many Western States have similar percentages of Federal land within their boundaries. In the earliest days of our country, of course, there wasn't a great hue and cry to have private ownership in this land. The Federal Government owned it, and some of it may never have any real practical value when it comes to residential or commercial development. But the Federal Government took the responsibility under an agency known as the Bureau of Land Management. This is kind of the landlord for America's public lands. The Bureau of Land Management has determined that 95 percent of the lands they manage across the United States are already available for oil and gas leasing. So if you hear an argument from the other side that we now have to go and drill into the national monument lands because we have nowhere else to look for oil and gas and precious minerals, that is just not the fact. Ninety-five percent of the Federal lands managed by the Bureau of Land Management are already available for oil and gas leasing.

Instead of hopping onto the drilling bandwagon, we should first focus on energy exploration in existing areas before we turn to these precious national monuments. I am afraid that the President and many of the people in the energy industry talk about oil and gas development as though it were the cure for all of our energy woes in America—drill and burn, drill and burn, drill and burn. There is much more to the challenge that faces our Nation.

The President has to acknowledge that the longstanding supply and demand and balance in the United States will not be solved overnight, and it won't be solved with 19th and 20th century thinking. Our Nation consumes 9.1 million barrels of oil a day. We import about half of that—more than half, frankly. Oil production from Federal lands—all Federal lands—supplies about 10 percent of our total oil needs. This isn't enough to bring U.S. energy independence or significantly meet the U.S. demand. It is interesting that the Wilderness Society——

Mr. REID. Will the Senator from Illinois yield for a question?

Mr. DURBIN. Yes.

Mr. REID. First, I ask the Senator to list me as a cosponsor.

Mr. DURBIN. Madam President, I ask unanimous consent that that be the case.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. REID. I say to my friend, is the Senator aware that the U.S. Geological Survey has estimated that the reserves within the 15 national monuments designated since 1996 would produce 15 days' worth of oil and 7 days' worth of natural gas for our country? Is the Senator aware of that?

Mr. DURBIN. The Senator is right. Those are the numbers I was about to quote.

Mr. REID. I am sorry.

Mr. DURBIN. I am happy to have the Senator add that to the debate. Frankly, if we are talking about energy needs in America and drilling in places we never would have considered drilling before, whether in the Arctic National Wildlife Refuge or national monuments, certainly someone has to make a compelling argument there is so much energy there that America cannot turn its back. The statistics the Senator from Nevada has quoted and an analysis by the Wilderness Society come to the same conclusion.

The total economically recoverable oil from the monuments that I protect in this amendment is the equivalent of 15 days, 12 hours, 28 minutes' worth of energy for the United States. Economically recoverable gas, as a portion of total U.S. consumption, is 7 days, 2 hours, 11 minutes.

What would we give up for that small opportunity to bring that much energy into the picture in the United States? Frankly, we would be drilling in areas which have been designated as special and important treasures that the United States should preserve.

I am glad we are having this national debate about energy conservation and energy efficiency. It is important that we have it, but it is also important that we do not believe the answer to all of our energy problems is to find new places to drill.

Just last week I joined my colleagues, Senator FITZGERALD of Illinois and Senator DEBBIE STABENOW of Michigan, at a press conference on the banks of Lake Michigan on a rainy Tuesday before the Fourth of July. As hard as it is to believe, there is one Governor of a State adjoining Lake Michigan who now believes we should drill for oil and gas in Lake Michigan and the Great Lakes. There are those of us who think that, too, is a rash judgment and one we can come to regret.

A lot of people say: It would only be a small little derrick or a small drill out there. I had the experience, I guess it has been over 15 years ago or close to it, of going up to Alaska after the *Exxon Valdez* spill. *Exxon Valdez*, if I remember correctly, was about the size of three football fields. It was a long vessel. When it ran ashore and when its tanks and all its crude oil spread out across the area, it devastated wildlife and left contamination for decades to come.

When we talk about drilling for oil and gas, we have to be careful that we do it in a responsible environmental way so that we do not run the risk of contamination or ruination of important national treasures, such as the Great Lakes, the Arctic National Wildlife Refuge, or the national monuments designated by President Clinton.

As we can see from the situation in California, energy conservation does work. When they saw the high prices, they reduced their consumption by over 11 percent in a short period of time. It is a lesson to all of us. We can all do better, every single one of us. Before we start drilling into these pristine areas, should we not have a national policy that talks about sustainable, renewable fuels and energy conservation?

I am afraid this administration focuses on drilling and drilling and drilling, and that just is not the answer to all of our challenges.

This land is protected as national monuments because we realize all of the Nation's public landscapes are not appropriate for oil and gas drilling. These lands have intrinsic value. Just because there may be some energy there, even if it is very limited, does not mean we need to drill for it and run the risk of contamination and ruining these great national treasures.

The national monuments belong to the American people. The Government has agreed to hold these lands in trust for our generation and future generations to appreciate. The President of the United States, as a successor to George Washington, as a successor to previous Presidents, was given the responsibility of protecting these lands—first and foremost, protect our national natural heritage—not destroy them.

This energy crisis should not be used as an excuse for us to do things we will rue in the days and years to come. Exploiting our national monuments for a tiny bit of mineral resources will not ease energy prices today, tomorrow, or even next year.

Let's not be misguided. Let's focus the energy debate on responsible energy development, renewable energy, efficiency, and conservation efforts. I urge my colleagues to support my amendment.

I leave my colleagues with this quote, again from Theodore Roosevelt whose words still ring true today:

> Conservation means development as much as it does protection. I recognize the right hand duty of this generation to develop and use the natural resources of our land, but I do not recognize the right to waste them or to rob by wasteful use the generations that come after us.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I oppose this amendment. It seems we want to make a blanket assertion on what we should do with our monuments. We have to remind ourselves that we are energy deficient.

As for Montana, where there was a national monument created, there are 77,000 acres of privately held land. Even the former Secretary of the Interior, Bruce Babbitt, recommended that oil and gas production in that area should be sustained.

There was a public process. The resource advisory committees in each of these areas made the same recommendation: Gas and oil production could be sustained without harming the land in that national monument.

These areas have also been studied. They have been studied by different committees whose members live in the area. They understand that land and the recommendations that were made.

We in Montana want to contribute something to the energy situation in this country. So far, no one has come up with any solid replacement to oil and gas production for transportation or power generation fuels.

I, therefore, urge my colleagues to oppose this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Madam President, I rise today to support the Durbin amendment that will protect our national monuments from energy exploration. I am pleased to be a cosponsor of this important amendment, and I thank Senator DURBIN from Illinois for his work and tremendous efforts on behalf of our national heritage and our national monuments.

The truth is, we should not need an amendment to protect our country's national monuments from energy exploration. These unique landscapes, including the Hanford Reach National Monument in my home State of Washington, were designated as national monuments because they are important in their own right and they deserve to be protected.

We should not need an additional amendment to keep oil derricks out of these lands, but unfortunately that is where we find ourselves today. The Bush administration has proposed exploring for energy even in our national monuments.

When I go home every weekend and talk to my friends and neighbors and go to the grocery store, my constituents come up to me and ask: Is nothing sacred anymore? Drilling in our national monuments is just wrong. This amendment says the Federal Government should not promote energy exploration on our most precious lands, on our heritage.

I recognize the need to find new sources of energy. The Federal Government has always actively promoted the extraction of new energy resources. This can and will continue. During the Clinton administration, thousands of new drilling permits were actually issued for Federal lands. Since the early 1980s, the projection of natural

gas on Federal lands has been increasing steadily. Efforts to find energy on our Federal lands must continue. But attempts to find energy in our national monuments must never begin.

Today, 95 percent of Bureau of Land Management lands in the Western States are open to coal, oil, and gas leasing. We do not need to open up our national monuments, as well. I realize this is a challenging time because we are facing an energy crisis. In my home State of Washington, we are experiencing dramatic rate increases because of the many factors involved, including a drought and too little energy production and a spike in gas prices.

Thousands of my constituents are out of work because of high energy costs. No one needs to tell anyone in Washington State we have to increase energy production. We know we need to increase capacity and that is what we are doing. We are working to site new generation capacity. On the Oregon and Washington border, we are constructing the country's largest wind farm. We have natural gas plants going up. We have a proposal for a coal-fired plant. We are upgrading our transmission system to deliver new generation supplies.

We know what we need to do and we are taking action. But we know we don't need to drill for natural gas in our national monuments.

The Hanford Reach National Monument is a national treasure. It includes the last free-flowing stretch of the Columbia River. It is the most productive spawning ground for threatened salmon in the entire Columbia River Basin. It is home to threatened sage grouse and 2 plant and 40 insect species that are brand-new to science.

The monument also includes and borders important historic and cultural features. The area is rich in important Native American, early pioneer, and nuclear production history. The Hanford Reach National Monument may be the most unique monument in the entire country.

I have heard some people suggest that the national monument designations made by President Clinton were made too quickly, without public involvement, and without consideration of energy production values. That is simply not true. I have been working since my first year in the Senate, 9 years ago, to protect the Hanford Reach. I introduced legislation in the previous three Congresses to protect that area. We held numerous public meetings, we got lots of local input from local leaders, local folk, and we debated a lot of different proposals.

The administration had 8 years of knowledge developed by the consideration of various protection proposals. The plans considered irrigation, farming, and the potential for gas outside the monument's boundaries. The plan considered commercial development of lands by ports and cities. In fact, the final designation even included a provision ensuring a new right-of-way for energy transmission lines to go across the Hanford Reach. All of those considerations helped define the final boundaries of that national monument. So for some to suggest now that we never thought about our future energy needs is just plain wrong.

In the end, the final decision was that the ecological and historical values of the Hanford Reach merited protection as a national monument. We knew what we were doing by that designation. We knew we were choosing to protect the unique and vital habitats. We knew we were honoring important cultural sites, and we intended to leave this legacy to future generations.

Protecting certain areas for generations to come is an admirable goal. These designations were made after full consideration. This Congress should not now in any way undermine those legacies in favor of the energy industry. We should not have to fight back these attacks on our very limited protected lands.

I believe we should preserve these ecological and historic treasures for future generations. These lands belong to all of us. We are responsible for protecting them. That is why the Durbin amendment is so important. I urge my colleagues to support it.

I thank my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I rise today to support also the amendment offered by my colleague from Illinois, Mr. DURBIN. I am proud to join him in this effort and to be an original cosponsor of his amendment.

My colleague from Illinois seeks to make certain that amendment language offered by the Congressman from West Virginia, Mr. RAHALL, which would prohibit drilling for oil and gas and mining in our national monuments is included in the Senate bill. The Rahall amendment passed the House overwhelmingly by a vote of 242–173.

Madam President, I support this amendment because I believe that to not speak loudly against the Bush administration's proposals to re-open many of these monuments under the guise of our present energy concerns is a dereliction of responsibility for this body and this Senator.

It is the responsibility of this body to review areas designated as national monuments to determine whether or not additional designations should be conferred—such as creating a national park or a wilderness area out of lands administratively protected as a monument.

Presidents have designated about 120 national monuments, totaling more than 70 million acres, and given that Congress has done its review, most of this acreage is no longer in monument status. For instance, Grand Canyon National Park initially was proclaimed a national monument but was converted by Congress into a national park.

Congress should responsibly exercise its authority, and be clear about its intent, which this amendment does. This amendment prohibits the administration from proceeding with drilling for oil and gas and mining in our national monuments. This amendment will prevent these activities which are incompatible with many of the federal land use designations Congress might confer until we truly examine these areas. Monument designations create expectations on behalf of our constituents, Madam President, that these areas are protected and we should work to make certain that is so.

I am aware that Presidential establishment of national monuments under the Antiquities Act of 1906 has protected valuable sites but also has been contentious. President Clinton used his authority 22 times to proclaim 19 new monuments and to enlarge 3 others. The monuments were designated during his last year in office, with one exception, and I will speak about that exception in greater detail. President Clinton's 19 new and 3 enlarged monuments comprise 5.9 million Federal acres. Only President Franklin Delano Roosevelt used his authority more often—28 times—and only President Jimmy Carter created more monument acreage—56 million acres in Alaska.

The monument actions, regardless of one's position on them, were needed because Congress had not acted quickly enough to protect these Federal lands. The best response to concerns about the monument process is to support my colleague from Illinois, Mr. DURBIN, and not allow modifications to the monuments that some perceive were created unfairly to be made in an equally concerning fashion.

My constituents do not support expansion of oil and gas drilling and mining in lands designated by Presidential declaration as national monuments. I personally know the value of wild areas, and the threats that mineral, coal and oil and gas exploration pose. Though I have not been to all the monuments designated by President Clinton, I have hiked the Grand Staircase-Escalante National Monument, an area that the Senator from Illinois and I believe should be designated as wilderness.

I hiked down a 65-degree slope to Upper Calf Creek Falls in the Grand Staircase. It was a challenging and spectacular trip. Calf Creek meanders along a shallow valley with several deep clear pools before the upper falls, where the creek drops 88 feet over a cliff face at the head of Calf Creek Canyon. This deepens gradually for 2.5 miles south then doubles in size below the 126-foot lower falls. The path to the falls is down a steep slope of white slickrock marked by cairns of dark, volcanic pebbles then across flatter sandy ground to the canyon edge, with a total elevation loss of almost 600 feet. My experience is that this monument is a spectacular place and one with now tremendous recreational value and use. I should be preserved that way.

I use my Upper Calf Creek trip as an example of why the Senator's amendment is needed. We should be preserving our options with these lands, not opening them for development. I support this amendment and urge my colleagues to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I don't know if any Senators are here to speak in opposition. If there are, I will yield to them. I would like to speak and close debate, but I want to make certain the other side has ample opportunity to express its point of view.

Mr. BURNS. I ask the Senator from Illinois, as I understand it, the amendment prevent any further drilling, or does it bar all drilling, even though there are rights there in the first place?

Mr. DURBIN. The amendment clearly states if there is existing drilling, existing rights, it does not in any way infringe upon those. It is a question of new drilling, new leasing in these areas.

Mr. BURNS. If that resource is there and it can be done in an environmentally sensitive way, why is that bad or wrong?

Mr. DURBIN. I say to the Senator from Montana, I don't believe either of us would consider drilling on the Capital Mall or perhaps in the Grand Canyon or near it. There are certain things where we draw the line and say we know there may be energy resources, but if we are so desperate in this country that we have to reach that point, we have gone too far.

I think when you look at the estimated resources available in these monuments, they are so minuscule in terms of our national energy picture, many of us believe it is far better to say to future generations: Listen, we found another way to find energy, to conserve energy. We didn't spoil something that future generations will treasure.

Mr. BURNS. We had the Secretary of the Interior up in Montana. In the upper Missouri, which was designated as a national monument, I tell my good friend from Illinois, we asked the Secretary, No. 1, to find the gas well and then find the pipeline that carried the gas from the wellhead into the main pipeline. He could not find it. He could not find either one of them—he tried by air and by land—until we showed him where they were.

What I am saying is we should consider the new technologies and how we regard our lands, especially the big open lands. I am not talking about a monument such as The Mall; I am talking about land that is in bigger country that is very seldom ever walked upon by the people who probably own the grazing lease. We still allow grazing in national monuments. Very seldom are those lands ever walked on by anybody else.

We have an area in Montana that is going to demand some more attention in the next 2 or 3 years because it is along the Missouri River and that was the route of Louis and Clark. Of course, this will be the 200th anniversary of the Louisiana Purchase, and the trek of Louis and Clark will draw a little more attention to that area.

But tell me why we would completely close out the possibility, even under emergency conditions, in areas where we could develop that energy—and especially natural gas, which is the cleanest of all energy that is coming from the fossil fuels we take from the Earth—why we would close out that possibility.

Mr. DURBIN. I say this to the Senator from Montana, whom I respect. We come at this with a different attitude towards national monuments and national lands. I think we do have a genuine difference of opinion. I am aware, and I am sure my colleague is, too, that 95 percent of the Federal public lands under the management of the Bureau of Land Management are currently open for oil and gas drilling. I do believe it is not unreasonable to say that 5 percent of the Federal lands that we own are so important to our national heritage that we are not going to go in and drill.

No matter whether you can sneak in there and come out again and folks say, ''We were not even sure they were there,'' every time you do that you run a risk—I am sure the Senator from Montana knows that—that it will not be as clean an operation as you want it to be. You run a risk you will change an ecological balance in an area that has been the same for centuries.

I think it is not unreasonable for us to say, as we do in our normal lives, there are certain places that are treated differently than others. We treat our churches a little differently than we treat our shopping malls. We just view them differently. I think when it comes to our national treasures, our national monuments, it is not unreasonable to say these are areas which will be treated differently.

Mr. BURNS. I tell my good friend, it is that kind of mind-set that said we are going to save the suckerfish in Klamath Falls, OR, and it takes precedence over 1,500 families and their future and our ability to provide food and fiber for this country. It is a trash fish. That is going on right now in that basin.

That is what I am saying. When we take a look at what our attitude is about a certain thing and hide behind the screen of green and throw out all logic on the management of those lands, then we may have to reassess how we look at all lands, even those that exist in the State of Illinois. That is what I am saying. It is something that creeps into the mind-set, that it is all right to disrupt our lives and our families—even though we do it right and in an environmentally sensitive manner—because of a mind-set. I think that is where we have a basic philosophical difference on how we manage land.

I look at it much differently. I know you come from down there not too far from where I was raised. I was raised in Missouri. I never thought about water rights until I went west, where there wasn't any. There wasn't any water. Those things become very important. But they never entered our life when I lived in the lower Midwest.

I just think it is a mistake whenever we close up an area because of a mind-set that we cannot do it right and we here in Washington, DC, are basically in a better position to make the decision, more than having the decision made locally. Even the Senator from Washington says we had local input. We did the boundaries originally. We looked at the land that was sensitive, and we set it aside.

I agree with that. There are areas in the Missouri Breaks that I think should be set aside and even made wilderness. The river is already a protected river. I agree with that.

But whenever you take one broad swipe across a huge amount of land, especially when you have 77,000 acres of in-holdings and you have to cross public lands just to get to them, then we make a decision here that impacts people's lives in a real way. Those people have faces. That is why I oppose this amendment. I am not calling for the repeal of the Antiquities Act. What I am saying is we are impacting our own Nation's ability to produce food and fiber and energy because of a mind-set that sounds warm, green, and fuzzy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Montana. I know his opinions are heartfelt. He and I have talked about this on the floor on previous occasions. But I hope we can put this in some perspective.

America is a great nation. God has blessed us with resources that many nations around the world envy. Fortunately, leaders in this country with foresight decided long ago that there were certain treasures, national treasures in America, that needed to be protected and preserved.

Mark my words, when they made those suggestions they were not always popular. There were people who had ideas that something else could be done with that national park or that national monument. But those leaders stood their ground and said: We can find other ways to provide for the occupations and professions of people living in these States. We can find other sources of energy. We do not have to spoil a national asset, part of our national heritage that we can never, ever again reclaim.

The Senator from Montana talked about national monuments, and, I guess, the energy potential that they offer to the United States. Here is a summary from the U.S. Geological Service about the economically recoverable oil and gas from national monuments.

I might remind those following the debate that it is now President Bush who wants to initiate new drilling for oil and gas in national monuments—protected lands set aside by the previous administration to be preserved for future generations. This President wants to let the oil and gas companies come in and drill on these lands.

When the Senator from Montana talked about trash fish, I can't argue the story. I don't know that side. This is not trash. This is a national monument. This is a beautiful span of land set aside for future generations by the previous President.

Picture, if you will, in this rare piece of real estate in America, oil and gas drilling. Have we reached that point? This is not trash. This is a treasure. We shouldn't take it lightly when it comes to oil and gas drilling in America's treasures.

Let me give you an example of some of the national monuments and what the geological survey estimates is available there if we follow President Bush's recommendation to go ahead and keep drilling; let's find new areas for oil and gas drilling in these national monuments.

In the Upper Missouri River Breaks in Montana, which the Senator from Montana made reference to earlier, the economically recoverable oil from that entire national monument is the equivalent of one hour's worth of gas consumption in the United States.

I didn't take those numbers because the Senator mentioned his own State but just to put this in some perspective.

We are going to go drilling in these national monuments to try to recover one hour's worth of energy for our country. And what do we leave behind? If we are lucky, not much—maybe a few footprints in the soil. But we can never be certain that we haven't spoiled or changed that forever.

All of the economically recoverable oil from all of the national monuments—where President Bush now wants to go drill—is the equivalent of 15 days, 12 hours, and 28 minutes of America's energy consumption. All of the economically recoverable gas as a portion of the total U.S. consumption from these monuments where the President now wants to go drilling is the equivalent of 7 days, 2 hours, and 11 minutes' worth of America's energy.

I listened to the news this morning. I hear there is a bill over in the House of Representatives on energy, and they are talking about perhaps for the first time that we are going to start establishing fuel-efficient standards for SUVs and trucks in this country. That is not radical thinking. I think it is sensible. I voted for it in the Senate. Just a little bit of energy conservation and a little bit of fuel efficiency makes this debate totally meaningless. With just a little change in Detroit we can save more oil than we can possibly derive from monuments. But the oil and gas companies want to get in there, and they want to make a profit. They have put these national treasures in the United States on the altar of greed and profit and the bottom line. That is just plain wrong.

I don't think I will prevail on this amendment. But I tell you that, as Senator FEINGOLD from Wisconsin, Senator MURRAY from Washington, and Senator REID from Nevada said, this is worth a fight.

You don't get many opportunities to cast a vote while on the floor of the Senate that have a lasting impact for generations to come. This is worth a fight. This is worth a vote.

I hope some of the Republican Members who come to the floor will remember one of the greats in their political party, Teddy Roosevelt—whose bust is right outside this door—who really defended conservation for America and made his party the proud patriarch for conservation in America. I hope they will remember when they come to the floor and take real pride in that rather than the oil and gas companies that just want to get their dirty hands on our national monuments.

We can do a lot better in this country. The oil and gas people have 95 percent of the Federal land to deal with. They do not need the 5 percent that we should be preserving and protecting for future generations. This amendment says to them: Keep your hands off of it. Leave it for future generations. Let's find other ways to meet our energy needs that are environmentally sensible and responsible.

If I lose on this amendment, and if the Bush administration goes forward with the oil and gas drilling, a lot of people will, frankly, never know it. How many of us visit all these national monuments? But some people will—some who go to look for that treasure that was set aside will find it is no longer the treasure it once was; it has been used; It has been exploited; it has been spoiled and perhaps even ruined in the name of profit.

The starting point, for those following the debate, is these are public lands. This is not private property. These are national monuments and public lands. They are lands that belong to all of us as Americans. It is not just the 285 million alive today but our children and grandchildren as well. If we don't have the courage to stand up and say protect and preserve a small part of it for future generations, then we are turning our back on the legacy of wise stewardship that has guided this country for so many years. It has been 95 years since a Republican President named Teddy Roosevelt had the courage to stand up and say they were going to protect that heritage. Ninety-five years later, another Republican President says, no; we are going to drill for oil and gas in that heritage.

What a difference. We will put an end to it with this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, there is a great deal of what my colleague from Illinois has said that I just won't disagree with at all. This is an important thing to be corrected, though, in his statement because we must deal with facts here when we are talking to the American people about the choices they will have to make depending on the policies we create.

First, the Bush administration is not advocating drilling in all of the monuments of the lower 48 States. That is a falsehood. What is important to say is that the Bush administration is proposing an energy policy that would open up public lands to be explored for the purpose of finding additional energy resources to determine whether or not they ought to be developed. That is a very real and different statement than the one my colleague from Illinois just made.

What is important about this debate is a choice that we are asking the American people to make. I think it is an important choice. I think it is worthy of the debate that we are having.

Energy security, the right of the family to know that their energy is secure, that their lights won't go out, or the cost of driving their minivan or their SUV is going to double or triple over the next couple of years, or the right and the power of big oil and OPEC to dictate that because policymakers were asleep at the switch or used false arguments to cause fear amongst the American people—if that is true, then shame on those policymakers. But bravo to the policymaker that is willing to stand up for the security of our country and the security of the American family.

That is what is important. Should the mom have to pay three or four times what she is paying now to drive her son or her daughter to a soccer game? Well, her costs have doubled in the last year. The reason they have doubled is because this country has not had a national energy policy. We had to go begging to the thieves in the Middle East, the OPEC crowd. That was the policy of the past administration—grab my tin cup and beg and let mom pay at the gas pump.

Was it the right policy? I don't think it was. I am not even going to suggest that drilling or allowing exploration in monuments is the right policy.

But what I will suggest to you today and to my colleague from Illinois is, do we have to make very hard-line choices in a world of modern technology and the talent that we possess today? Can we not shape an environment and shape a national economy that are compatible?

I agree with my colleague from Illinois. If you want to step back 30 years and use the argument of 30 years ago, he wins. If he is opposed to drilling or if he is opposed to exploration, that is correct. And I lose, if I am for it being based on 30-year-old technology. If you want the technology of today and tomorrow, then my guess is that it is a bit of a tossup.

We have preserved and protected the environment. But most importantly, we haven't forced mom to go to the gas pump and double her prices.

I recently talked to a young man who is vice president of a new technology company out in California. We know what has gone on out in California, and we can pick losers and winners and those to blame. I will tell you what was wrong with that young man. He had not made any bad choices. He was frightened. He drives a minivan; He has an economy car; and he has a house. But he said: Senator CRAIG, I am frightened I am going to lose my job. I have spent 20 years building a retirement, and the company I work for is teetering today because their energy costs have tripled, their profitability is disappearing, and they are laying off people.

That is as a result of this Senate, and others, not making the right policy choices over the last decade. That is why that young man in California is frightened today about his future.

What does that have to do with national monuments or the 23 new monuments that former President Clinton created in the lower 48? I believe it has something to do with it. I believe it has to do with the fundamental question that is being asked of my colleague from Illinois today, and that I ask of all of us: Can we live together compatibly in an environment in which we can apply new technologies to have abundant energy or do we have to pick winners and losers?

I totally disagree with him on his using Teddy Roosevelt as a facade to argue. Yes, you are right, Teddy Roosevelt, in 1908, created the great forest preserves of our country. I know. I am a bit of a student of Teddy Roosevelt. I do not use him when it is comfortable. I study him, and I believe in him. And he went on to create some of the grand national parks. But my guess is, he would not have run around the country in his last 5 years creating all kinds of monuments for the sake of developing environmental votes. He did it because he saw the need to create and protect the true jewels of our country's environment. What Teddy Roosevelt also knew was that you had to have something that was in balance.

I will tell you, the Senator from Illinois is absolutely right: If we take all of these monuments off the table and we do not drill in them, we will not feel it tomorrow, and we will not feel it the next day, and our dependency on foreign oil will grow from 50 percent to 60 percent to 70 percent. If we can play games with the OPEC boys and we can keep them at about $28 a barrel, then we are OK—probably.

Now your gas prices have doubled. For a family making $15 to $25,000 a year, that means 30 percent of their income gets spent on energy. But for somebody such as the Senator from Illinois or myself—we are making pretty good money—it probably will not affect our lives very much because it is a smaller percentage of our total spendable income.

Shame on a country today that understands technology and understands the environment and isn't willing to try to make both of them work together. The Senator from Illinois and I want clean air, we want clean water, and we are going to insist on it because we think that is the right public policy. And we want to preserve the crown jewels of our Nation because that is the right public policy.

But when a President comes to my State and carves out 250,000 acres, it is not the Washington Monument; it is 250,000 acres of sagebrush land with a few rocks on it and a few unique geologic features. Interestingly enough, there is no hydrocarbon because it is a volcanic formation, and they were all burnt out about 2½ million years ago. So the argument does not apply to Idaho.

But my guess is, the Senator from Illinois has picked something that is very popular, if you argue it only on one side. But I challenge my colleague from Illinois to tell the American household and the American mom that they will forever be secure in that the lights will never go out or the gas bills will never go up much more than they have gone up now, and we will work collectively together to build a national energy policy that includes conservation and modernization and technology, and that we become self-reliant, and that we build a national security that says we can produce our own energy and we do not have to ask the world at large to provide it for us.

That is a part of this debate. It really is a part of what we ought to be considering today when we decide whether we are going to deny the right to explore on public lands in this country. I think that is a worthy debate. I thank my colleague from Illinois for bringing the issue to this Chamber because it is important for all of us to understand: 20 years ago, you bet, lock it up to protect it; today, modernization and technology says—and I think America believes—that we have come a long way and we can do a better job of balancing the environment and the economy and the use of it all together in an effective manner. And today's debate is just a little bit about a lot of that.

I am concerned about the families of America and their energy security. I do not want them paying more and more of their hard-earned money on energy. But I am not sure that the kind of policy that is being advocated today in this amendment will guarantee that. And I am not at all confident that the Senator from Illinois can assure it. But that is the crux of the debate.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague, the Senator from Idaho. We clearly have a different point of view. If you listened to his argument, you would think the Durbin amendment would prohibit oil and gas exploration on 95 percent of Federal lands saying that we can only use 5 percent for that purpose. Exactly the opposite is true.

Currently, we can explore for oil and gas on 95 percent of lands under the Bureau of Land Management—Federal public lands which are open to find energy resources to serve our Nation's needs. I am not arguing with that. I accept that.

This amendment says that for 5 percent—1 acre out of 20—we are going to treat it differently. These are national monuments. These are special lands. These are not your run-of-the-mill pieces of real estate. These are lands designated by President Clinton, and monuments that have been designated by previous Presidents, that are being protected and treated differently.

The Durbin amendment says: No oil and gas drilling or mining in the new national monuments designated by the previous administration—a relatively small piece of real estate that has special important value.

The Senator from Idaho has said I am trying to come up with a hard-line choice here. Guilty as charged. It is a hard-line choice. It is a choice that says there are certain pieces of real estate in America worth fighting for and worth protecting and worth saying to private industry—whether it is big oil or big gas—keep your hands off. You have plenty of other real estate to look at. Don't go up to the Arctic National Wildlife Refuge and don't go into the national monuments designated by President Clinton because I want to be able to take my grandson one day to take a look at them and see the beauty that God created and not have to duck the pipelines and the trucks and all the economic activity of people trying to make a buck off Federal public lands.

Ninety-five percent of the Federal public lands are open to this exploration. For 5 percent there should be a different standard. Yes, there should be a hard-line choice.

Let me address for a second the issue that has been brought up over and over again: What about our energy crisis? We do face an energy challenge. There is no doubt about it. In my home State of Illinois, and across the United States, in the last calendar year we have seen some terrible examples. Home heating bills have gone up dramatically in my home State of Illinois, and other places; electric bills in the State of California; gasoline prices between Easter and Memorial Day—that has now become the play period for big oil companies. They run the gasoline prices up a buck a gallon between Easter and Memorial Day, and then after every politician gets a head of steam and starts screaming at them, they bring them back down. I would like to believe this has something to do with whether or not we are going to drill for oil in a national monument, but honestly I do not.

We are victims of oil companies now that are making decisions that have

little or nothing to do with supply and demand. This is the only industry I know that can consistently guess wrong in terms of the supply available to sell and make record profits. And they have done it consistently for 2 straight years.

So to argue that the only way to deal with our energy challenge and the OPEC stranglehold is to start drilling for oil and gas in precious lands set aside as national monuments is so shortsighted. Are we so bereft of original and innovative ideas in Congress and in Washington that we cannot think of another way to help provide modern, sustainable, reliable energy to America other than to drill for oil and gas in our national monument lands? I do not think so.

I think there are other ways—sustainable, renewable fuels, conservation; things that work, things you will be proud of, 21st century thinking—not the drill-and-burn thinking of the 20th century and the 19th century that has inspired this administration to decide that, unlike President Teddy Roosevelt, this Republican President is ready to start exploring and looking for oil and gas in these national monuments.

We can end our dependence on foreign oil, but we don't have to do it at the expense of America's national and natural treasures. I urge my colleagues in both political parties to agree with me that setting aside 5 percent of Federal lands, keeping them separate and sacred, is worth the investment. We can find another answer, an answer that preserves those lands for future generations and still meets the energy needs of America.

If there are other Senators seeking recognition on this amendment, I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Utah.

Mr. BENNETT. Mr. President, there has been a lot of historic revision going on with respect to the creation of national monuments. I rise to set the record straight.

The record is available for those who will research it, but for those who may have been listening to this debate, it needs some accuracy in terms of what happened.

I was involved in it right from the public beginning, but I cannot say I was involved in it from the real beginning because the creation of the Grand Staircase Escalante National Monument was done in the dark. It was done without consultation with any member of the Utah delegation. And when members of the Utah delegation called the administration and asked what was going on, we were told: It is not happening.

To be very specific, in one example, let me describe to the Members of the Senate and to the Chair an exchange I had with Katie McGinty, chairman of the Council on Environmental Quality.

First, to put this in historic context, a story appeared in the Washington Post saying that President Clinton was considering a major national monument in the State of Utah. Immediately after that story appeared, the administration denied it and said it was just a consideration, just an idea, and under no circumstances were they that far along in serious consideration of a national monument.

Understand that the law required, under NEPA and appropriate environmental laws, that there be full public examination and consultation. The administration knew that. So they said, no, there will be no consultation because this is just an idea.

I had had experience. I called Bruce Babbitt. Bruce Babbitt and I had a very frank relationship. Even though we disagreed on many things, we could be honest with each other. I called Bruce Babbitt. He was appropriately professional; he didn't let out any secrets. But he let me know that it was perhaps more than just an idea.

I said: What should we be worried about? He told me some things we should be worried about in a theoretical sense. In case this was a real monument, we should be worried about the following. I wrote him a letter about them.

Finally he called me. He said: Come on down to the Department of the Interior and we will talk about this. And with the other members of the Utah delegation, Senator HATCH and Congressman HANSEN, I went down to Department of the Interior. It was on a Saturday morning when there was nobody else around. We sat in his conference room. Katie McGinty was there, along with a large number of his staff.

I asked him repeatedly and directly: Mr. Secretary, will the President announce the creation of a national monument on Wednesday of this coming week, as the press is speculating that he will?

Bruce Babbitt, being a careful lawyer, looked at me and said: No decision has been made. He didn't say yes and he didn't say no. He just said: No decision has been made.

I took that, from my experience with the Clinton administration, to mean ''yep, it is a done deal; I can't tell you about it, but it is done.''

So convinced that the monument was going to be created, on Monday morning, in my office, Katie McGinty was there as the leading administration spokesperson on this issue. And I said: Ms. McGinty, you say this is under consideration but no decision has been made. Given the consideration, can you give me a copy of the map so that I can see what lands are under consideration?

She looked me in the eye and said: Senator, there is no map. We are not that far along. This is just an idea. There is no map.

I said: As soon as there is a map, can I have a copy?

Oh, yes, Senator, as soon as we have a map, but we are not that far along.

That was Monday morning. On Wednesday morning I get a phone call from Leon Panetta, Chief of Staff to President Clinton.

Leon Panetta said: Senator, I am calling to tell you that this afternoon in Arizona, President Clinton will announce the formation of the Grand Staircase-Escalante National Monument, the details of where it will be and everything with respect to it.

I held my anger because Mr. Panetta obviously had nothing to do with this. This was a done deal outside even the office of the Chief of Staff of the White House.

I said: National monuments require—and I listed all of the things that were involved in the creation of a national monument.

He said: Yes, national monuments require all those things. There will be a 3-year period after the creation of the monument in which we will deal with those issues.

Every one of those issues should have been dealt with publicly and openly prior to the creation of the national monument, but all of them had been held in secret.

I expressed my disappointment in that. Mr. Panetta, in a moment of candor said: Well, Senator, we have 3 years in which to try to clean it all up.

When Katie McGinty appeared before the appropriations subcommittee, I sat with the subcommittee and I said to her: I want to see all of the documents relating to this decision. You didn't create this out of whole cloth in a 24-hour period.

I made it very clear that I did not believe her earlier statement that there was no map and no consideration if, in less than 48 hours, the President made a complete public disclosure of it. Presidents don't do things in 24-hour periods. Something as major as this doesn't just happen overnight. It isn't an immediate decision. It is staffed out somewhere.

I said to her: I want to see all of the documents relating to the decision to create this national monument.

Oh, yes, Senator. I will provide this. It was a completely open process.

And then we got a map. I discovered, by the way, that the map had been in circulation among environmental groups for 3 months prior to the time when I asked her for a copy, and she told me none existed.

We looked at the map to see how carefully drawn the boundaries were of this national treasure we were hearing about. In one of the towns in Utah, the high school football field was in the national monument. The map was drawn in secret. The map was drawn with people who would not consult with those who knew what was going on, and they had drawn the line so wildly that they had picked up the football field of a high school, thinking that was part of the national monument.

One of my constituents found his front driveway in the national monument. He had to drive across national

monument lands to get to his house because they had ignored the procedures so fully, they were so anxious to do this in secret and not consult with anybody so that they would have a political coup to announce in the middle of a Presidential campaign, that they made those kinds of mistakes.

Is it now so sacred a land that we cannot take the football field out and turn it back to the high school?

Is it so sacred a piece of land that we can't give the man his driveway back? I ask those questions rhetorically because we did that. In one of the previous Congresses, we redrew the boundaries and took out the football field and the driveway and some other mistakes that were made. I got my first set of documents from Katie McGinty, which were a speech made 3 years before and a travel bureau brochure. I went back to the Appropriations subcommittee meeting. It is not usually my style, but I am afraid I embarrassed her by holding these up and saying, ''You are suggesting that these are the basis of a decision to lock up 1.7 million acres in my home State? You are saying this is the complete record? I am sorry, I cannot accept that.''

Finally, at a later time, we got the complete file that she had with respect to the creation of this monument. I will say this in her defense. She did not shred any documents. When she turned the documents over to me, the file was complete. It contained the following documents in it: One dated several months before, where she says, ''We will have to abandon the project of trying to find lands in Utah that qualify for a national monument because it is clear there are none that do. Let's forget the Utah project because we can't find any lands that will qualify.'' And then, what I consider the smoking gun, there was a 5½ by 8½ piece of paper in which she had written in her own hand a note to the Vice President. The Vice President had been her boss. She was on his staff while he was a Senator. That would explain the familiarity of the note. It said: Al, the enviros have $500,000 to spend on this campaign, either for us or against us, depending on what we do in Utah. Signed, Katie.

I can't vouch for that being the exact language, but that is close enough. I read and reread that note many times. The national monument was being created in southern Utah in the dark to stimulate the expenditure of $500,000 of campaign activity on behalf of the Clinton-Gore ticket in 1996. There was the entire motivation following on the earlier document where she said there aren't any lands that qualified.

Now, the Senator from Illinois has said these are special lands and that they can explore for oil and gas on 95 percent of the public lands. This is reminiscent of a statement President Clinton made when he announced that monument. He said, ''Mining jobs are good jobs, but we can't have mines everywhere. So we will set this land apart so there won't be any mines here.''

If I had been there and had the opportunity to have an exchange with President Clinton, I would have said: President Clinton, you are exactly right. We cannot have mines everywhere. We can only have mines where there are minerals. Sure, you say 95 percent of the land is open for exploration. But nobody wants to explore lands where there is nothing to look for. Nobody wants to explore lands where there are no mineral resources. Why was this land set aside in a national monument?

The Senator from Illinois says he wants to take his grandson out some day to look at the beauty of the land. I suggest to him, bring your grandson to look at it right now. You will have the same reaction we are getting from tourists who are coming. We were told when this was created that we would have an economic bonanza of tourists coming to look at this magnificent piece of scenery. I have gone to the county commissioners of the counties around there and said, ''How much tourism have you had?'' They said, ''None.'' None? This has had so much publicity, surely people have come from all over the world to see this scenic wonder. Yes, they come—once. They say we have come to see this magnificent scenery President Clinton talked about on the rim of the Grand Canyon. He picked that as his backdrop to make the announcement. That is scenic and it is worth coming from all over the world to see. That was his visual aid when he talked about the land in Utah. The folks show up from Germany and Japan and elsewhere to look at the land in Utah, but they say: This doesn't look any different than any of the other BLM land we can see. What is the big deal?

They don't come back. We have seen two counties be destroyed economically since the creation of the Grand Staircase-Escalante Monument, as people were afraid to invest in those counties. They were not very viable to begin with and have no tourism. With all of the publicity, there is no tourism.

All right. I suggest to the Senator from Illinois, if he wants to take his grandchild to see this grand scenery, he can do it, and it will be there in future generations because it will look like all the rest of the scenery around it. Why was this monument created? It was created for one purpose, and one purpose only, and the documents I got from Katie McGinty that are made part of the public record make this abundantly clear, along with the smoking gun saying we are going to have $500,000 spent on our behalf if we do this, or spent against us if we don't.

The reason the environmental groups were so anxious to see to it that this monument was created was because of the coal on the Kaiparowits Plateau. Let me describe to you how much coal there is there. It is not available on any of the other 95 percent of public lands. It is only available on the Kaiparowits Plateau. The average coal seam is about 4 to 6 feet high. You go into a mine that has a coal seam in West Virginia—and I see the senior Senator from West Virginia here, and he knows more about coal than any of the rest of us—you are going to think you have a pretty good seam if it is 6 feet high. The coal seam in Kaiparowits is 16 feet high. It runs back from where the mine mouth will be, over 160 miles. There is enough energy in that coal to heat and light the city of San Francisco for 300 years. And it has been known for decades. You don't have to explore this. You don't have to go looking for it. People have known about it.

Over and above the coal generated by that incredible seam of coal is a pool of methane gas—coal methane gas, which, if tapped, would produce even more energy than the coal itself. There are no reliable estimates as to how much coal-based methane gas there is, other than ''huge.''

Now, neither the coal nor the coal methane gas can be used to deal with America's energy crisis. Instead, we are told: Go look someplace else. You have 95 percent of the public lands to look for. Don't look here where the coal is. Don't talk about a pipeline for methane gas here, where the methane gas is. Go look on lands we don't care about.

The sole purpose of the monument was to prevent the development of that resource at Kaiparowits. Here I go way back in history and share with you this insight: When my father was here—he came here in 1951, elected in 1950—the No. 1 issue facing the West was water. One of the proposals that was made during the Eisenhower administration was that we build a dam on the Colorado River that would be known as the Glen Canyon Dam and would create behind it Lake Powell. The predecessors of today's environmental groups came and testified against the building of the Glen Canyon Dam.

One of their arguments was: We will never, ever, need that much power. You have Boulder Dam—or Hoover Dam. It was called Boulder Dam in those days; now it is called Hoover Dam—we have all the power we will ever need for southern California, Arizona, Nevada, and Utah. To build the Glen Canyon Dam to produce that power will give us a glut of power, and we absolutely do not need it and never will need it. However, they said—and here is the point—if by some possible chance we are wrong and we do need that power, you still do not need the dam because there is all that coal at Kaiparowits. Let's burn the coal at Kaiparowits.

This was in the 1950s when my father was here. I remember the debate. I was serving on his staff while much of it went on.

Now the time has come when we need all the power at the Glen Canyon Dam which, incidentally, the Sierra Club wants to tear down, and we need some more power, and there sits a source of power perhaps unique in the world.

But, no, we cannot touch it. The way to make sure we cannot touch it is to create a national monument around it and to do it in such a way that it will never be subject to public comment or review. We will do it in secret. We will do it without telling anybody, and when members of the Utah delegation ask us about our plans, we will lie to them.

I am sorry to be that strong, but that is what happened because I asked the question directly, and I was given the answer directly, and the answer was a lie, demonstrable, provable in the RECORD. The answer I got was a lie.

Now we are being told: Oh, these are special lands that we must preserve for our grandchildren, when in fact the genesis of this monument makes it clear these are special lands primarily because of the mineral resources that are in them, the energy sources that are there, the low-sulfur coal which, by the way, if mixed with more traditional coal, would lower emissions at every powerplant where it was used.

For those who are concerned about greenhouse gases, they ought to be clamoring to open Kaiparowits to lower the emissions of greenhouse gases. If you say let's not do the coal, the coal is too bad, how about the coal-based methane gas? How about getting that out in these tremendous quantities? Oh, no, no, that would involve building a pipeline; we can't build a pipeline over these lands.

That is the history, Mr. President. This is not as it has been painted to be. And I do not impugn the motives of those who are painting it differently because they were not there. They do not understand the degree of duplicity that went into the creation of this monument.

If I sound angry, it is because, frankly, I was, as was everyone else associated with it, everyone else who was involved with the chicanery that was employed to create this monument.

Are there portions of the Kaiparowits Plateau that probably belong in national monument status? The answer to that is yes, there are. Am I and the other members of the Utah delegation in favor of preserving those lands in national monument status? The answer is yes, we are, but it should be done in the kind of open process that the Congress decreed when they created NEPA. It is too late for that now.

As Leon Panetta said to me, we have 3 years to pick up the pieces. The 3 years have passed and, quite frankly, the Interior Department and the folks at the BLM have, indeed, come up with what I consider to be an acceptable and logical management plan for the monument. But the fact is that all of those marvelous qualities for preservation in a national monument can be preserved and the coal can still be taken out.

I have been to the site where the mine mouth will be, and I say mine mouth singularly because you can get at that entire seam that I described through a single mine entrance. It would not require multiple entrances.

As luck would have it, or as nature has created it, that particular mine mouth is at the bottom of a circular canyon, which means it cannot be seen unless you are standing at the edge of the canyon looking down on it. It could not be seen by anybody 200 yards away. They would look right over the top of it on to the other side of the canyon and not even know it is there.

The entire facility to take the coal out of the Kaiparowits mine could be on 60 acres at the bottom of that circular canyon. We are not talking about a huge environmental disaster that will spread over several square miles. We are not talking about a visual blight that could be seen for hundreds of miles. We are talking about a mine mouth at the bottom of a circular canyon that could go right into a sheer cliff, into the seam of coal, and bring out enough coal to light and heat the city of San Francisco for 300 years, and we are talking about coal-based methane gas on top of that coal seam that has even greater energy potential.

It could be exploited without affecting in any way, other than psychologically, the beauty and power of the landscape on top of it. It can all be done underground—no strip mining, no open pits, no oil derricks. It can all be done in such a way that people who want a wilderness experience can have it unless somebody tells them: There is a pipeline 40 miles away from you. Oh, well, that spoils my experience to know there is a pipeline there.

You cannot see it. It does not affect you in any way. You cannot hear it. But the fact that it was put in there somehow will spoil the experience.

I am not suggesting we need to automatically go in there and start mining the coal right now, nor am I suggesting that we need to start putting down the initial wells to start getting the methane gas right now, because that would be as precipitous as the action was to create the monument in the first place. That would be a political action rather than an intelligent examination of this resource and what needs to be done.

I am saying let's give the President the authority to do the studies, make the examination, receive the public comment, go through the process that should have been done in the first place; then, with all of the facts on his plate, make a decision that I hope will not be driven by political considerations. I hope that nowhere in the files will be a note that says: There is $500,000 for the campaign if we act this way, and $500,000 against us if we act that way.

To summarize: I, the other Members of the Utah delegation, and the citizens of my State are as proud of the national heritage that we have received as anyone in this country. We take no back seat to anyone in our determination to see to it that these lands are kept as pristine and as preserved as they can possibly be.

I will share an experience I had on the campaign trail for the first time I was down in that part of the State. A woman I had been talking to, hoping to get her to support me, walked out of the restaurant where we were meeting, in a small Utah town. She said: BOB, look around.

I had no idea what she was talking about, but I looked around; I dutifully looked around.

And she said: What do you see?

Again, I didn't realize what she was talking about, so I didn't answer.

She said: It is pristine, isn't it?

It was then I realized she was looking at the land.

I said: Yes, it is pristine. It is beautiful.

Then she said: My family and I have been earning our living off this land for five generations. Tell me we don't love it. Tell me we have not been good stewards and can't take care of it and somebody else has to come in and order us off it in order for it to remain in good hands.

I have always remembered that comment. It is indicative of the way the people of Utah feel about our State. We are making plans to do everything we can as we look ahead. The demographic trends say our State will double in population within the lifetime of my children. We are making plans now to preserve the open spaces, to preserve as much of that which is beautiful and magnificent as can be preserved. We take our stewardship very seriously and we take a back seat to no one in our determination to see that stewardship is passed on to our grandchildren and our great grandchildren. But we want to do it intelligently. We want to do it in a way that makes sense. We want to do it with everybody participating in the process who will come to the table and talk to us. We want to hear every idea. We want to hear every point of view.

We don't want to see a repeat of what Katie McGinty and others in the Clinton administration did, of creating something in the dark, cramming it down people's throat without any opportunity for comment, and then declaring that it is forever and ever inviolate. That process only breeds ill will. That process only creates bad feelings. There is no place for that kind of process to ever be repeated.

My objection to the amendment by the Senator from Illinois is—and he would enshrine the results of that process—not the process; he had nothing to do with the process. He didn't know what was going on. If he had, given his sense of fair play, he probably would have objected to it, but he would enshrine the results of that process into law forever. That, frankly, doesn't make sense. It is a process that does not deserve to be rewarded with that kind of perpetual reference. We need to deal with our lands in a way that is good for the lands, a way that is good for the people, a way that is good for our posterity, and enshrining what was done in the case of the Grand Staircase-Escalante Monument is not the way to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senators FEINGOLD and BOXER be added as cosponsors to my amendment.

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

Mr. DURBIN. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN. I ask the majority whip if this is appropriate, we have a unanimous consent that the rollcall vote on this amendment be scheduled for 2:45.

Mr. REID. We will work on the exact time.

Mr. DURBIN. I will suspend a unanimous consent request on a specific time.

I will respond to my colleague and friend, the Senator from Utah, Mr. BENNETT. I have heard him speak before about the Grand Staircase-Escalante National Monument. He is a man of great control and moderation. I can tell it brings his blood pressure to a high level to recall the creation of this particular monument. He has heartfelt feelings about this process and he has expressed them, hopefully, in private.

I do say in fairness that one of the people he mentioned several times on the floor is someone I respect very much and worked with for many years, Miss Katie McGinty, who worked for the Clinton administration. I found her to be entirely professional and ethical, with the highest integrity and great skill. I want to make certain that is part of the record.

I also do want to make note of the following for the record, as well. With regard to the Grand Staircase-Escalante National Monument, the Bureau of Land Management has utilized an extensive process to develop a management plan to administer the new monument. The planning team included five representatives nominated by the Governor of Utah, Mike Leavitt. Over 28 meetings were held and over 9,000 comments considered prior to finalizing the monument management plan in February of 2000. In addition, following establishment of the monument, the Department of the Interior worked closely with the State of Utah to negotiate a major land exchange that traded State and Federal land so as to help maximize the value of State lands for the benefit of Utah's schoolchildren and provided a $50 million payment to the State.

My amendment addresses whether or not we will drill for oil and gas and mine minerals, particularly coal in this case, in the Grand Staircase-Escalante National Monument.

I make the following comments for the record: According to the U.S. Geological Service, all of the recoverable oil in the Grand Staircase-Escalante National Monument would provide for America's energy needs for a total of 4 hours. All of the recoverable gas in the Grand Staircase-Escalante National Monument would provide for America's energy needs for 1 hour.

On the issue of coal, fortunately, we are not at the mercy of anything like OPEC when it comes to coal in the United States. The U.S. Department of the Interior has estimated we have 250 years worth of coal reserves right here in the United States. The Senator has said repeatedly that the coal in this national monument can light all the lights in San Francisco for a long period of time. I suggest all the coal in the United States could light the lights of most of the western civilization for a pretty substantial period of time. We have a lot of coal. I am glad we do. I have three times more coal in my State of Illinois than the Senator from Utah believes he has in his State, at least by estimates from the Department of Energy.

The Interior Department bought back all of the Federal coal leases within the Grand Staircase at a cost to taxpayers of $20 million. There are no existing leaseholders, no coal development taking place in this national monument. So those who were there were compensated when they left.

Let me go back to what this amendment is all about and why I have offered it. The Bush administration said they are prepared to explore the possibility of drilling for oil and gas in national monuments. When visiting Washington, DC, and you hear the words ''national monument'' you think of the Washington Monument and the Lincoln Memorial. But national monuments under Federal lands are tracts of land set aside by Presidents over the history of this country to be preserved for future generations.

Beginning with Republican President Teddy Roosevelt, 14 of the 17 Presidents who served since 1906 have used the power to set aside land, saying this is special land and is part of our natural national heritage that should not be developed and should be protected. In all, these Presidents, Democrats and Republicans alike, have established 122 national monuments. After the Presidents did that, Congress came in and agreed with the President in at least 30 different instances, saying these national monuments should be national parks, the next stage of the process.

We are talking about the California Coastal National Monument, the Giant Sequoia National Monument in California, Craters of the Moon National Monument in Idaho, Vermilion Cliffs National Monument in Arizona. The Grand Canyon was once a national monument that became a national park. Those who support my amendment believe we ought to take this special real estate in America and treat it in a special way. We ought to say that for a small percentage of the land that we call America, that God has given us, we are going to protect it from economic exploitation.

But not President Bush. President Bush and his administration says no; we are prepared to drill for oil and gas and mine coal in these lands.

You cannot protect the special character of these lands and use them economically. You cannot hope to say to your children, grandchildren, and their children and grandchildren, that they will be able to see something spectacular and special, untouched by man, if you allow this kind of economic exploration.

This is a photograph taken of one of these national monuments. It is a beautiful piece of land. I am sure we are all proud it has been set aside so future generations can come to see it, visit it, and know it is to be protected. Mr. President, 95 percent of all the Federal lands we own in America—and we own millions of acres—can be drilled for oil and gas, and mined for coal. We believe that is appropriate because we are not going to sacrifice something that is really special. My amendment says that for 5 percent, 1 acre out of 20, special rules will apply: No drilling for oil and gas, no mining of coal.

I hope those who have followed this debate will understand that existing leaseholders on these lands will not be disadvantaged. In fact, all we are saying is that this heritage, to be left to future generations, should be protected.

At the end of consideration of this amendment, there will be some people watching the final vote very carefully. They will be people who work for the big oil companies and the gas drilling companies, some coal mining companies out west, who really think if they can get their hands on this land there is money to be made.

There will be others watching, too: People across America who understand a special responsibility which elected officials have today in the Senate and in the House of Representatives and, yes, in the White House as well, to preserve this national heritage.

I encourage all my colleagues to join me in voting for this amendment. It had a strong bipartisan vote in the House of Representatives: Democrats and Republicans and an Independent alike, believing it was important we speak with one voice when it comes to something as basic as this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that beginning at 4 p.m. second-degree amendments be relevant to the first-degree amendments under the previous order already entered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I listened with great attention to the debate concerning the amendment that is before us. I would like to specifically identify the amendment in some detail because I think Members should have an understanding of just what the intention of the Senator from Illinois is.

In the amendment, the specific purpose is to prohibit the use of funds for the conduct of preleasing, leasing, and related activities within national monuments established under the act of June 8, 1906.

It is further appropriate to reflect on the concluding sentence of the amendment, which states:

> . . . a national monument established under the Act of June 8, 1906 (16 U.S.C. 431 et seq.), except to the extent that such a preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.

So one has to question just what the purpose of the amendment is. It says, on one hand, no funds will be allowed for preleasing within national monuments, and then it concludes by saying: ''except to the extent that such preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.''

What we have here, in the establishment of a monument, in the normal course of events, is a Presidential proclamation. And in that proclamation it is specifically addressed as to what can occur within the monument.

I really question the necessity of the amendment. I question the applicability of the amendment. I question the application of the amendment. I question the purpose and objective of the amendment.

I am not one of the managers of the bill, but one of the more expeditious alternatives would be to accept the amendment because the amendment does not do a thing. It implies that you are not going to have any funds for preleasing and related activities—and I assume we mean oil and gas or mineral exploration in national monuments—but then it goes on and says: ''except to the extent that such preleasing . . . or other related activity is allowed under the [authority of the President],'' which basically states the authorization for the proclamation establishing the monument. Hopefully, that is clear.

I assume there are some out there who would say, we do not want oil and gas or mineral exploration occurring in national monuments. We have heard from Senators who have had some experience with national monuments, the creation of these monuments under the Antiquities Act. Certainly one of the more recent States is the State of Utah and the case of the Grand Staircase-Escalante episode where a monument was created with very significant acreage. It took off the development scenario of some coal leases that the State of Utah was going to use to fund their educational system. I think, unfortunately, the application of the Antiquities Act in that particular case was inappropriate.

Our previous President took that action. He did it without the knowledge of the Governor of Utah, and without the knowledge of the congressional delegation of Utah. Furthermore, he did not have the compassion to even make the announcement in the State of Utah. I believe it was made in Arizona.

So the application of the Antiquities Act, traditionally, on national monuments is well established. But the criteria of what can be done in those national monuments are ordinarily left up to the Presidential proclamation establishing the monument, which certainly is the case in the amendment pending before this body. I hope Senators, upon reflection, will recognize that this particular amendment really accomplishes no purpose.

One of the things that concerns me, however, is the implication and the lack of understanding of terminology associated with the designation of public land.

We have all seen the concern expressed on the floor—both in the House and in the Senate—as to the issue of developing resources offshore or within our States or within specific designated areas. But I would like to share with you a chart that shows the designated areas that have been taken off limits in recent years by State and Federal action. It is kind of interesting to note the entire east coast—from Maine to Florida—has been removed from any OCS (Outer Continental Shelf) activity. And the merits of those action speak for themselves. These States simply do not want any activity off their shore.

We saw an agreement on lease sale 181 in Florida the other day where a significant portion of the lease was removed. Yet the inconsistency is, Florida wants very much to receive a portion of the energy that would come from exploration offshore in the gulf. It is kind of hard to have it both ways, but some would like that.

The chart also shows the Pacific coast—the entire area from Washington State to California—is off limits. In other words: NIMBY, Not In My Backyard. We have in the overthrust belt the States of Wyoming, Colorado, Utah, and Montana. These are States that have oil and gas development and production. As a consequence of the roadless area promulgated by the previous administration, we have seen a significant area of prospect for oil and gas, particularly natural gas, taken off limits. There were estimated to be about 22 to 23 trillion cubic feet of natural gas in this overthrust area. We have taken it off limits. That means basically no resource development.

There you have it. With the exception of the gulf area—Texas, Mississippi, Louisiana, and Alabama, that support OCS leasing—we find ourselves in a position where we have an energy crisis. We find ourselves in a position where we are becoming more and more dependent on sources overseas coming into the United States.

We debate the merits of the inconsistency in our foreign policy where we find ourselves dependent on 750,000 barrels of oil a day from Iraq, from our old friend Saddam Hussein, where we fought a war in 1991 and 1992. We lost 148 U.S. lives in that war. And now we are importing oil from that country. We buy Iraq's oil, put it in our airplanes, and then go bomb him while enforcing a no-fly zone, basically a blockade in the air. We risk U.S. lives in doing that. We have flown over 230,000 individual sorties over Iraq.

So here we are putting our own area off limits, going overseas, not really caring where our oil comes from. Whether it comes from a scorched-earth refinery or a scorched-earth oil field in OPEC, we find ourselves subject to the cartel of OPEC. Cartels are illegal in the United States. We would not even pass the test associated with that type of business in this country because we have antitrust laws, but we are, in effect, supporting the viability of the OPEC cartel by becoming more and more dependent.

I am sure the Presiding Officer remembers, back in 1973, we had gas lines going around the block in this country. We had the Arab oil embargo at the Yom Kippur war. We had the public indignant, outraged because there were gas lines around the block. We were 37-percent dependent on imported oil at that time. Today, we are 57-percent dependent. The Department of Energy says the way we are going, we are going to be 63- or 64-percent dependent by the year 2007 or 2008. Where is it going to come from?

People generalize, very conveniently, that we have alternatives: We have renewables; we have solar power; we have wind power; we have new technology. If you really think about it, most of these sources are for stationary power generation. But they do not move America. They do not move the world.

Mr. President you, and I, and others, do not fly in and out of Washington, DC, on hot air. Somebody has to produce the oil, refine it, and put the kerosene in the jet. Only then do you take off. Whether it is your planes or your trains or your automobiles or your boats, America and the world are dependent on oil. And we are becoming more and more dependent on one source, and that is OPEC.

We are sacrificing our national security interests; there is no question about it. To give a recent example, just a few weeks ago, Saddam Hussein didn't get his way with the U.N. So he cut his oil production. He pulled 2½ million barrels of oil a day off the world market. We thought OPEC would

make up that difference. They took one look at it and said: No, we are going to hold off. So we were short that month. This previous month, about 60 million barrels were held off the world market. It kept the price up.

Look at what happened in this last year with OPEC in developing their internal discipline. They developed a floor and a ceiling on oil: $22 was the floor; $28 was the ceiling. It has gone over that. They have a discipline. We are becoming more and more dependent on that source, and we are becoming more and more exposed from the standpoint of our national security.

Where is it going? We are debating an amendment that doesn't do a thing to address supply. We should be debating an energy bill at this time in a timely manner to address the crisis ahead. As we saw out in California, it can happen very fast. When we look at the concern the American people are exposed to over the coming blackouts, how does that affect the security of the American taxpayer? Maybe there are some children at home and there is a blackout. There is a lack of power. What does that do to increase crime? These are exposures that real people have and real concerns that can be alleviated if we take up an energy policy in a prompt and efficient manner.

As we look at this chart, there is no exploration everyplace: No exploration in the Great Lakes, no exploration on the west coast, no exploration on the east coast, no exploration in the eastern Gulf of Mexico, and eventually no exploration in the 40 percent of the land in the Western U.S. owned by the Federal Government.

I am not here to promote the amendment of my friend from Illinois in the sense of oil and gas activities in the national monuments, because the Presidential proclamation will make a determination of that. What I am concerned about is where this energy is going to come from.

We have all heard the issue associated with the Arctic National Wildlife Refuge or ANWR. I want to communicate to my colleagues the difference associated with some of the nomenclature that flows around here.

We are dealing currently with an amendment that would prohibit the use of funds in the conduct of preleasing within national monuments. Does the public know what a national monument is? I think they have a perception. Maybe it is a park. Maybe it is kind of a wilderness. Maybe it is kind of a refuge.

The reality is, a national monument can be just about anything that it is designated to be in the Presidential proclamation. You can have oil and gas activity, if it is permitted. Mostly it is not. National monuments are created by the Antiquities Act. The Antiquities Act can preclude oil and gas or mineral leasing. These are all alternatives that are determined at the time that the national monument is established.

That is why the application of this amendment has no meaning because, again, it says: No money for preleasing within national monuments except to the extent that such preleasing or other related activity is allowed under Presidential proclamation establishing the monument.

There we have it. Let me just take my colleagues for a little walk into the wildlife refuges. What is a refuge? What does that mean? It might mean in the minds of some, a place for wildlife, but we have oil production in many refuges. We have mineral production in many refuges. We have gas production in many refuges. We have coal production. We have salt water conversion. We have many activities in this particular nomenclature of refuges.

Here are the States. We have 17 refuges in Louisiana, Texas, Alabama, Mississippi, four in California, Montana, Michigan, my State of Alaska. These are activities that are authorized under the terminology of refuges.

This chart shows where these refuges are. It is important that the public understands the difference between national monument designation under proclamation by the President and what is allowed in them by the proclamation and refuges. In Alabama, there is the Choctaw National Wildlife Refuge. Oil production in national refuges and wetlands management districts is a concept that has long been fostered by the Congress. It is specifically the balanced use of Federal funds and the reality that it is accepted and is commonplace.

This is oil and gas activity in 30 refuges, and there are 118 refuges from coast to coast where we are safely exploring for oil and gas. We have over 400 wells in Louisiana refuges alone. And we have them in Alabama, Arkansas, Kansas, Louisiana, Texas, Alaska—the Kenai National Wildlife Refuge—North Dakota, Mississippi, Michigan, and Montana.

I am not going to get into a presentation of the merits of ANWR. What makes it any different than any of the rest of these refuges? Certainly not from the establishment of the terminology ''refuge.'' ANWR is included as a refuge, therefore oil and gas activity is allowed, subject to the authority of the Congress. That is what that debate is all about.

But as we look at the reality associated with the energy crisis, we have to recognize we are going to have to look for relief. You are not going to get it from alternatives. You are not going to get it from renewables. In spite of the fact that I support the technology, I support the subsidy, I support continued taxpayer support of these, they still constitute less than 4 percent of the total energy mix. We have expended about $6 billion in the last 10 years. It has been money well spent, but it is not going to replace our dependence on conventional sources of energy.

How did we get into this thing? Why are things different now? I could talk about oil and gas, but if we look at foreign oil dependence—now at 56 percent, up to 66 percent by the year 2010—the national security interest of this country is in jeopardy. What are we going to use as leverage?

In 1973, we created the Strategic Petroleum Reserve. Some people say that can be our relief. Do you know what we found out when the previous administration took 30 million barrels out of the Strategic Petroleum Reserve? We found out we didn't have the refining capacity to refine it into the heating oil that was needed to meet the crisis at that time in the Northeast Corridor. We were genuinely concerned.

When we took that oil, we simply found we had to offset what we would ordinarily import. We didn't have the refining capacity. I think we achieved, out of that 30 million barrels, somewhere in the area of a 1-day supply of heating oil for the Northeast Corridor. It just won't work. If you don't have the refining capacity, you can have all the oil in the ground you want, it isn't going to do the job. You are not going to be able to increase, if the need is there, any more than the extent of the capacity of your refineries.

The reason things are different this time is we have natural gas prices that have soared. They have gone up as high as $10. They are down now, thank God, but we are still using our reserves faster than we are finding them. We haven't had a new nuclear plant licensed in this country in 10 years. We haven't had a new coal-fired plant of any consequence built in this country since 1995, and coal is our most abundant resource.

We have technology for clean coal. Nothing has been done in that area. Why? It isn't because the supply isn't adequate; it is because we haven't had the conviction to come to grips with the reality of the law of supply and demand. Even Congress can't resolve the law of supply and demand, unless we increase the supply or reduce the demand.

Demand has gone up and supply hasn't. That is why it is different this time. I indicated that there have been no new gasoline refineries in 10 years. So if we look at our increased dependence on foreign oil, increased price of natural gas, no nuclear plants—nuclear is 22 percent of our stationary energy—no new gasoline refineries, no new coal-fired plants, and to top it off, we find our capacity to transmit our natural gas and electricity is inadequate. Why? Because we have become more of an electronic society. We leave our computers on; we leave our air-conditioning on. We could, perhaps, buy a more fuel-efficient refrigerator and use half of the energy, but if the old one isn't worn out, you won't do it.

The point is that the ''perfect storm'' has come together in the sense of energy. We have an energy crisis. As a consequence of that crisis, I would have hoped that we would be debating how to address this energy situation as opposed to debating the merits of a national monument determination that

isn't going to result in any significant activity, other than some of the media might be misled that it is going to terminate any activity in areas of national monuments, which it will not. We have skyrocketing energy prices, gas shortages, and I guess I will conclude with a reference to, again, how important energy is, how we have a tendency to take it for granted.

You know, the American standard of living is based on one thing: affordable and adequate supplies of energy. That is why we prosper. If we don't keep up with the increased demand by increasing the supply by conservation, alternatives, renewables, we are going to jeopardize that standard of living. And with it goes our economic security, and with it goes our national security.

I think we all feel exposed to the potential of being held hostage by a foreign leader such as Saddam Hussein. We have our job security at risk—to keep Americans working and create more jobs. Energy certainly powers our workplace. It moves the economy—moves it forward and brings each of us along with it, giving us personal security and flexibility to live our lives as we choose. We saw in California what happens when stoplights don't work and when the elevators become jammed.

I think we have to focus in on what we must do for American families—the consumers—and address the reality that we do have a crisis. I am going to conclude with a reference to something that I think America sells itself short on in times such as this, and that is America's technology and ingenuity. We have the capability to meet the challenges associated with a responsible environmental sensitivity and the reality that we can do things better. But there is no magic to it. Somebody has to produce this energy. It has to come from some identifiable source. I am speaking primarily of what moves America, and right now that is oil. I wish we had another alternative, but for the foreseeable future, we simply do not.

As a consequence of that reality, we have before us an energy plan. I intend to work cooperatively with Senator BINGAMAN toward a chairman's mark. We have an outline given by the President and the Vice President and their energy task force report. So I guess everybody is waiting, if you will, on the process in the Senate. It is moving in the House. The House is moving on an energy bill. We should be moving on it here. I am very pleased to see that it is now in the Democratic leadership's recommendations of activities. We haven't gotten a schedule on it at this time, but I hope we will in the very near future.

So, again, to get back to the debate at hand with regard to the amendment, prohibiting preleasing-related activities within national monuments by disallowing any funding and, yet, recognizing in the amendment to the extent that such a preleasing or other related activities is allowed under the Presidential proclamation establishing the monument, would seem that the amendment is neutral to the issue of supply, neutral to the issue of whether or not there is any authority for oil or gas and mineral activity within any new national monuments that might be created in the future is certainly not applicable to those already in existence.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I believe all debate on this amendment is completed, and the yeas and nays have been ordered.

The PRESIDING OFFICER. That is correct, the yeas and nays have been ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the vote on or in relation to the Durbin amendment occur at 4:10 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, I move to table the Durbin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I ask the Senator to allow an amendment to his motion to table—that there be no second-degree amendments allowed to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there objection to the request to have the vote occur at 4:10 p.m.?

Mr. BURNS. I move that the Durbin amendment be tabled, and I ask for the yeas and nays, which vote will occur at the agreed time.

The PRESIDING OFFICER. First, the Senate needs to address the request raised by the Senator from Nevada of having the vote at 4:10 p.m. He propounded a unanimous consent request to have the vote at 4:10 p.m. Is there objection?

Mr. BYRD. Reserving the right to object, what is the request?

Mr. REID. Mr. President, I say to my friend, the manager of the bill, we will have a motion to table the amendment at 4:10 p.m. today, and prior to the vote there will be no second-degree amendments to the Durbin amendment.

Mr. BYRD. A vote on the motion to table would occur at 4:10 p.m. today.

Mr. BURNS. Yes.

The PRESIDING OFFICER. The Senator from Nevada asked unanimous consent the vote occur at 4:10 p.m. There has been no objection. The Senator from Montana has moved to table and asked for the yeas and nays at 4:10.

Mr. BURNS. And the vote occur at the agreed time at 4:10.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD. What was the request, ''and then 4:15''?

Mr. BURNS. The meeting with the President and the group downtown was not in until 4:15. We are going to begin the vote at 4:10 and they will have time to vote; 4:15 had nothing to do with it. We agreed at 4:10 to table the Durbin amendment.

Mr. BYRD. I remove my reservation.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second on the motion to table.

The yeas and nays were ordered.

Mr. REID. I ask unanimous consent the Senator from New Jersey be allowed to speak for up to 10 minutes as if in morning business.

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

(The remarks of Mr. TORRICELLI are located in today's RECORD under ''Morning Business.''

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote now scheduled for 4:10, on a motion to table, be rescheduled to 4:20. This has been cleared with the minority.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, in 10 minutes or so, the Senate will be voting on my pending amendment. I believe the Senator from Montana has been given authority to offer a motion

to table the amendment. But I want my colleagues who come to this Chamber to understand what the nature of this amendment is because it is very simple and straightforward.

My amendment will simply prohibit new mineral leases from being issued in designated national monuments. It does not affect any existing, valid right, or prevent leasing in any area that was authorized for mineral activity when the monument was established.

That description is pretty legal. Let me try to translate it so that those who have not followed this debate will understand what is at issue.

We have designated, in this country, various national monuments. These are tracts of land which Presidents of the United States, since Teddy Roosevelt, have set aside saying that they have special importance and value to the future of our country. These tracts of land have been set aside by all but three Presidents since President Roosevelt. President Nixon, President Reagan, and former President Bush did not establish national monuments. Virtually every other President—Democrat and Republican alike—made these designations. And, of course, this national monument land occasionally will mature into something which Congress decides is of great value.

When you look at former national monuments, they include the Grand Canyon—designated first as a national monument—Glacier Bay, Zion National Park, and Acadia National Park.

So though I use the term ''national monument,'' most Americans are familiar with the term ''national park.'' Although they are not the same legally, the fact is that many of our national parks began as national monuments.

We have taken great care when it comes to these national monuments to say that they are so special and important that we will be careful what we do with them once we have designated them as treasures for our Nation to protect.

The reason I have offered this amendment is that we have had a clear indication from the current administration and the White House—President George W. Bush and his Secretary of the Interior, Gale Norton—that they are now going to explore the options of drilling for oil and gas and mining minerals in this national monument space designated by the previous administration.

The House of Representatives, when they considered this, on a strong bipartisan rollcall, agreed with my amendment and said we should prohibit this administration and this White House from drilling for oil and gas in national monument tracts across America.

This land is too valuable to our Nation, it is too valuable to our national heritage, to say to any oil company or gas drilling company or mining company: Please come take a look at our national monuments as a possible place to drill and to make a profit.

Some will argue—and they have in this Chamber—that it is shortsighted for us to limit any drilling for oil and gas or the mining of minerals at a time when our Nation faces a national energy crisis or an energy challenge. I disagree. Of all of the Federal land owned in the United States by taxpayers, 95 percent of it is open to oil and gas drilling and mining. We have said, if you can find those resources on that public land, we believe it will not compromise the environment nor jeopardize an important national treasure to go ahead and drill. But for 5 percent—one acre out of 20—of Federal public lands which we have designated as special lands—monuments; some may someday be a national park—in those lands we do not want to have that kind of exploration and economic exploitation.

If some step back and say: You must be turning your back on a great amount of energy resources if the Durbin amendment is enacted and prohibits the oil and gas drilling on these national monument lands, in fact, that is not the case at all. The U.S. Geologic Service did a survey of these national monument lands to determine just how much oil and gas there would be available. After they had done their survey, they established that all of the monuments I have protected with this amendment all of them combined have economically recoverable oil as a portion of total U.S. consumption that amounts to 15 days, 12 hours, and 28 minutes of energy. When it comes to gas: 7 days, 2 hours, and 11 minutes in terms of our national energy consumption. It is a tiny, minuscule, small part of the energy picture.

I have listened to some of my colleagues from other States talk about our energy crisis. You would believe that the only way we could keep the price of a gallon of gasoline under control is to allow the oil companies to go in and drill on lands that have been set aside by administrations to be protected because of their important historic and natural value to the United States. That is not the case.

In fact, there are many things we can and should do to deal with our energy crisis. I do not believe we have reached a point where this energy crisis or challenge should be used as a battering ram to beat down that which we hold sacred in this country. I think it is pretty clear, on a bipartisan basis, that at least Senators in this Chamber do not want to see us drill for oil in the Arctic National Wildlife Refuge, as President Bush has proposed.

I think it is also clear when it comes to drilling off our coastal shores, there are many States, including the State of Florida—coincidentally, governed by a man with the same surname as the President—that don't want to see drilling offshore. They think it is too dangerous when it comes to spoiling the beaches and the recreational activity that are part of the States of Florida, California, and others.

This amendment says there is also an area of America we should take care not to exploit as well, and it is the national monument space.

The Senator from Montana has offered a motion to table my amendment. He opposes it. He has stated his position very effectively. But I would implore my colleagues on both sides to understand that this is a bipartisan amendment. It is an amendment which was supported by Democrats and Republicans in the House of Representatives because when it comes to conservation and the protection of our natural resources, why in the world should this be a partisan issue?

Teddy Roosevelt was a great Republican. Franklin Roosevelt was a great Democrat. All of these Presidents set aside land that was important for future generations.

I am certain that some Republican President—either now or in the future—will do the same. And I hope that Democratic Members of Congress will respect it. But if we are going to show respect for these national monuments, we have to understand that allowing for the drilling of oil and gas runs the risk of spoiling a national treasure.

I have asked my colleagues to also consider the fact that the Bureau of Land Management has told us that 95 percent of the Federal land is already open for this kind of exploration to find these sources of energy. We are not closing that down.

This amendment makes it very clear that if there is a national monument designated somewhere where they have established that oil and gas drilling will not jeopardize it, that will continue. If it is an existing lease, this amendment does not affect it. The only impact it will have is on the national monument space designated by the previous administration.

One of my colleagues from the State of Utah came to this Chamber and was clearly disappointed, to say the least, by the designation of a national monument in his State. The fact is, the national monument is there. We are saying, with this amendment: Keep the oil companies, keep the gas companies, keep the mining companies off of that national monument land.

In 1906, Teddy Roosevelt established Devils Tower in Wyoming as our first national monument. I take great pride in hoping that the Senate will carry on in his tradition of standing up to special interest groups which, frankly, want to make a profit; they want to come in and drill on Federal public land, land owned by all of us as taxpayers to make a profit. They are in business to make a profit. But I invite them to make that profit in other places, not on these lands that have a special import and a special significance for all of Americans living today and for future generations.

This administration has been challenged for the last 6 months on environmental issues. They have not been as sensitive as they should have. The

American people have said, overwhelmingly, they want an administration in the White House that understands that though energy is important, we cannot compromise important values in this country such as environmental protection and protecting our national monument lands.

I hope this Senate, on a strong bipartisan vote, will reject the motion to table offered by the Senator from Montana and will enact the Durbin amendment which protects these lands and says to the Bush White House: Help us find other sources of energy, other sources of energy that do not compromise important and pristine areas in this country.

There are things we can and should do as a nation to deal with energy: Sustainable, renewable, clean energy; finding ways to conserve; having Congress accept its responsibility when it comes to fuel efficiency in the vehicles that we drive.

These are the things that are going to help us be a better nation in the 21st century. To stick with the philosophy and notion of the 19th and 20th centuries, to drill and burn our way into the future is so shortsighted. To think we would even consider going to lands such as national monument land that has such special value to every American citizen would be a serious mistake.

I urge all of my colleagues to vote against the motion to table and, once it has been defeated, to support the passage of the Durbin amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that I may summarize my argument.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President.

Mr. BURNS. I will be very short.

Mr. DURBIN. I have no objection.

Mr. BURNS. The figures the Senator cited are from a USGS survey taken in 1995. Those figures have changed and moved up. No. 2, if he doesn't want people to drill there, where can they drill? How many people in this body or in this town drove an automobile or rode something here that required energy? How many? Do we close off the whole Nation because somebody is making a profit? Do we take the same mindset into agriculture, into production agriculture, as they have in Klamath Falls where 1,500 farmers cannot irrigate because of a suckerfish? It is a mindset.

I move to table this amendment for the simple reason that it will impact the country. You say only 5 percent or 2 percent or 1 percent. I say to the Senator: $5 is not very much to some of us. But it is when you don't have it. We have that possibility with this kind of a mindset.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 3 minutes.

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

Mr. BYRD. Mr. President, the order was that amendments should be filed by 4 p.m. today. I have in my hand a list of the amendments that were filed by 4 o'clock and the authors thereof.

I shall state them at this point: An amendment by Mr. CRAPO; Mr. DURBIN—that is the pending amendment—Mr. BYRD; Mr. KYL, three amendments; Mr. KERRY; Mr. MURKOWSKI; Mr. SESSIONS; Ms. COLLINS; Mr. HARKIN; Mr. ENZI; Mr. BREAUX; Mr. CORZINE; Mr. STEVENS; Mr. NELSON of Florida; Mr. NELSON of Florida; Mr. KERRY; Mr. NICKLES; Mr. ENZI; Mr. SESSIONS; Mr. SMITH of Oregon; Mr. ALLARD; Mr. DURBIN; Mrs. FEINSTEIN; Mrs. FEINSTEIN; Mr. MCCAIN; Mrs. BOXER; Ms. CANTWELL; Ms. LANDRIEU has six amendments; Mr. BINGAMAN, four amendments; Mr. LEVIN; and Mr. CRAIG. The amendments are numbered from 878 to 918 inclusive.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 879. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—42

Allen	Gramm	Miller
Bennett	Grassley	Murkowski
Bond	Hagel	Nelson (NE)
Breaux	Hatch	Nickles
Brownback	Helms	Roberts
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sessions
Campbell	Inhofe	Shelby
Cochran	Kyl	Smith (NH)
Craig	Landrieu	Smith (OR)
Crapo	Lott	Stevens
Ensign	Lugar	Thompson
Enzi	McCain	Thurmond
Frist	McConnell	Voinovich

NAYS—57

Akaka	DeWine	Leahy
Allard	Dodd	Levin
Baucus	Domenici	Lieberman
Bayh	Dorgan	Lincoln
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Boxer	Feingold	Nelson (FL)
Byrd	Feinstein	Reed
Cantwell	Fitzgerald	Reid
Carnahan	Graham	Rockefeller
Carper	Gregg	Sarbanes
Chafee	Harkin	Schumer
Cleland	Hollings	Snowe
Clinton	Inouye	Specter
Collins	Jeffords	Stabenow
Conrad	Johnson	Torricelli
Corzine	Kennedy	Warner
Daschle	Kerry	Wellstone
Dayton	Kohl	Wyden

NOT VOTING—1

Thomas

The motion was rejected.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. NICKLES. I ask unanimous consent to vitiate the yeas and nays.

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

The question is on agreeing to the amendment.

The amendment (No. 879) was agreed to.

Mr. DASCHLE. I move to reconsider that vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, we have been working with the distinguished managers of the bill. I would like to propound a unanimous consent request. I think it has the agreement of both sides. I have consulted with the managers of the bill.

I ask unanimous consent the Nelson amendment be the next order of business; that it be debated for a period of 3 hours, equally divided, and that the vote occur following the expiration of the 3 hours tonight.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I do not object. Would the distinguished majority leader make that verbiage ''not to exceed 3 hours''?

Mr. DASCHLE. Mr. President, I would so ask, that it not exceed 3 hours; that the time be equally divided, and that there be no second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, I ask the majority leader, I think there were two Nelson amendments, one was a 1-year and one is a permanent ban. Would you tell us which one this is?

Mr. REID. One is a year and one is 6 months.

Mr. NELSON of Florida. It is the 6-month ban identical to the House provision, amendment No. 893.

Mr. NICKLES. I shall not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 893

Mr. NELSON of Florida. Mr. President, I call up amendment No. 893.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 893.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to execute a final lease agreement for oil and gas development in the area of the Gulf of Mexico known as ''Lease Sale 181'')

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . LEASE SALE 181.

None of the funds made available by this Act shall be used to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as ''Lease Sale 181'', as identified in the Outer Continental Shelf 5-Year Oil and Gas Leasing Program, before April 1, 2002.

Mr. BYRD. Will the distinguished Senator yield for a unanimous consent request without losing his right to the floor?

Mr. NELSON of Florida. Of course, I yield.

Mr. BYRD. I ask unanimous consent the committee amendment be agreed to, that the bill as thus amended be considered original text for the purpose of further amendment, and that no points of order be waived by this request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Florida.

Mr. NELSON of Florida. Madam President, in offering this amendment, let me frame the amendment so everyone understands the context of the amendment. In the House of Representatives' discussion of the Interior appropriations bill some 3 or 4 weeks ago, a bipartisan amendment was offered by two Members of Congress from Florida.

The amendment that was attached by an overwhelming vote in the House of Representatives was with regard to a proposed lease sale, designated as 181, in the Gulf of Mexico, for the purpose of drilling for oil and gas. The House of Representatives, in a fairly substantial bipartisan vote passed a prohibition of the offering of the lease sale for 6 months. Specifically, this amendment tracks the House amendment identically, in essence saying no money appropriated under this act, the Interior appropriations bill, can be used for the purpose of offering for oil and gas drilling lease sale 181.

Lease sale 181 was originally proposed as a tract of some 6 million acres. It is in the eastern planning area of the gulf, an area that heretofore has not been violated with any drilling.

When the White House saw that there was considerable opposition, almost unanimous, from the Florida congressional delegation, the White House scaled back the proposal from approximately 6 million acres to some 1.5 million acres. It is in a location that starts to violate the eastern planning area of the gulf by some 1.5 million acres, in which drilling for oil and gas could occur.

Why am I opposed to that? I could say that clearly the people of Florida have expressed their opinion over and over and over again, in huge numbers, with huge majorities, whether that be in the expressions through previous bills in previous years, by both the Senate and the House delegations from Florida, or whether that has been in the body in which I last served as an elected, statewide cabinet official of the State of Florida, in resolutions by the Governor and the cabinet of Florida opposing offshore oil drilling off Florida.

Why is there such intensity in Florida about not having drilling in the eastern planning area of the gulf?

It is simply this: We have a $50 billion-a-year industry of tourism. A lot of that tourism is concentrated along the coast of Florida. The Good Lord has given us the beneficent sugary white, powdered sand beaches. The beauty of those beaches has attracted, over decades and decades—indeed, over the last century—people to come to Florida to enjoy our beautiful environment.

It is without question in most Floridians' minds that they see the possibility of oil spills from drilling off of Florida in the eastern gulf planning area, and it would, in fact, be a devastating economic blow—a spike right to the heart in our $50 billion-a-year tourism industry.

Floridians happen to have another reason for not wanting drilling. That is the fact that we are very sensitive about our environment. As a matter of fact, so much of our tourism is inextricably intertwined with preserving our environment and protecting it. The bottom line is that Floridians simply do not want waves of oil lapping onto the beaches.

I think we will hear testimony today by those who are on the opposite side of the issue who will say that drilling for oil and gas in the offshore Outer Continental Shelf has, in fact, became a lot safer. That well may be the case. But the fact is that according to the Minerals Management Service, the chance of an oil spill in lease sale 181 is all the way up to a 37-percent chance. Floridians simply do not want to take the risk of a 37-percent chance of an oil spill and that slick floating across the waters of the Gulf of Mexico and washing up onto the beaches of Florida where so much of our prized environment is displayed for the wonderful people who come to enjoy the natural bounty and beneficence of Florida.

I want to draw your attention to this map of the Gulf of Mexico. This map is very revealing with regard to the Florida story. I have talked to Senators in this Chamber who have had the White House tell them their side of the story. When they see this map, they say: I had no idea it was like that.

This map tells a completely different story. The story they are being told by the White House is that a compromise has been made that is acceptable, a compromise in which originally lease sale 181 included 6 million acres, part of which was this stovepipe that came up close to the Alabama shoreline, which was, in fact, within about 30 miles of Perdido Key, which is our western most beach in the State of Florida.

What they are being told by the White House is that the compromise of shrinking lease sale 181 is acceptable because it narrows it down, as represented here by the yellow, to a tract of 1.5 million acres instead of 6 million. They point out that it is 100 miles from Pensacola Beach, and that it is some 280 miles from Clearwater and St. Petersburg. Whereas, the original lease sale 181 was 213 miles from the west coast of Florida, and still 100 miles from here up at the top of the stovepipe. Of course, it was much closer.

But what they are not telling is the full story, and that is what I wanted to show with this map.

The green color indicates the existing drilling leases in the Gulf of Mexico. Beyond this boundary is the eastern planning area in which there is no drilling for the simple reason that Floridians have insisted each year that the threat is too great and the risk is too great to despoil our beaches and our environment.

As well as that, the estimated future reserves were expected to be very little. In all of the Outer Continental Shelf, which includes not only the Atlantic seaboard, all of the gulf, as well as the Outer Continental Shelf off of the west coast of the United States, California, Oregon, and Washington, 80 percent of the future gas reserves are estimated to be in the area that is already being drilled in the Gulf of Mexico—not in the eastern gulf planning area. And 60 percent of the future oil reserves are estimated to be in that area that is already being drilled known as the western gulf planning area and the central planning area—not in the eastern planning area.

We come to the table quite naturally to make our case to the Senate, having had the case overwhelmingly made to the House already that if the future reserves are mostly off the States of Texas, Louisiana, Mississippi, and Alabama, the area already being drilled, and the future reserves are not here, why take the risk of an oil spill that would despoil some of the world's most beautiful beaches that support the economy of Florida. To repeat myself, the Minerals Management Service says the chance of a spill in lease sale 181 is up to 37 percent. That is a risk simply not worth taking.

I think this map tells the whole story. This area has not been violated—an area called the eastern planning area. Now in the attempt at a so-

called compromise, the White House is pushing 1.5 million acres that now go eastward into this area that has not been violated in the past.

As you can see, with all of this drilling activity, that yellow spot right there on this map of the gulf is what I call the proverbial camel's nose under the tent. You can see that dirty little nose sticking underneath the edge of that tent.

What is going to happen in the future? That camel is going to start crawling into that tent, and that drilling is going to proceed in an inevitable march eastward straight for Tampa Bay. The people of Florida think that is too much of a risk.

We could talk about energy and a lot of the things that we ought to be doing that are not the subject of this particular amendment, but I am compelled to bring up the fact that, goodness gracious, if we but improve the miles per gallon for new automobiles manufactured—and there is another very controversial lease sale, the Arctic National Wildlife Refuge—by 3 miles per gallon on all new vehicles—not the existing vehicles, new vehicles—it would save the equivalent amount of energy that would be produced by all of the oil to be drilled in the Arctic National Wildlife Refuge.

So as we approach an energy crisis—and I am looking forward to having a debate when the Department of Energy authorization bill comes to this Chamber—what Senator GRAHAM of Florida and I will probably be offering at that point is a complete moratorium. But for purposes of this Interior appropriations bill, I am offering an amendment that is identical to what was adopted in the House so that if adopted here this will not be an issue in the conference committee but, rather, would be accepted in the conference committee and would become a 6-month moratorium on the offering of this lease sale.

So perhaps what we ought to do is to rethink the White House's energy policy of drill, drill, drill. Drill in the areas where the future reserves are already proven. Drill in the areas where the States do not object to the drilling off their shore. Drill in the area where a State such as Louisiana really does not have the God-given beaches, the white sand beaches that we have in Florida that are so much a part of our economy.

Save energy by conservation. Use our technological prowess to produce an automobile that will have a much higher miles-per-gallon average.

I had the pleasure of riding in one of these hybrids. I could not believe it. It was just as comfortable. The car was just as roomy. The car had just as much pickup. In the hot summer Florida Sun, the air-conditioning worked just as well as any other car. All of the electrical demands of radio and CDs and tape players were all there, with no sacrifice.

As we drove down the road, I, as the passenger, could not help but have my eyes riveted to the TV screen in the middle of the console that showed how the engine would be running partly from the gasoline and partly from the battery, and when it was not running from the battery, that the battery, in fact, was recharging—a vehicle known as a hybrid. And I was astounded for my host, the driver, the owner of the vehicle, to tell me that, in fact, this hybrid got a total, in city driving, of 53 miles per gallon.

Can you imagine, if we used our technological prowess to get serious about our automobile and transportation fleets, how much energy we could save. Regardless of what we do here, I think that makes just good, sound national energy policy and that we ought to pursue using our technology to improve our miles per gallon.

But I bring that point up to say that we have an old country expression in Florida: There are many ways to skin a cat. And you don't just have to skin that cat by saying: We are going to drill, drill, drill; and we are going to do it to the risk of a $50 billion a year tourism economy in Florida. We know in this Nation what the spill of the *Exxon Valdez* tanker did to the shores of Alaska. We also know what the winds and the wave currents can do with an oil slick in carrying it hundreds of miles within days. And, ladies and gentlemen, Senators all, it is not fair and it is not worth the risk to Pensacola and Fort Walton Beach and Destin and Panama City and Mexico Beach, and all these fragile areas of the ecosystem around Apalachicola Bay, and the big bend of Florida, and down into Cedar Key and the mouth of the Suwannee River, and coming on down to the white sand beaches of Clearwater Beach and St. Petersburg, and then into the very fragile ecosystems of Tampa Bay, and on south from Manatee County and Bradenton, all the way south past Sarasota, down near Charlotte, and into Fort Myers—some of the most beautiful beaches in the world—and south of Fort Myers to Naples—one of the hottest spots for new people to come to Florida and enjoy the environment of Florida—just south of there to Marco Island—a place known as the ''Ten Thousand Islands''—one of the most productive fisheries in the world, and not to speak of coming on around into the Florida Straits into this beautiful land known as the Florida Keys—something that ballads have made famous by people such as Jimmy Buffett who would tell you the same thing that I am telling you today: It is not worth the risk to the Florida environment nor to our economy. That 37-percent risk of oil drilling off of Florida could produce an oilspill that would become a slick that could travel, by wind and wave action, miles within days to despoil these Florida beaches.

So I make a plea on behalf of 16 million Floridians that the Senate will debate this, understand it. Do not confuse it by saying that this line is not over the Alabama line. Where is the Alabama line? The Alabama-Florida line is up here as shown on this map. These are the waters of the Gulf of Mexico. And this line right here is the line of demarcation, the beginning of the eastern gulf planning area that has never been violated by drilling.

So do not listen to the arguments that this is not over the line. This is over the line, 1½ million acres over the line. That simply is not worth the risk to us.

There are others who have a similar set of circumstances. I want to remind the Senators, the Senators of the Great Lakes, they do not want drilling off their shores. The Senators of New England, especially off of Maine, and that great lobster industry, they do not want the drilling off of their shores. The Senators of the eastern seaboard, with all of their tourism and ecological activities, don't want the drilling there. The Senators off the west coast of the United States don't want the drilling there either.

The fact is, the drilling has not occurred here for years because the future reserves are simply not there.

I am expecting others and I expect to be joined by my senior Senator, Mr. GRAHAM. What I will do is reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Madam President, parliamentary inquiry: What is the time sequence and who is in control of the time?

The PRESIDING OFFICER. There are 3 hours evenly divided on this amendment, and the Senator from Florida has used 25 minutes. There is an hour and a half remaining on the opposing side.

Mr. BREAUX. I yield myself 10 minutes from the time in opposition.

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

The Senator from Louisiana is recognized.

Mr. BREAUX. Madam President, the subject matter is energy. I just came from a meeting with the Vice President and a group of Senators, both Republicans and Democrats, who are trying to see what we can do as a Congress to come up with an energy policy that makes sense for this country.

It is very clear that the United States at this time is in dire circumstances with regard to where we get energy, how much we get, and how much it costs. Over the last several weeks and the last couple of months, we have seen the price of gas go up. We have seen people panicking because they cannot afford their electricity bills because of the high price of natural gas. We see the uncertainty of areas of this country suffering blackouts and businesses having to close and suffer economic damage because they don't have enough energy.

At the same time, we import 57 percent of the energy we consume every

day from foreign sources. Many of these foreign sources are undependable. They are not our allies, and they certainly do not have the best interests of the United States as the premise for their operations. Yet 57 percent of our energy comes from overseas. It comes from organized cartels that regularly do things for which, if done in this country, they would go to the penitentiary.

What they do every day is fix prices of energy that we have to buy from them. They tell us how much we are going to have to pay by controlling the amount they produce. Yet we as a nation, in the year 2001, have been comfortable with allowing that type of energy policy to govern how we exist when it comes to energy supplies.

If we imported 57 percent of the food we eat, people would be marching on the capital of this country saying that is an unacceptable condition because food obviously is important to our national security and the way we live in America. That is absolutely true. But it is no less true that when we import 57 percent of the energy, that is an unacceptable set of circumstances we must address.

How do we address it? Unfortunately, one of the ways that we have, over the years and over several administrations and over several Congresses, was to say what we were not going to do. We have said that we are not going to look for oil in the Outer Continental Shelf, which has some of the most promising resources of any place in the world off the coast of the United States; that we are not going to do anything from Canada to the Florida Keys because those areas are too valuable and should not be touched; and through congressional moratoriums and through Presidential moratoriums, basically everything from Key West to the border of Canada is off limits: Don't touch it.

In addition to that, when we look over to the west coast, which happens to have some of the States that consume by far the greatest amount of energy per capita, we have said, through moratoriums, both congressional and Presidential, that we are not going to do anything from Canada on the west coast all the way to Mexico on our southern border because those areas are pristine, they are nice, we should not have the potential for having an oil spill.

The only area of our Outer Continental Shelf in which we have had production, which produces the greatest amount of natural gas, the greatest amount of oil and gas, and has done so for the last 60 years, of the offshore areas is the Gulf of Mexico.

We have said we are not going to touch ANWR. We are not going to touch the Arctic National Wildlife Refuge. We will not touch the monuments. We will not touch the east coast. We are not going to touch the west coast. But go drill for oil and gas in the Gulf of Mexico.

I represent Louisiana. I am happy with that policy because it provides jobs. It provides energy. We make a contribution to solving the energy policy of this country. We understand it. We have developed the industry. We know its faults. We know what it can do and what it cannot do, and we have done it for 60 years. The technology that has been developed in the Gulf of Mexico is the technology that is used worldwide.

Less than 2 percent of the oil that is spilled in the oceans of the world comes from offshore exploration and production activities. Where does it come from? It comes from seepage, which is natural. It comes from ballast discharges from ships. And it comes from rusty, leaky tankers that import oil from all over the world.

The Senator from Florida mentioned the *Exxon Valdez*. That was not a drilling accident, that was a ship accident. That was a tanker delivering oil, as they do every day to the ports of the United States, where we import 57 percent of the oil that we use, coming to this country in tankers that have a far greater risk than any risk that possibly could occur from drilling activities in the offshore waters of the United States.

The State of Florida, under a Democratic Governor, Lawton Chiles, our good friend and our former colleague with whom I served in the Senate, and a Democratic President of the United States—at that time, President Clinton—reached an agreement on lease sale 181. It was proposed under a Democratic administration, and it was agreed to by a Democratic Governor. The original sale has the potential to supply Florida with as much as 7 years of the natural gas they use every day to cool their homes in the summer and to possibly heat their homes if it gets cold enough in the winter months. That sale can provide 7 years of their natural gas supplies.

They import 99 percent of the natural gas they use. Yet now they say: We are going to object to a sale that has been worked out, carefully crafted, proposed by a Democratic administration, approved by a previous Democratic Governor, because it has the potential to damage their coastline.

We have done that in Louisiana for 60 years. While the beaches of Florida may be prettier than the beaches of Louisiana, I argue that the value of the coastal estuarial area is no less valuable in Louisiana and Texas and Alabama and Mississippi than it is on the coast of Florida. In fact, I argue that the coastal estuaries of Louisiana are far more important in the sense that they are the habitat for waterfowl, for ducks, and for geese, and for finfish, and for shrimp, and for oysters, and for fur-bearing animals, alligators, everything that is important to an ecosystem.

We have been able to preserve those areas and to do so while producing the largest amount of oil and gas for our neighbors in the other 49 States in the history of this country. We have done so successfully. We have done so in a balanced fashion, and we have done so with a minimum impact. Is it perfect? Of course not, but nothing is perfect.

It is fine to drive around in battery-operated cars. I am all for that. It is great to have windmills, and it is great to have geothermal power. What is not great is to import 57 percent of our energy from foreign sources which are undependable and unacceptable. What if we start blocking the Gulf of Mexico? Are we going to fight to open up California? Are we going to fight to open up George's Banks? That is not going to happen.

I daresay we make a very serious mistake to say: Oh, let them do it over there, but not in my backyard. We will consume; we want it cheap; we want a plentiful supply; but, by golly, don't do it in my backyard. Do it somewhere else. We are too good to have oil and gas production off our coast because our beaches are clean.

Well, my beaches and coastline are also very valuable, but we also show that it can be done in a compatible fashion to produce energy needs for this country and at the same time preserve and protect the environment and wetlands.

The Democratic bill offered by the chairman, Senator BINGAMAN, calls for going forward with lease sale 181. A Democratic President proposed lease sale 181, and a previous Democratic Governor of the State of Florida approved lease sale 181. I don't know what has happened, and I don't understand the politics of it, but something has changed. The administration, in an effort to say, all right, we are going to do something—I think what they did was terrible. They took sale 181 and cut it by 75 percent. They said we are going to cut out 75 percent of the size of this lease sale and only allow 25 percent. I think that was a terrible decision. I told them that.

For them to now say Congress has to come in and postpone all of that—even the 25 percent remaining—is absolutely, in my opinion, unacceptable. If we are going to have an energy policy in this country that makes sense, we are going to have to have a balanced policy. I suggest that saying ''not in my backyard, never, ever, don't want to see it, let's get it from somebody else'' is unacceptable, not prudent, and is bad public policy. I think it is something that should not be adopted. At the appropriate time, I am sure we will have a vote on this. I hope colleagues will join with me in saying that at least in the Gulf of Mexico—if we can have it nowhere else—we will be willing to have a reasonable exploration program in an area where we have already done it for the past 60 years.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. NICKLES. I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Madam President, I yield myself 10 minutes in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. Madam President, I listened to my colleague and friend from Florida on his amendment that would basically block any production in a large area of waters, not only off the coast of Florida, but also off Alabama, Mississippi, and Louisiana.

I have great respect for State sovereignty and for listening to Senators who are dealing with areas surrounding their States. When they talk about the Everglades, I want to listen. I want them to listen to me when I talk about Oklahoma. I have a tendency to give great deference to Senators from their home States. I think the Senators from Alaska know Alaska much better than we do, and we should listen when they have recommendations to make about their lands, the development of it, and the balance of policies.

I also think we should listen to Governors. I know this lease sale 181 was somewhat controversial. I was kind of disappointed. I know originally Governor Bush of Florida was opposed to it. He is not opposed to the modification. The amendment of the Senator from Florida would stop any lease in this entire area. This lease, as modified, has been reduced by 75 percent. The lease that we now have, which the administration has negotiated with the Governors of Florida, Alabama, Mississippi, and Louisiana, has been agreed to by all of the Governors, including the Governor of Florida.

So I am thinking, wait a minute, I want to listen to the Senator from Florida and give him some deference, but this is not just off the coast of Florida. This is not even close to the coast of Florida. This is 285 miles from Tampa—285 miles. If someone visits the coast of California, they will see a lot of rigs that are in State-controlled waters. That is within 3 miles of the coast of California, which also prides itself on beautiful beaches and shoreline. They don't want those desecrated in any way. Neither do I. I happen to be a fan of the beaches, and I want to keep them as pristine as possible. But I want to use common sense, too—285 miles from Tampa, 138 miles from Panama City, 100 miles from Pensacola.

I heard my colleague say, ''This is in Florida waters.'' It is not in Florida waters. This actually goes down the borderline, and it is on the Alabama side. The negotiated deal—and maybe this was to get the Governor of Florida to support this deal, but all of the lands directly south of Florida were taken out of the lease.

I agree with my colleague from Louisiana; I think the administration gave up too much in the negotiation. They took a lot of potential area—area that is well beyond the boundaries—and said we are not going to ever look at those lands. I heard my colleague from Florida say that there is not much there. Well, we don't know because there hasn't been any exploration. There is not simultaneous desecration of the beaches because somebody happens to do some exploring to find out whether there is any potential for gas.

I am bothered by the fact that maybe there are people saying, yes, we know this is an energy problem, but don't touch it in my backyard. I understand that. But this is not somebody's backyard when it is 285 miles away or it is 100 miles from the closest point to someone's State. That is not in their backyard; that is a long way away.

As a matter of fact, we have formulas that share royalties and lands that are offshore areas that are close to lands and get a higher royalty. This is not close; this is in Federal waters a long way from the State of Florida. The very fact that the Governors of Alabama, Mississippi, Louisiana, and Florida support this modified sale tells me it is a reasonable compromise and one that should not be vitiated or postponed indefinitely.

I know one amendment says to postpone it permanently and another says for a certain period of time. It basically says: We don't want to drill or explore or have oil and gas, but, incidentally, we would like to have a pipeline to run from Mobile, AL, down to southern Florida because we are going to need gas.

As a matter of fact, the State of Florida is the third largest consumer of petroleum products in the country. Yet they are saying don't drill or touch or explore anywhere hundreds of miles from our coast. I find that to be inconsistent. Are we going to say you don't get to use natural gas or oil? Don't they use oil and gas? Yes, they are the third largest consumer of petroleum products in the country. It is a growing State and a beautiful State. There is nothing inconsistent with having some exploration off the gulf coast.

If you listen to my colleagues from Louisiana, Mississippi, and Alabama, there is a lot of drilling off the coast of Louisiana. If you look at the map in the Venice area, and so on, there is a lot of activity in those areas. They have been able to do it in ways that preserve the beautiful environment of southern Louisiana and Mississippi. Southern Mississippi and southern Alabama also have a coast, and they have casinos, and they have a lot of tourism in those areas. They are concerned about them. It can be done in an environmentally safe and compatible manner and in a way that provides energy resources that are needed to keep the lights on, to keep the jobs going, to keep the economy growing, to keep the tourists renting cars and visiting the beaches and enjoying the Florida coast.

To say we want to have a moratorium on any exploration this far removed—285 miles from Tampa or 100 miles from the coastal point in Florida—I think goes way too far. At some point, somebody is going to have to say, wait a minute; use a little common sense.

I do not think, with all due respect, this amendment should be adopted. I understand the intention. I do not question the motivation of my colleagues from Florida for offering the amendment, but when the Florida Governor supports this modified lease, when the other Governors who are logistically much closer to this potential lease support it, I say let this go forward; let's not block it; let's not block it indefinitely; let's not make this dependency on unreliable sources even greater.

That is exactly what we are doing. Some people are asking the question: How did we get into this energy crisis? Why are we importing 56, 57 percent of our gas needs? And that number will increase as the years go by, especially if we adopt these kinds of amendments.

If my colleagues want to increase our dependence on unreliable sources, such as in the Middle East, on Saddam Hussein, on people who have political agendas directly contrary to ours, then support this amendment. It is very shortsighted for energy policy; it is very shortsighted for the well-being and future national security of our country; and it is very shortsighted for the people of Florida who need energy, who happen to live in one of the growing, thriving economies in our country which needs energy—oil and gas.

This amendment is a serious mistake, and I urge my colleagues to support us. When we make a motion to table the amendment, I urge our colleagues to support that motion.

Madam President, I yield the floor.

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

Mr. BREAUX. Madam President, I am not sure who controls the time in opposition. I yield whatever time the Senator needs. Ten minutes?

Mr. MURKOWSKI. I am looking for the brilliant staff to plead my case.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. BREAUX. I will take 5 minutes off the time.

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

Mr. BREAUX. Madam President, so that people who may be watching on their monitors in their offices can understand a couple things about lease sale 181, this lease sale did not happen overnight. As I indicated before, when President Clinton was serving in office

and negotiating with Governor Lawton Chiles —two Democrats—on this lease sale 181, President Clinton said: We are going to set off limits all the areas in the eastern gulf, but we are going to have lease sale 181.

In 1996 when they released the plan, the Governor of Florida, Lawton Chiles, expressed his appreciation for Minerals Management designating lease sale 181 to not be within 100 miles of the coast of Florida. It is 70 miles off the coast of Louisiana. It is much closer to Louisiana, but in no case is it within 100 miles of the coast of Florida. It is 285 miles from Tampa, 213 miles from their coast, 138 miles from Panama City. It is only 70 miles, as I indicated, from the coast of Louisiana.

In 1996 when we had a Democratic Governor and a Democratic President, they thought this compromise was fine and agreed to the compromise at that time and said this is something that fits into our plans for energy and thank you very much for making sure it does not come within 100 miles of the coast of Florida. That was their agreement.

It has proceeded forward under those terms until, because of opposition of the current Governor of Florida, the administration lopped off 75 percent of the sale in addition to that agreement in 1996. This amendment takes the remaining 25 percent and says we cannot have that either.

As the Senator from Oklahoma has indicated, when one is talking about a balanced energy policy in the country, this is something that is not acceptable.

The other point I will make is we have done exploration in the eastern Gulf of Mexico for decades. This is not a first movement into the eastern Gulf of Mexico. Drilling for natural gas and oil has occurred in the eastern Gulf of Mexico for more than three decades. For more than three decades we have had activities off the Destin Dome, which I happen to love, which is a beautiful part of the country. I spent many summers on the beautiful beaches in Destin.

They have not gotten anything. They have had extensive exploratory wells. Shell had in the past a bunch of dry holes right off Pensacola.

We have been drilling in the eastern gulf for three decades. I suggest it has been done without any problems, without any spills or anything of that nature.

We have a compromise based on a compromise based on a compromise. Yet today we have an effort to say even those compromises are unacceptable.

If you have a State that imports 99 percent of the natural gas they consume, they, too, have an obligation to help contribute to the supply of something that is clearly the cheapest burning fuel in the world.

Unfortunately the area they knocked off, the top area, is the area that has the greatest potential for natural gas because the natural gas fields are flowing off the coast of Louisiana, moving in a northeast way. All the activity has been in that area. That is where the natural gas is. Unfortunately, it has already been removed. That is where most of the natural gas potential is.

As I indicated, the Minerals Management survey said if you have wholesale gas, that could supply as much as 14 years of the natural gas needs for the State of Florida. With the reduced area, the projection is, even lopping this off, it has enough potential natural gas alone to supply Florida with 7 years of their natural gas needs for cooling, operating their industries and businesses, and also for heating in the winter whenever it might be necessary on those rare days.

To say this compromise is still not acceptable is, in fact, unacceptable and the amendment should be tabled.

Mr. NICKLES. Will my colleague yield?

Mr. BREAUX. I will be happy to yield.

Mr. NICKLES. I know in the State of Louisiana and I know also in the State of Texas there is a lot of activity off the coast. I asked my staff to find out what percent of our domestic oil production and gas production right now comes from the Gulf of Mexico. They told me about 25 percent of our domestic oil and 30 percent of our gas is produced in those areas.

That is a big chunk of our domestic production: A fourth of the oil and almost a third of our gas. Has that production caused harm to the ecology, to the environment, to the coast of Louisiana, to the wildlife which is so abundant in the southern part of the State of Louisiana?

Mr. BREAUX. The Senator makes a very good point. I answer his question with two points. Some in Florida—and I understand their argument—say we have beautiful beaches; we do not want oil to be spilled around our beaches.

I do not want it to happen either. I argue the wetlands in Louisiana, which are about 25 percent of all the wetlands in North America, with the wildlife—the birds, the ducks, the geese, fish, shrimp, oysters, fur-bearing animals, alligators—all of that ecosystem which is probably the most complicated anywhere in the world has been able to thrive and do very well in supporting those wildlife features and at the same time support the largest amount of oil and gas production anywhere in the world.

In addition to that, the statistics say what the risk is. Advances in technology have made this operation the cleanest activity of finding energy anywhere in the world. For example, for the period between 1980 and 1999, a 20-year period, 7.4 billion barrels of oil have been produced in the Outer Continental Shelf with less than .001 percent spill. That is a 99.999 percent safety record for oil.

I dare any industry anywhere to come up with those safety numbers. That shows we can have that kind of activity which produces that amount of oil with that little oil spill.

If we had a lousy track record out here, the Senator would be correct in saying do not put it here because it is going to damage our coast. But if one looks at the last 60 years, one can see what has occurred is huge amounts of production and yet a very insignificant amount of spill into the waters of the ocean.

Mr. NICKLES. Will the Senator yield for one other comment?

Mr. BREAUX. Yes, I yield.

Mr. NICKLES. Isn't the risk of spillage even greater from shipping, tanker movements than it is from the production record in the Gulf of Mexico?

Mr. BREAUX. We have been doing this for a long time. I say to the Senator from Oklahoma, when I was in the House in the seventies—it seems like the Dark Ages now—we wrote the Outer Continental Shelf Lands Act. We had the National Academy of Sciences—and it has been updated. This is not the National Petroleum Institute; this is not the State of Louisiana, but the National Academy of Sciences said less than 2 percent of the oil that is spilled in the oceans of the world come from offshore drilling activity—less than 2 percent. Most of it comes from tanker discharges with rusty bucket tankers bringing in oil from foreign countries, as we have happening in this country, from natural seepage, from ballast discharges, and from other activities, allowing nonpoint source runoff into the Nation's waters, into rivers, and finding its way into our bodies of water. Less than 2 percent of oil that is spilled in the oceans of the world, the National Academy of Sciences says, comes from OCS activities.

I think that is an enviable record for anyone.

I yield whatever time the Senator from Alaska requires.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I would like to reflect on some realities associated with this project because I think there is a question as to what the risk is. What is the risk to the residents of Florida? What is the true understanding of what this risk is? What are we talking about developing? We are talking about developing, in this lease sale, a significant, known deposit of natural gas.

When you take natural gas out of the reserve and you take it ashore and condition it, basically you are taking out the impurities, the wet gas. You are taking the oil that happens to be mixed in it, you are taking it ashore, conditioning it, and then moving the clean gas, in theory, to Tampa where it would be utilized for the benefit of Floridians.

What is the risk associated with that conditioned gas? It is pretty minimal. If you had some kind of fracture of that pipeline, you are not talking about unconditioned gas, which includes oil and various components associated with hydrocarbons; you are

talking about pure, conditioned gas. It would bubble up and dissipate. You are not talking about moving crude oil or the risks associated with crude oil from a pipeline.

We have heard of the NIMBY theory: not in my backyard. I think that has been pretty well exercised. But one of the things that is frustrating—obviously, I do not have a constituency in Florida, but I am sensitive to the concerns of my friend from Florida relative to what is good for his State. But at what point do we have a reasonable definition of what is offshore of my State or the State of Louisiana or any other State? This is 285 miles, in one case, to this area which is now the alternative that has been agreed upon. According to my understanding, it has been agreed upon by basically all the parties concerned.

The Secretary of the Interior modified the boundaries of the lease sale in response to the concerns of the State of California, the Governor of California. The indication by this agreement is there will be absolutely no new leases off the coast of Florida. They have modified the sale to one-fourth of the original lease area. What constitutes a reasonable determination of what is offshore? We used to have the 3-mile limit. We have the 12-mile limit. We have the economic zone. Now we are 285 miles to 213 miles offshore and we are saying that is offshore. I think we have to be reasonable.

Therefore, the amendment proposed by my colleague from Florida that would cancel the authorization for even the compromise, I have to state in my own opinion, is rather unrealistic.

I want to show another chart because I think it reflects a reality that is occurring. That is the NIMBY theory: not in my backyard. We have taken the entire east coast off limits for oil and gas exploration. We have taken the entire west coast off limits for exploration. We have taken an area of the overthrust belt in Montana, Colorado, Wyoming, a number of States known to have significant deposits of natural gas. As I recall, it is about 23 trillion cubic feet of natural gas that was found in this area, known to exist, available for commercial recovery, and with the last administration banning road access into these areas we made these areas off limits. Where is the energy going to come from in this country?

If we look at realities associated with the status of the OCS leasing program as evidenced by the next chart, I think we can get a better understanding of just what is happening.

These are various provinces. These estimates show oil and gas potential reserves; whether you start in Washington-Oregon or northern California or central California or southern California, you note and identify reserve estimates of considerable merit. The only problem is the areas were withdrawn from leasing through January 30, 2012.

These were done, for the most part, without any public hearing process before congressional bodies. These were done at the request of individual Members, attaching riders to legislation moving on the floor. So they really have not been subject to any debate. Some have been included in previous Interior appropriations bills. If you look at the entire east coast, you will look at the North Atlantic area, the mid-Atlantic area, the South Atlantic area, all with considerable oil and gas potential from the standpoint of estimated reserves. They, too, are off limits—everything in the buff color.

If we go down to Florida the same thing is true in the eastern Gulf of Mexico; it is off limits. The remaining area, the blue area, is off the coast of Texas, Louisiana, Mississippi, and Alabama. The occupant of the chair is well versed, obviously, in the significance of what oil and gas development does in the State of Louisiana. But why should Louisiana alone, and to a degree Texas and Alabama and Mississippi, have to bear the brunt of the requirements of the rest of the Nation when they do not have to share in any of the impact?

The occupant of the chair was very active in CARA legislation last year, which was to suggest that, indeed, these States impacted deserve some consideration associated with the impact of activity off the shores of Louisiana, Texas, Alabama, and Mississippi—and justifiably so. That was not resolved to the satisfaction of those of us who supported it. That was, indeed, unfortunate. We are going to come back again. Because if you are looking to just a few States to support the rest of the Nation, those States that have to bear that impact are entitled to some consideration. That consideration was to come from the Federal account associated with oil and gas funding that came into the Treasury.

I think we have, if you will, an obligation to address the responsibility of those States that have to bear this burden and have not been given the courtesy, or the consideration of any sharing of funds that go into the general fund, a portion of which should certainly go to these States.

As we look at reality, again the red indicates existing leases; the buff color is the national marine sanctuaries; we have my State of Alaska here, an area off the Aleutian Islands in Bristol Bay that is also off limits, but we have 31,000 miles of coastline in the State of Alaska.

What has happened over an extended period of time is not much credit has been given to the capability of the industry to develop oil and gas safely in OCS areas. They have a remarkable safety record. It is not perfect by any means, but it is improving with advanced technology and will continue to improve because the consequences of an accident are so devastating. So the interest is certainly there as is American ingenuity, American know-how, and American capability, to ensure, if you will, that the risk is minimal.

Make no mistake about it. I think it is disingenuous, in a sense, to simply take for granted that most of the 50 States enjoy oil and gas, and they don't give a moment's consideration that it has to be produced from somewhere. Somebody has to discover it. Somebody has to produce it, refine it, and distribute it. We all take these things for granted.

When we recognize how significant it is that there are so few areas supporting the rest of the Nation, I think we have to recognize reality and where we go from here. If we want to import energy, that is fine. Then we are going to be beholding more and more to the merits of the OPEC cartel and others who have traditionally had a significant capability in producing energy. But the ramifications of that dependence speak for itself. If you look at our relationship with Iraq, on the one hand we are importing oil and on the other hand we are enforcing an air embargo. An air embargo for all practical purposes is similar to what you do in the ocean when you stop all shipping. That kind of an action is potentially an act of war in the minds of many.

As a consequence of our increased dependence on foreign energy sources, we sacrifice to some extent the national security of this Nation. We sacrifice as well our oil dependence. We increase our balance of payments. I could go on and on with the dangers associated with increasing dependence on imported oil.

I think we should go back again to the chart and ask what is reasonable relative to States that do not want oil and gas activity off their shores. The proposed agreement put together with the cooperation of the Secretary of Interior and the Governor was basically three-quarters of the area has been withdrawn and we are still looking at something like 213 or 285 miles offshore. It is certainly beyond the reasonable consideration given to the protection of individual States from oil and gas. This is 100 miles from Pensacola; 100 miles from Mobile, AL; Biloxi, 123 miles; Venice, 70 miles. It is a long way out there.

Again, if you look at the experience of the industry in the Gulf many miles offshore from Louisiana, they are drilling now in 3,000 feet of water. They have developed the technology to have lease sales on 6,000 feet of water.

When you have an agreement put together, you have to respect it. What does the Governor of Florida say about the Secretary's decision? My understanding is that he supports it. The statement by Governor Jeb Bush regarding Lease Sale 181 is that today's unprecedented decision reflects a significant problem in Florida's fight to protect our coastline. In its defense of Florida's coastal waters, the Department of Interior's proposal under President Bush goes far beyond any previous proposals contemplated by

past administrations, including the Clinton and Chiles administrations. As a result, there will be no new drilling in the Lease Sale 181 areas off the coast of Florida. That is a statement of the Governor of Florida.

There is an agreement. It has been developed as a compromise between the Secretary of Interior, the Governor, and certainly it is beyond the reasonable consideration of what point are we going to put our body, so to speak, in front of the reality that we have to develop energy in this country. You can say, if 285 miles is too close, why don't we go 500 miles? Where is the limit? This is truly beyond the limit of reasonableness.

I think the amendment by the Senator from Florida really is unnecessary. You have an agreement now. It appears that most parties are happy.

Again, if the argument of the Senator from Florida prevails, then to what extent are we going to limit, if you will, reasonableness in determining where a lease sale offshore can take place, if one can't take place as proposed in the amendment between 213 and 285 miles offshore?

For the time being, that pretty well accounts for my opinion as to the necessity of recognizing where energy comes from and the reality that we have a workable compromise which certainly seems fair and equitable.

When you consider reasonableness on the distance from the coast of Florida, the reality that Florida will benefit in receiving conditioned gas from this lease sale and the practicality that if it doesn't go to Florida, Floridians are going to be paying a higher transportation cost at least for their gas because that gas will have to come overland from either Louisiana, Mississippi, or Alabama, then across country and down into Florida, Floridians will then be paying undoubtedly a higher price. But the most efficient way to transport their gas is through a pipeline to Tampa.

I yield the floor.

The PRESIDING OFFICER (Mr. REED). Who yields time?

Ms. LANDRIEU. Mr. President, I do.

The PRESIDING OFFICER. Without objection, the Senator from Louisiana may proceed under the time in opposition.

Ms. LANDRIEU. Mr. President, my colleague from Florida wishes to speak at this time. I will reserve my time after he speaks for about 10 minutes and will speak in opposition to the amendment. But in all fairness to the proponents, I would be happy to allow him to go first.

Mr. BREAUX. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The sponsor has 64 minutes. The opponent has 45 minutes.

Without objection, the request of the Senator from Louisiana is agreed to.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to respond to some of the things that have been said on the floor. The Senator from Alaska has referred to the proponents of this amendment throwing their bodies in front of the train, a vehicle, or whatever. I gladly do so because of the stakes that are in this for the State of Florida.

I would like to point out that according to the statistics compiled by the Department of Interior, during the period between 1980 and 1999—almost two decades—some 3 million gallons of oil was spilled from Outer Continental Shelf oil and gas operations in 73 incidents. In addition, in one incident in April of this year, more than 90,000 gallons of saltwater and crude oil spilled out of a pipeline in Alaska's North Slope, becoming the fourth major incident there.

I point out the Department of Interior statistics simply to counter the perception that all of the Senators who have spoken in opposition to this amendment, of invading the eastern Gulf by drilling in an area which heretofore has been off limits to drilling, come from an oil-producing State.

What do you expect? They articulate the interests of the economic engines of their State. But when they give the impression that, in fact, offshore oil drilling is so safe, that there is no risk, and say instead the risk is in tankers, indeed, we know the risk in tankers because we saw what happened with the *Exxon Valdez*. But when they point out the fact that oil drilling and gas drilling is so safe and there are no spills, that is not what the facts say as compiled by the Department of the Interior.

Some 3 million gallons of oil from Outer Continental Shelf have been spilled in 73 incidents in time period between 1980 and 1999.

I want to clear up another statement that was made. It is stated there is all this oil out there. That is contrary to all of the engineering and the technology we have seen.

Indeed, let me tell you what has been estimated is in this lease sale 181. It is not some huge find. In this new lease sale 181, it is, in fact, a find of only 10 days' worth—10 days, T–E–N, 1–0—of energy for this country. Is that worth the risk to an industry that needs to protect its beaches and its environment? I say that it is not worth the tradeoff. It is not worth the risk.

As a matter of fact, the Natural Resources Defense Council has stated that in the eastern Gulf of Mexico, where the oil and gas industry has been pressing to drill—this area that, as you can see, is not violated, including this area shown on the map that is shaded in yellow, which is the subject of the lease sale we are trying to block—indeed, it said 60 percent of the Nation's undiscovered economically recoverable Outer Continental Shelf oil and 80 percent of the Nation's undiscovered economically recoverable Outer Continental Shelf gas is located in the central and western Gulf of Mexico.

So protecting this area that for years we have had a moratorium on because of its sensitivity to the ecology and economy of the surrounding areas—protecting that area will still leave a vast majority of the Nation's Outer Continental Shelf oil and gas available to the industry.

According to one study that even minimizes the risk of an oil spill, the chance of an oil spill in this area is as high as 37 percent. That is according to the Minerals Management Service.

So I want to respond to my colleagues, all of whom are from oil States, I want to make it very clear to them, this is not a NIMBY amendment that we are offering. We are not saying: Not in my backyard because oil rigs might spoil the view from our famous beaches. Indeed, we acknowledge that the latest plan—not the former one but the latest—would keep them out of sight. But Florida is unique in its dependence on those beaches, and it is unique on its dependence on the visitors who come to those beaches. Expanding drilling into this eastern gulf poses a serious risk not only to our precious natural resources but also to our entire economy.

Tourism is the lifeblood of that economy. It is in the range of $50 billion a year. Nothing could wreck our tourist industry quicker than waves of black oil lapping up on our white-sand beaches, regardless of whether the spill occurred 30 miles offshore or whether it is 100 miles offshore.

By the administration's own reckoning, the new leases would provide only enough oil and natural gas to meet just a few days of our Nation's needs. Is that worth the risk? Of course not. This is a commonsense approach. It is not worth the risk—not to Florida, not to the Nation—and it is not worth the risk to an area whose economy is so intertwined with a lot of the population that do not want this drilling.

My amendment would prohibit the Interior Department from selling new oil and gas leases anywhere in this eastern gulf planning area for 6 months from the time of enactment of this bill—only 6 months. It is intended to be a first step toward what I hope Senator GRAHAM and I will be able to offer—and I think we have assurances of offering an amendment to the Energy Department authorization bill for a continuation of this moratorium. For the sake of Florida, and for the sake of our Nation, I ask for your support.

I reserve the remainder of our time and yield the floor.

Mr. DASCHLE. Mr. President, we have been consulting with Senators on both sides of the aisle. I appreciate very much the help and cooperation of both our managers. I am now at a point where I can make a unanimous consent request.

I ask unanimous consent that the vote in relation to Senator NELSON'S amendment No. 893 occur tomorrow morning immediately following the cloture vote on the motion to proceed to the House bankruptcy bill, H.R. 333,

and that there be 4 minutes of debate equally divided between the votes.

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

Mr. DASCHLE. Mr. President, in light of this agreement, there will be no further votes today. We will resume consideration of the bill tomorrow after the cloture vote. The managers have indicated to me that they believe we can finish the bill tomorrow. If we finish the bill tomorrow and dispose of the Griles nomination tomorrow, then we will have no other rollcall votes on Friday or on Monday. There will be tomorrow, as I noted in the unanimous consent request, a debate for a period of 3 hours, beginning at 9 o'clock, on the House bankruptcy bill, H.R. 333.

Following that, we will then come back to the Nelson amendment on which there will be 4 minutes of debate equally divided.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, I have the greatest respect for my colleague who has recently joined us in the Senate from the great State of Florida. I have so enjoyed working with him on many issues that are important to us, such as education and health care, issues on which our constituencies have a great deal in common. I look forward to working with him in the future as well. But I am unwilling to support his amendment on this particular issue for, I think, many good reasons.

I urge my colleagues to vote against this amendment because not only is it not the right thing for Florida or for Louisiana or the gulf coast, it is not the right direction we need to take for our Nation. It will not put us on the right path for a sound energy policy, self-sufficiency, or necessarily for a cleaner environment in this world that we need to treasure more.

I associate myself with the remarks of my senior colleague from Louisiana, who has been a wonderful and very eloquent spokesperson, displaying a lot of expertise in this particular area both during his years in the House and now in the Senate. He continues to bring this Congress, both Democrats and Republicans, to some reasonable arrangements regarding the energy needs for our Nation.

I also associate myself with the remarks of the ranking member of the Energy Committee, Senator MURKOWSKI, and acknowledge his leadership in this area.

Mr. President, as the Scripture says: ''Come, let us reason together.'' If there was ever a time when Members of the Senate —both Democrats and Republicans—need to sort of lay down our swords and come, reason together, this is it because our country needs a well thought out, well-balanced energy policy. And in crafting one, we are all going to have to give a little as well as bend a little to do what we need for this Nation to sustain, support and protect the economic growth that is threatened by backward politics as in this case.

This is much broader than a few oil and gas States against the one State of Florida.

This debate is about national security and our economy. It is about compromise and common sense. It is an important debate.

To answer some of the points raised by the Senator from Florida, first, it is important to say that one of the proponents of this argument in the House said that people such as myself, or those of us who are trying to make the argument that if you want to consume oil and gas, you need to be willing to produce it as well, said if that was the case, then it goes to say, if you don't raise pigs in your backyard, you shouldn't eat bacon.

That might make some sense initially in its first blush. However, the fact is, every State produces some food product that we all consume. Florida produces wonderful oranges. I have enjoyed them every year. Louisiana produces some as well. The State of the Presiding Officer has commodities of which it is proud. Some of us grow cotton. Some of us grow soybeans. Some of us grow wheat. Some of us run cattle. Some of us grow other food products. We all contribute to the overall food supply of this Nation.

While we don't all grow the same crop, while we don't all run the same kind of cattle or livestock, every State in the Union contributes to the food supply of this Nation. That is the way it should be.

Every State should also contribute to the energy supply of the Nation. We have great resources in oil and natural gas. In addition, there is clean coal, nuclear and hydropower. We have a diversity of fuels to choose from in this nation and we should make use of all of them.

This attitude of ''I want to consume the power, but I refuse to produce the power'' has got to come to an end. It is not fair. It is not right. It is not smart. If we get caught up in this hysteria, we are going to lead this Nation into a dangerous place where our businesses are hurt and our economy cannot survive.

Let me talk about the State of Florida.

The State of Florida is the third largest consumer of petroleum products in the Nation. The State of Florida only produces, however, roughly 2 percent of the petroleum that it consumes and a very small percentage of the natural gas.

From 1960 to 1994, Florida electrical demand increased 700 percent. It is not the only State that has increased its demands, but it has been one of the fastest growing States. We are all happy and proud of the development in Florida and we want Florida to continue to grow and to expand, as we want all of our States in this Union to grow and to prosper but it must hold up it's end of the bargain as well.

From 1960 to 1994, Florida's fossil fuel use for electrical generation, made necessary by this extraordinary growth in population and electrical demand, has increased 551 percent. More than 80 percent of Florida's electrical demand is met today by fossil fuels.

Right now Florida, as every State, uses energy produced by fossil fuels. In south Florida, the natural gas demand for electricity generation purposes is expected to double by the year 2008. However, there are no increases in the number or size of nuclear power or hydroelectric power foreseen in Florida to supplement this need.

There is rising demand in Florida but it makes it quite difficult for those of us from Alabama and Florida to want to help in Florida when they are not willing to help themselves. It makes it very difficult for us to want to help Florida when they are not willing to help themselves.

There is not yet the significant increase in solar or wind production in Florida or generally in the United States, to adequately take the place of fossil fuels. Although those technologies are very promising we have not made the adjustment yet. I disagree with the President's decision to cut funding for those kinds of research and development projects. We need to increase funding.

In addition, from 1995 to 2002, a minimum of 24 new electrical generating plants will be added to Florida's power grid, and 21 out of the 24 new plants that are being planned for and designed today have to run by natural gas.

This amendment doesn't make sense for Florida. It doesn't make sense for Louisiana, Alabama, Texas, Mississippi, or the Nation but it certainly does not make sense for Florida. Florida needs more natural gas, not less.

I grew up on the beaches of Florida and appreciate their beauty. My family vacations all over the gulf coast. The compromise announced by the Administration, which is threatened by this amendment, allows us to salvage almost half of the natural gas and oil resources from the original lease sale area and is more than 100 miles from any part of Florida's coast.

It is not just Louisiana or Florida waters where there is gas and oil but the waters of the United States. In this day and age we can drill with minimal footprints and minimal risk to not only the Florida coast, but the entire gulf coast, and also provide states such as Florida, Mississippi, Alabama and Georgia with the power we need to grow.

I want to talk about that growth for a minute. When we talk about growth, we are talking about jobs, about people creating wealth, about people having a dream to start a business, about a new family buying their first home, and the electricity they need to run that home. This is about people who need to get to work, and the transportation they need

to get there. This is real. This isn't about mere statistics. If we can't power our economy, how can people feed their children and families?

Let me talk about risk for a moment. We have had people come on the floor and say we can't risk the beaches. However, in reality there is minimal risk. As the senior Senator from Louisiana pointed out, there is minimal risk associated with drilling. There is more risk from the possibility of oil spills when tankers have to transport the oil to our country.

This amendment, and others like it, will not decrease the risk, it will increase the risk because we will have more tankers coming into this Nation. The environmental leaders should be strong enough in this Nation to stand up and admit this fact.

There are also other risks to consider. The risk of a recession. I want the President to know I strongly disagree with his decision to modify this lease sale. He should have held his ground. We should be exploring for oil and gas in this entire lease sale area as originally proposed. If we do not supply states such as Ohio, California, Illinois or Louisiana, with the oil and natural gas to generate the power they need, we risk jeopardizing the economic future for our Nation. So if we are going to talk about risk, let's not just talk about environmental risk, let's talk about other risks to this Nation.

Another important risk to consider is that of our national security. The risk of our dependence on oil from the Mideast is well known. I don't mean to be overly dramatic, but I want this Senate to know that this is not just a fight between Alabama and Florida or a fight between Louisiana and Florida; this is involves the entire country. I urge my colleagues to vote against this amendment.

Let me talk about a more parochial issue as a Senator from Louisiana. We are proud of the contribution we have made to the oil and gas production in this country. However, the people in Louisiana also want a clean environment. The industry that operates off our coast has made great strides in making sure we can produce the oil and gas necessary to support the electricity needs of this nation while doing so in an environmentally responsible manner.

Louisiana and other gulf coast States have argued for some time now that if we are going to continue to drill in the central and western gulf there should be reasonable compensation not only for the environmental impact, but also for the infrastructure necessary to produce this oil and gas that is crucial to our nation.

Louisiana, Alabama, Mississippi, Texas and other States are asking to share more equitably in the revenues that are produced from this offshore development. Currently, if $2 billion in royalties is collected from production in the Gulf of Mexico, all of it goes into the Federal Treasury and is being spent in a variety of different ways. However, the states that permit production off their shores should be compensated fairly for their contribution to the nation as well as the impacts they incur. Whatever we decide and however we can come to terms, as reasonable people can agree, I hope one thing we will agree on is that, because interior States get to keep 50 percent of the revenues from development in their states, the States that are serving as a platform for offshore production will be fairly compensated as well.

In conclusion, we do not want to drive this industry off the shores of our Nation to other places in the world. We need a viable industry here for economic as well as national security reasons.

I urge my colleagues to vote against this amendment. With all due respect to my good friend, the Senator from Florida, this is not the right direction in which to lead our Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, this is not related to the issue at hand, although I want to speak on that under whatever time I am yielded. This is under leader time on a resolution. I believe Senator DASCHLE will be joining me momentarily. We want to be sure to do this when we both can be here.

COMMENDING GARY SISCO FOR HIS SERVICE AS SECRETARY OF THE SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 127, which is at the desk, and ask that the resolution be read in total.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 127) commending Gary Sisco for his service as Secretary of the Senate:

S. RES. 127

Whereas, Gary Sisco faithfully served the Senate of the United States as the 29th Secretary of the Senate from the 104th to the 107th Congress, and discharged the difficult duties and responsibilities of that office with unfailing dedication and a high degree of competence and efficiency; and

Whereas, as an elected officer, Gary Sisco has upheld the high standards and traditions of the United States Senate and extended his assistance to all Members of the Senate; and

Whereas, through his exceptional service and professional integrity as an officer of the Senate of the United States, Gary Sisco has earned the respect, trust, and gratitude of his associates and the Members of the Senate: Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of Gary Sisco to the Senate and to his Country and expresses to him its deep appreciation for his faithful and outstanding service, and extends its very best wishes in his future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Gary Sisco.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

Mr. LOTT. Mr. President, I wanted the entire resolution to be read in the RECORD because I did want a complete record of the appreciation of the entire Senate for Gary Sisco who has served so capably over the past 5 years as the Secretary of the Senate.

I appreciate Senator DASCHLE joining me for this time because he knows, as I know, that we have some very dedicated officers of the Senate and other employees of our floor staff who put in long hours and do a great job in making this institution function the way it should. We do not say thank you enough to those who serve in the Chamber with us who make it possible for us to do our job, and we do not say thank you enough to the officers of the Senate, people such as the Secretary of the Senate, the Sergeant at Arms, the Chaplain, and others who work every day to help make this place function.

I have a very personal warm feeling for Gary Sisco. He is from Tennessee. He was born in Bolivar, TN, a small town. He grew up in strictly a blue-collar family. I believe his father did serve for a period of time as sheriff in that county in Tennessee.

I got to know him way back in, I guess, 1962 or 1963 at the University of Mississippi. We became friends. I managed to even talk him into joining the fraternity to which I belonged. We developed a very close friendship.

He wound up having a blind date with his now wife, thanks to the arrangement of my wife. Mary Sue Sisco is from Pascagoula, MS.

He went on to work with IBM after graduation and was involved in gubernatorial campaigns in Tennessee. He served Gov. Lamar Alexander, and then wound up in Washington and worked for Congressman Robin Beard as his administrative assistant. He worked for Howard Baker reaching the position of executive assistant. He then returned to Tennessee and had a very successful business life.

Five years ago, I called on him and said: We need somebody who understands computers, somebody who understands how to manage a pretty good size operation, somebody who knows how to keep the books straight, somebody who has political instinct and knows and loves the Senate. You are the man.

He left his business in Nashville, TN, and came to Washington and has been in the position of Secretary of the Senate for 5 years. He has done a wonderful job.

The only thing I ever asked of him was: Gary, when we have a few things

that need to be changed, need to be approved, let's just make sure when you leave and I leave the position I am in, it is better than it was when we got here.

I believe Gary Sisco has achieved that goal. To show you the kind of man he is, Senator DASCHLE had agreed, frankly, that the officers of the Senate could stay on through this session of Congress, even though the majority might change. So I know he would have kept his word and Gary could have stayed, but he submitted his resignation, and I agreed that I think the majority leader should have officers of the Senate of his selection. It was the right thing to do, but it was his idea; it was not mine.

Senator DASCHLE has been very gracious in the way he has treated the employees in the Office of the Secretary of the Senate. He has selected an outstanding, capable, experienced person and one who also understands the Senate very well, Jeri Thomson. I know she will continue the great legacy Gary Sisco has built.

To my colleagues in the Senate, I thank them all for the courtesies and support they have given to Gary Sisco, and I wish my friend the very best in his next career.

Some of us, as Senator DASCHLE and myself, have been in the Congress for many, many years now, in my case 28 years. I have to confess, in a way, I am a little envious of a guy who was in the business sector, in the political arena, in the congressional arena, back in the business world, back in the Senate arena, and is now going out to the next stage of his life. I am sure it will be an outstanding one.

I, again, extend my best wishes to Gary Sisco, his wife Mary Sue, and their children. I know they will always have a special feeling in their hearts for the Senate, and I believe the Senate also has that feeling for them.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, first, I compliment the distinguished minority leader on his remarks. I appreciate very much the opportunity to address the resolution this afternoon.

Five years ago, Gary Sisco came to Washington and came to the job as Secretary of the Senate with the full confidence of then-majority leader TRENT LOTT. Today he leaves the Senate, leaves his job as Secretary of the Senate, having earned the full confidence of now-majority leader TOM DASCHLE.

That did not just happen because he had the title. It happened because he worked at it. It happened because, in spite of the long tradition that he had of working for very able Members of the Senate on the Republican side in the Senate and the House and Governor, he came leaving his Republican credentials at home. He came working with us as Democrats and Republicans, equally serving his country and serving this institution as ably as anyone can.

As Senator LOTT has noted, the mark of a good and able public servant is one who leaves his job in a better position than when he came. I can say without equivocation Gary Sisco has met that test. It has been my pleasure to work with him. I have come to admire him and respect him, and I also respect the position he has taken with regard to this particular resignation.

I confirm exactly what Senator LOTT has just noted, that because of my respect, not only for Senator LOTT but for Gary Sisco and the Sergeant at Arms, it was my view, in keeping the continuity of the officers of the Senate, as well as because they were serving us so well, they had every right and could have every expectation that regardless of what may happen to the majority in the Senate, they would have the full confidence and have the full support of both caucuses for the duration of this Congress.

Gary Sisco has made his decision, and I respect it, but I do so with a great deal of appreciation. I do so with the hope that he will come back often. I do so with a realization that in this business we get to work with quality people, people who give back to their country, to their community, and to each of us in ways that I think is admirable. He has done so. Our country owes him a debt of gratitude. This Senate owes him a debt of gratitude.

On behalf of our caucus, I thank him for all he has given us. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, again, I thank Senator DASCHLE for coming to the Chamber and making that statement, and I look forward to working with him and the new Secretary of the Senate to continue the very efficient and fine way the Senate has been conducted, in the way the Office of the Secretary of the Senate has been run. I know she will do a great job.

Mr. President, I do not know who is controlling the time now, but I want to be yielded time to speak against the pending amendment.

Several Senators addressed the Chair.

Mr. SESSIONS. Mr. President, will the majority leader yield for 1 minute to comment on Mr. Sisco?

Mr. LOTT. I will be happy to do so.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. I yield to Senator SESSIONS from Alabama.

Mr. SESSIONS. Mr. President, I thank the Republican leader and the Democratic leader and others for their kind comments about Gary Sisco.

In short, he is one of the finest people I know. He served the Senate with great integrity, ability, and fidelity. He has a wonderful family, high personal values, the kind of person you like to know, like to call your friend, you want to have in your home. He has served so well, and he leaves with grace and style quite in harmony with his whole lifestyle. I thank Senator LOTT for raising this point, and I join in his compliments.

Mr. LOTT. I believe the time has been off the leader time.

The PRESIDING OFFICER. That is correct.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 893

Mr. LOTT. Mr. President, I rise to speak against the pending amendment. My question is, If we are not going to have exploration in the Gulf of Mexico in a limited area for oil and gas, where are we going to do it? Not in the Atlantic along the coast. Not in the Pacific along the coast. Some people say not in Alaska in the area that has been pursued. Then where? I believe we can do it effectively, efficiently, responsibly, and productively in the Gulf of Mexico.

For years, exploration in the gulf and, in fact, drilling activity occurred primarily in Texas and Louisiana waters. But in more recent years it has moved over under Mississippi and Alabama. It has been very productive.

This is an interesting map to which others have referred. The Florida coastline goes to Pensacola, Alabama with Mobile, Biloxi, and New Orleans. I live right here; that is where my house sits. I can step off my front porch and put a rock in the Gulf of Mexico. I can sit out on my front porch and I can see a natural gas well working right in this area. In the daytime you can see it. It is clear. And at night sometimes they flare it off. It has never been a problem and it is producing natural gas. As a matter of fact, it is closer to my front doorstep, literally, than it is to Panama City, Florida, or Pensacola, or Biloxi or New Orleans. I am perfectly comfortable with this. There is no risk.

Those who live in the gulf area know that some of the most effective drilling and exploration drilling anywhere in the world is done in the gulf. It has become more efficient, with greater accuracy. If there has ever been a spill in the gulf, it must have been very minor and certainly never affected my State, I don't believe, since we have had the drilling off the coast of Alabama and Mississippi. I don't believe we have ever had one.

It also is a wonderful place to fish around the oil rigs. We take old liberty ships out and sink them in the gulf so they will form fishing mounds. It is very effective. The rig serves the same purpose.

But now we have people who say we should not have it in the Gulf of Mexico, or we should delay it even further, even though there has been a compromise. I think this whole area should be opened up for lease. But now it is down to just this green area, a very small area. The Governors of the States that are involved—Louisiana, Mississippi, Alabama, and I believe this compromise provision is supported even by Jeb Bush—all of our leaders

and all of the people who live in this area support this.

What are we going to do? We are depending on foreign oil for 56 percent of our energy needs, and it is going up. It will be 60 percent. Can we get everything we need just from wind and sun? If we triple what we got from those areas, it wouldn't get us at 6 percent. As I said before, maybe we will have to harness some of the speeches around here to produce more energy needs in this country. But we need exploration for oil and gas. We need to look at greater use of nuclear power. We need to take advantage of clean coal technology. We do need alternative sources of energy—wind, solar, hydro. We need energy efficiency. We need to encourage conservation. But we need a national energy policy—the whole thing, the whole package—so that we will not be in danger of the threat of OPEC countries saying they will cut us off.

By the way, every time we have a decline or some sort of a threat from OPEC countries, we get oil out of the SPR. Where do you think the SPR is, the strategic petroleum? I think most of it is in Texas and Louisiana.

Now people are saying, well, in south Florida, let's build a 1.6 billion pipeline from my hometown and from Mobile, AL, across the Gulf of Mexico into Florida and supply their energy needs. We are supposed to take the risk in those areas of the exploration and the drilling for natural gas, and of course, sometimes for oil, and now we are going to build this pipeline and lay it across the Gulf of Mexico to supply the natural gas for people who say they don't want us to explore and produce. This makes no sense.

The people have to decide. Are we going to continue to go down this trail of not producing for our energy needs? Are we going to have this national security risk, facing the danger of loss of freedoms in America? Who thinks gasoline prices will not go up again next summer? They are. And so will diesel fuel prices. The families won't be able to afford to drive to their vacation spots. The small business men and women are going to have trouble paying their electricity bills. The farmers will have difficulty paying for the cost of diesel fuel for their tractors. It will ripple through the economy.

This is probably the most serious problem this country faces today. Meanwhile, we fiddle in Washington while the country has a heat stroke and is threatened with not having the energy to keep the economy growing. I think the American people realize this is a very serious problem. Some people shy away from calling it a crisis. OK, don't use that word. There is no imminent danger now. But there could be tomorrow, there could be next week. OPEC countries could say: We will cut you off. We could have rolling brownouts in California, blackouts in New York City. They will run short of power in south Florida.

This is the least we can do. We should do it now, not later. We have been wrestling around over this for months—in fact, years. This can be done safely, effectively. I understand it is projected this area could produce enough natural gas to provide 1 million families in America with the supply of natural gas they need for 15 years. I don't know whether that is accurate. It has been very productive in this part of the gulf. It is done efficiently and in very targeted ways. They know now where the oil and gas is. They can probably put a pin on it—and from long distances.

I urge my colleagues, this may be the only real vote we have on energy production in America this summer. Senator DASCHLE said we will focus on appropriations bills. He is right for doing that. We should try to help him move the appropriations bills. We will not get to a free-standing energy bill probably until the fall. But we should do it. In the meantime, we should not take this step of prohibiting or delaying exploration and development of the resources that we know are in the Gulf of Mexico.

My beach is closer to this area than the beaches in Florida. I say, bring it on. I am worried about the future of my country and my children's economic future. I urge my colleagues, this should be an overwhelming bipartisan defeat on an amendment that really, in view of all that has gone on, should not be passed.

I thank my colleague from Louisiana for yielding me this time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I yield to my colleague, the senior Senator from Florida, such time as he consumes.

Mr. GRAHAM. Mr. President, I am proud to join my colleague from Florida, Senator BILL NELSON, as we offer this amendment to help assure that America will have a policy of energy that is also a policy for our economic future and for the protection of important environmental treasures.

Let us clearly understand what the amendment we offer will do. It will provide for a short, 6-month delay, in the leasing of property in the area that is known as lease sale 181. This short delay, 6 months from the time the bill is enacted, will allow time to make some important decisions before we are committed to an option that may not be in the best interests of our Nation.

This is also an issue, while it is today in the context of the eastern Gulf of Mexico, the exact same issues which I will speak about are relevant to other areas of the country which share a similar concern, whether or not it is on the Atlantic coast. I heard this weekend of concerns off the northeast coast regarding a proposal for drilling in areas that have been very significant parts of the American tradition and history of commercial fishing for hundreds of years.

We know our friends who live in the area of the Great Lakes are concerned about proposals for drilling in Lake Huron and Lake Superior—again, areas that have in the past been off limits for drilling. California is another area that has expressed concern about the proposals for drilling under the rules as they currently exist.

While this may be characterized as a Gulf of Mexico issue, or even more specifically a Florida issue, it raises important implications for the Nation. Let me discuss two of those issues which I believe justify the 6-month delay we are requesting through this amendment.

First, the current laws that govern Outer Continental Shelf drilling in my judgment are imbalanced. They do not give proper consideration to other factors in addition to energy production, factors such as economic and environmental needs. We are all aware that America has needs for increased energy production. We are not insensitive to that. But we also are not myopic, that that is the only issue America needs to take in the balance in making these judgments. We believe balanced legislation on Outer Continental Shelf drilling would include the other factors that might be affected by that drilling. Let me give, as an example, what is happening today as a result of our law.

A number of years ago, leases were granted in these areas that are within 40 miles of the coast of Florida. Those are depicted on this map in the light pink and blue. The blue area is what is called Destin Dome. It is an area that is approximately 35 miles south of Pensacola. That lease has been outstanding for a number of years but was dormant. Then a few years ago the owner of that lease, the Chevron Oil Company, made an application for a drilling permit, to start production on that property. What was discovered was that basic environmental analysis, which in my judgment should have preceded the lease being granted in the first place, had not been done and it was deferred until the drilling permit was requested. As an example of those basic studies, one of them is the Coastal Zone Management Act. The Coastal Zone Management Act is administered in a joint program between the U.S. Department of Commerce and the various coastal States affected. The result of that analysis of the Coastal Zone Management Act was a determination by the State of Florida that it was a violation of the act and of the management plan, which had been approved by the U.S. Department of Commerce, to drill on this Destin Dome. That has now precipitated a series of litigation and administrative actions which have drawn this process out for many years.

In my judgment, the lesson of Destin Dome is let's do the environmental surveys before we grant the lease, before we create the expectations that a lease carries with it, before people apply for the permit to drill, so we have satisfied ourselves on environmental, economic, and the other considerations that this is a property which will be appropriate to drill should a lease be granted.

One of the things we could do, during this 6 months of deferral, would be to do an analysis of our current law to see if it is appropriately representing the wide range of interests that should be considered. We know we are going to be doing a major energy bill sometime in the next few months. Our Republican leader has indicated he thinks that will be on the Senate floor sometime this fall. I know the chairman of the Energy Committee is driving a schedule that would have it considered in committee this month. So we are not talking about long delays. We are talking about legislation that is viable at this moment and would be the appropriate means by which to raise these issues as to whether our current laws are adequate to represent the range of interests.

The second point I would make, that in my opinion justifies the 6-months delay which the House of Representatives has voted by an overwhelming margin, is the very fact of these existing leases outstanding. If we were looking at a map, not a current map but a map as recent as the early 1990s, we would also have seen lots of these little pink squares in this area adjacent to the Florida Keys. What happened there was that there was great concern about the potential adverse effects on one of the most fragile environmental areas in the world, the Florida Keys and their adjacent coral reefs. The President, George Herbert Walker Bush, announced that in his judgment that danger should be eliminated by the Federal Government reacquiring those leases in the vicinity of the Florida Keys. Over a period of less than 10 years, an aggressive program of reacquisition of those leases has, in fact, eliminated those leases.

I believe today we should be entering into negotiation during the administration of George W. Bush to do the same thing in the northern Gulf of Mexico, to eliminate those inappropriate leases that have been granted in years past, that now threaten the beaches of the Panhandle of Florida. Again, the 6-months delay would give us the opportunity, would give us the time to undertake exactly that type of analysis.

This idea is an idea which has been long under consideration. When some of the initial proposals were being made for lease site 181, our former colleague and then Governor of Florida, the now deceased Governor Lawton Chiles, wrote a letter, on October 28, 1996, to the Director of the Minerals Management Service about lease site 181. In that letter, Governor Chiles made this statement:

> A remaining concern, however, is the potential for development of the existing leases in the eastern gulf. I am still quite concerned about the dangers the State's pristine coastline faces from production activities on these leases offshore Northwest Florida.

Governor Chiles was talking about this cluster of leases in the Florida Panhandle section of the north Gulf of Mexico.

> While the final program represents a tremendous victory for Florida, I know the victory will not be complete until there are no existing leases off our coast.

This letter is now almost 5 years old and no progress has yet been made towards achieving that goal of eliminating those leases off the coast of Florida. This 6-month period should be a time in which we start the serious negotiations with the current administration of President Bush that proved to be so effective in the administration of his father in eliminating a similar cluster of oil and gas leases in the area of the Florida Keys.

This is not 6 months which would be frittered away. This is 6 months in which we can reexamine the fundamental law that currently governs the leasing of Outer Continental Shelf lands for oil and gas production, to assure that appropriate environmental studies are done before the leases are granted, not after the leases are granted, precipitating the kind of contentious litigation and administrative procedures we have been dealing with as it relates to Destin Dome.

It would also give us 6 months in which we could commence the serious negotiations with the current administration, as was the case in the late 1980s and early 1990s with the administration of the previous President leading to the elimination of the oil and gas leases in the southern Gulf of Mexico.

I believe our request is fair; that it is reasonable; that it has a specific purpose to be accomplished by the brief delay. It is the same amendment that the House of Representatives has already adopted by an overwhelming margin. It is one which I commend to my colleagues in the Senate, not only as it relates to the specific very fragile environmental area of our Nation but also for the precedent that was set in terms of establishing appropriate laws for the future and a reexamination of possibly ill-considered decisions in the past, such as granting these leases in appropriate areas which would be beneficial to all Americans.

I urge adoption of the amendment. Thank you.

The PRESIDING OFFICER (Mr. SCHUMER). Who yields time?

Mr. BURNS. Mr. President, I watched the debate with a great deal of interest. I can only think of the amendment a little while ago that was offered by the Senator from Illinois. The Minerals Management Service has been working on this lease sale for quite a while, and includes the current 5-year Outer Continental Shelf Oil and Gas Program. This was put on the table under the Clinton administration. The service prepared the draft EIS. They have ensured that the proper public hearings have taken place, including the hearings in Pensacola, Tallahassee, and Mobile. But despite the fact that service has jumped through all of the required administrative hoops, some opponents are now trying to foul the whole thing up in the end game right before the lease, of course, is finalized.

When we take a look at the Land and Water Conservation Fund, it is interesting that Members who have been leaning towards voting for this amendment are the same Members who have submitted healthy requests for money out of that Land and Water Conservation Fund for some of their projects. It is also interesting to note that in this very bill, Florida has approximately $42 million in items that are funded under the Land and Water Conservation Fund. It is likely that State has been the single largest draw on the Land and Water Conservation Fund in the last 5 years. That money is derived from royalties from offshore drilling and production. It is ironic to note that the State of Florida is actually the third largest consumer of petroleum products. However, it only produces about 2 percent of the petroleum that it consumes.

Basically, this amendment on the surface appears to be one of those ''not in my backyard'' kinds of situations or games.

To top it off, this amendment totally ignores the fact that last week the administration announced that it decided to reduce the size of the lease sale and in particular decided to make sure that the lease sale is much further away from Florida's shores.

A while ago, we had the amendment of the Senator from Illinois. Now we have the proponents of this amendment pleading with us to heed the local concerns for the protection of Florida's beaches, of which I would concur. I will say right now that I think the offshore drilling probably does less damage than the tankers that go up and down and unload in the Gulf of Mexico every day. They want those decisions to be made locally. But when it comes to voting on an issue that affected the West, they disregarded that.

When voting, I ask my fellow Members to think about the fact that this is a legislative rider that could ultimately reduce the amount of funds contributed to the Land and Water Conservation Fund, and it might interfere with our country's ability to produce its own oil and gas during a time when the country is facing a very serious energy crunch.

If local concerns are in play in Florida, why aren't they in Montana? I call that the lack of fairness. I think that is all we ever want in this body—fairness.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, this is a very serious national issue. It is not a Florida issue in any strict legal sense at all.

I used to be the U.S. attorney and represented the Federal Government. I know that these Federal waters are 260 miles away from Tampa, FL. It is a Federal decision about whether to lease it and produce oil and gas from it.

As a resident of Mobile, AL, which is right here at the tip of OCS central planning area, I am pretty familiar with the facts in this case and what happens.

Frankly, I have to say I am a little bit disappointed. The President of the United States, in my view, made a mistake when he cut back huge portions of this lease that is on that map to accommodate and appease the political leaders in Florida. What did he get? They still opposed the sale and are still opposing it right on this floor.

Yet this map shows a dotted line from my hometown of Mobile, AL, over to Tampa, FL. I wonder if anybody knows what those dotted lines reflect. They reflect a pipeline. That pipeline is being built at this moment. It started in June. The pipeline is to take natural gas produced in the western gulf to Tampa, FL, and to south Florida to meet their surging demands for natural gas. Yet when it comes time for them to go along with a national goal of producing natural gas way out in the Gulf of Mexico, far from where you can see it from land, they say: Oh, no. We can never allow that to happen.

They have fought it natural gas production consistently. I am really concerned about this position. We have natural gas here in the Gulf of Mexico. It is being produced off the shores of Alabama, Mississippi, Louisiana and Texas. Now they want to transport that gas over to Florida. What is that going to do to the price of natural gas for the homeowners in Alabama and electricity users in Alabama? They are going to bid it up. This demand on the limited supply in the western Gulf of Mexico is going to drive up the price of natural gas for the people in Alabama; and, at the same time, Florida refuses to allow any production in Federal waters 100 or more miles from their shore.

This is a national issue. One reason, in my view, we have an economic slowdown—and I do not think anybody can dispute it—is an increase in energy prices. Fifty-seven percent of our fossil fuels comes from outside the country. And that amount is growing. What does that mean? What it means is, American wealth is going overseas to Saudi Arabia, to Venezuela, to Iraq and other foreign countries, to pay for oil and gas that we have right here off our coast. Whom do we pay when we produce it here? We pay us. We pay the United States. We keep American wealth.

The oil companies agreed to pay $136 million just for the right to bid on this property and are projected to pay $70 million, at least, per year of royalty. More than that will probably go into the Treasury.

A big chunk of offshore royalty goes to the Land and Water Conservation Fund. The Land and Water Conservation Fund funds the purchase of parks and recreation areas, estuaries, and to protect environmentally sensitive areas that need to be preserved.

So the question is really simple for Americans: Whom are we going to pay? Are we going to transfer our wealth overseas? Keep it within the United States? Or are we going to send it abroad?

Make no mistake, people act as if the price of energy makes no difference. But when a family had a $100-a-month gasoline bill several years ago, and now has a $150-a-month gasoline bill, they have $50 less per month to spend for things their family needs. It is right out of their pocket. When that $50—or a big portion of it—is sent over to Saudi Arabia or Iraq and Saddam Hussein, for their oil and gas, we are not helping America.

Let me tell you, we do not just have oil and gas wells off the Alabama, Mississippi, Texas, and Louisiana coast 100 miles away, we have them right up in Mobile Bay, in some instances less than a mile from homes. I drove over to Gulf Shores right near Pensacola this Saturday to visit my brother-in-law, and he was there with his grandson. They were so proud. They had a picture of a 40-pound ling, a great fish. Where did they catch it? Under an oil rig about 1 mile off the gulf shore's coast—1 mile.

We have never had a problem with these oil and gas wells. Offshore oil and gas production in state waters has helped to generate for the State of Alabama a trust fund of $2 billion. The interest on that fund contributes over 10 percent of our general fund budget on an annual basis.

America has benefited from that. That supply has allowed American money to stay in Alabama and the producing States and not to go off to Saudi Arabia. It has helped to build wealth in America as a whole. You may say: You just want the money for Alabama. The truth is, Alabama is not going to get a dime out of this lease except as any other State would under the Land and Water Conservation Fund. The proposed lease sale is in Federal waters. It is not in State waters.

But we have produced oil in State waters right off the beaches, right in the bay here, and we have had no problems. People fish around it on a regular basis. It has created a steady flow of income and has been good for America.

The President, in trying to be accommodating, agreed to cut back this lease sale to less than one-quarter of the original area proposed by President Clinton. He tried to do that. He moved it off on the Alabama side—nothing in the Florida waters—to try to accommodate Florida. And the Florida politicians are still not happy. But they want this pipeline built. They want this pipeline built so they can get natural gas. And why do they want the natural gas? Because it is needed to fuel the new cleaner burning electricity plants they need to heat and cool their homes, shops and offices.

What is particularly valuable in the Gulf are the huge reserves of natural gas. The wells in the remaining lease area are going to be a mixture of oil and gas. But the neck, the ''stovepipe'', that the President shut off as part of his compromise to appease Florida's political leaders was virtually all natural gas.

So I think the Senators from Florida are asking a bit much. I would ask them to think about this. Is not this the philosophy that got California in the fix they are in today? For decades California was facing the question of offshore drilling: No. Nuclear power: No. Coal plants: No. Electric plants: No. And what happened? They have brownouts and prices going through the roof. And they want to blame somebody else. They won't blame themselves.

But energy is going to come from somewhere. It is either going to come from foreign sources or our own sources. We should not threaten our economy. We should not press down on the brow of American working men and women, with the burden of paying 20, 30, 40, cents more a gallon for gasoline, or twice as much perhaps for natural gas to heat their homes to accommodate some sort of political fear that exists out there.

So what I think is important is that we, as America, just relax a little bit. Let's be rational. Let's think this thing through. Let's ask ourselves: What real threat is there? And what are the benefits from producing out there? We simply cannot allow people over in Naples, FL, in their beach houses, worth probably $2, $3, $4 million each, worrying about running their air-conditioners all the time to dictate national energy policy.

Do you know how you generate electricity for air-conditioners in south Florida? They use natural gas because it is efficient and clean burning, much better than coal. So they want that natural gas. They just do not want it 213 miles or 260 miles away. ''Oh, no, we can't have this'' they say. I really do not think they know what has happened. I think they have been misled by some politicians and environmentalists who are not responsible.

This is an extreme position. I hate to say that. This is an unhealthy position to have this Senate take. We ought not to adopt this amendment that would stop us from producing oil and gas in one-quarter of the previously approved area. It is going to hurt us in America. It is going to hurt us economically.

The demands in Florida are significant. Thirty percent of all natural gas produced in America comes out of the gulf, and Florida will consume huge amounts. Their demand is going to double in the next 15 years, and increase over 142 percent in the next 20 years, according to experts.

Yes, we should conserve. Yes, I hope people will use those hybrid automobiles. I would like to have one myself. I don't know why everybody doesn't buy one. There must be some reason they don't buy them. If they are so wonderful, why doesn't everybody go out and buy one, if you get 50 miles to

the gallon? But I think they have potential. I am interested in looking at them and support the efforts of our automakers to improve efficiency. But it is a free country. Are we going to make everybody go out and buy one?

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

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. Mr. President, I will just say that I believe the President has submitted a scaled-down, fair, and reasonable proposal—too scaled down, frankly. It ought to have satisfied those who would object. Unfortunately, it has not. We have had to have this debate. And though it is healthy to have the debate, I am confident that the amendment will be defeated and that this small production area will be opened for the benefit of American taxpayers and the American economy.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, how many minutes remain in opposition?

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

Mr. NELSON of Florida. How many minutes remaining do I have as the proponent?

The PRESIDING OFFICER. Forty-one minutes twenty-one seconds.

Mr. NELSON of Florida. I do not intend to take that. I see all of the staff smiling at me.

But I would like to summarize. I would like to see if I can bring to closure a 3-hour debate on a part of setting any energy policy in this country that is very important not only to us along the gulf coast but to the Nation as a whole.

I want to mark the contrast in the debate that you have heard: Every Senator who has spoken in opposition to this amendment to stop oil drilling off Florida in the eastern Gulf of Mexico planning area is from an oil State.

That is the beauty of the United States of America. We come, each State represented by two Senators, and bring all of our different interests and constituencies here. But it is an interesting contrast that every opponent to us trying to protect against oil drilling in the eastern Gulf of Mexico is from an oil State.

Senator GRAHAM, my senior colleague from the State of Florida, has eloquently pointed out a number of things. He pointed out in his summary that these light-colored areas are active leases but no drilling has occurred. Senator GRAHAM and I have offered a bill to buy back these leases, just as President George Herbert Walker Bush had proposed buying back a bunch of leases off of the Ten Thousand Islands off of Naples, off of Fort Myers that occurred about a decade ago. We want to get rid of these, including the lease called the Destin Dome, where Chevron has an active permit to drill.

Let me give you some statistics about Chevron and its offshore rigs in the Gulf of Mexico and what they have experienced between 1956 and 1995.

There were 10 gas blowouts and an additional 5 blowouts of oil and a combination of gas. There were 65 fires and explosions of which at least 28 originated from natural gas, 14 significant pollution incidents, and 40 major accidents, resulting in at least 19 fatalities. There were five pipeline breaks or leaks.

I don't have any particular reason to cite this with regard to Chevron, except that Chevron came up because they have an active lease that is ready to be drilled 30 miles off of some of the world's most beautiful beaches called the Destin Dome. What Senator GRAHAM and I would like to do is to see us buy back that lease so that drilling, with a safety record and a blowout record as has been shown by the facts—and remember, facts are stubborn things—so that that won't occur right off of the sugary white sand beaches of Destin, FL.

We would like to reacquire that lease, just as the first President Bush had acquired so many leases down here threatening the 10,000 islands of the Florida Keys.

That is not the issue here today. The issue today is taking these active drilling leases in the central and western planning areas of the Gulf of Mexico and thrusting eastward toward the coastline of Florida with a new sale of 1.5 million acres.

They had 6 million acres in this original lease sale 181. They knew they were not going to pass it. They knew there was too much political opposition. So what they have done is they have scaled it back to 1.5 million acres, thinking they can get it through.

It is, in fact, the eastward inevitable march of drilling into the eastern planning area, an area that heretofore has not been violated with this drilling.

Let me cite some more statistics as we wrap up this debate. The Department of the Interior, on the day that the Senate and the House goes home for the Fourth of July, on Monday, July 2, announces this deal, that they are shrinking 181. In the course of that announcement, they put out a news bulletin: Secretary Norton announces area of proposed 181 lease sale on Outer Continental Shelf. And in that, the release states: The area also contains 185 billion barrels of oil.

You have heard the statistics of how much oil is there. The fact is, it is not 185 billion barrels of oil; it is 185 million barrels of oil that MMS, a part of the Department of the Interior, estimates is in this lease sale 181.

So I raise the question again, since this equates to about 10 days' worth of oil and gas energy for this country, is it worth the risk to the beaches of Florida and to the environment of Florida, this eastward march that will inextricably, inexorably happen, is it worth the risk? It is not.

I said earlier in my remarks, if ever I have seen anything that looks like the nose of a camel suddenly under the tent, it is that yellow-colored, 1.5 million acres coming into the eastern planning area that has no drilling.

Back in the middle 1980s, I was a junior Congressman from the east coast of Florida. The Reagan administration had a Secretary of the Interior named James Watt. James Watt was absolutely intent on drilling for oil off the entire eastern coast of the United States and was offering for lease sale leases from as far north as Cape Hatteras, NC, all the way south to Fort Pierce, FL. I went to work, as the Congressman from the middle eastern coast of Florida, to try to defeat that. And we defeated it in the appropriations bill, in an appropriations subcommittee on this very same Interior Department appropriations.

They left me alone. And 2 years later, they came back. This time they had worked the full Appropriations Committee in the House so that they thought they had the votes. And they were running that train down the track for oil drilling from North Carolina to south Florida. The only way that we beat it was to finally get NASA and the Department of Defense to own up to the fact that off the east coast of Florida, where we were launching the space shuttle, you couldn't have oil rigs out there where you were dropping the solid rocket boosters from the space shuttle launches and where you were dropping off the first stages of the expendable booster rockets that were going out of the Cape Canaveral Air Force Station.

They have left us alone on oil drilling until now. That was almost 16, 17 years.

What we happened to do was call the the Pensacola Naval Air Station.

Fast forward 17 years. We decided to call one of the greatest military installations in the world, the naval air station at Pensacola, the place where almost every naval aviator has learned to fly, and we asked if this lease sale 181 were to have a spill—remember, I cited statistics earlier that the Minerals Management Service says this lease sale has up to a 37- percent possibility of having an oilspill—we said to the executive officer at the Naval Air Station Pensacola: What would happen to Pensacola Naval Air Station and to the Air Force installations at Eglin Air Force Base at Fort Walton and Hurlburt Air Force Base near Fort Walton Beach?

No. 1, for both of those military complexes, virtually all testing, training, and operations over water would cease until the oil slick was completely cleaned up.

No. 2, flights would cease due to the hazards to pilots if they had to eject over oily water.

No. 3, water training and equipment testing would cease.

No. 4, test firing of weapons would cease over and into oily water.

In other words, the Pensacola Naval Air Station would virtually cease to operate as one of our greatest national assets.

We have not even talked about something that is a natural phenomenon in the State of Florida. Look at this peninsula. It is a land that I call paradise, but paradise happens to be a peninsula that sticks down into something known as hurricane highway, for in the course of the summer and into the early fall, because the Lord designed the Earth this way, hurricanes spring up in the gulf, they spring up in the Atlantic, and they go from the Atlantic into the gulf. It is an additional reminder of the additional hazards of Florida offshore oil drilling.

As we bring to a close this 3-hour debate, the risk of spill, according to the Government, on this lease sale 181 is all the way up to 37 percent. This lease sale, by the Department's own recognition, is only going to have about 10 days of oil and gas for the entire country. It is not going to lessen the dependence on foreign oil.

My goodness, the United States has 5 percent of the world's population, 3 percent of the reserves, but we consume 25 percent of the world's oil. We cannot drill our way out of dependence on foreign oil. We have to have a balanced energy policy which includes the use of technology to get greater miles-per-gallon in our transportation, as well as conservation, as well as being balanced with drilling.

I recite the statistic I cited that of all the future reserves, they are not in the eastern gulf planning area. Sixty percent of the Nation's undiscovered economically recoverable Outer Continental Shelf oil is in the central and western gulf area where they are already drilling, and for natural gas, of the entire Outer Continental Shelf, 80 percent of the future reserves are from the central and western areas, not from the eastern area.

I come back to the point at which we began 3 hours ago: Is it worth the risk? Is it worth the tradeoff: Little oil and gas, and yet the first invasion of the eastern planning area, a huge invasion, a million and a half acres? Is it worth the risk to an economy of a State that has pristine, white sandy beaches on which its economy is so dependent because of a $50 billion-a- year tourism economy? Is it worth it to the estuaries of Apalachicola, the Big Ben, and the Ten Thousand Islands, Tampa Bay, and the Caloosahatchee River, and the sandy beaches from Tampa all the way to Marco Island? It is not worth the risk. It is not worth the tradeoff.

That is why for years we see, as depicted by the green color, the active drilling leases off Texas, Louisiana, Mississippi, and Alabama, but not off Florida in the eastern planning area of the gulf.

I know the White House is putting on a full-court press. I know the oil and gas industry, through all of their innumerable lobbyists, are putting on a full-court press. We heard the Senators from each of the oil States. Not one non-oil-producing State spoke against this today. Yet we have our hands full because the full court lobbying press by every special interest involved in drilling in oil and gas is going to be working this issue as hard as it can before our vote that is going to occur sometime late tomorrow morning.

I ask my colleagues to consider the risk to their Outer Continental Shelf and to consider what is in the best interest of the Nation.

I am deeply honored that this is one of the first great debates in which I have engaged, in which I have joined so many of those with whom I argued in many of the other debates, such as budget, education, and the Patients' Bill of Rights. This, however, is one of the great debates that will take place, and it is an honor for me to have participated in it.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, OCS Lease Sale 181 is an essential element of a national energy policy that will provide affordable and secure supply of energy.

Sale 181, the most promising domestic opportunity for newly-available leases in many years is a resource rich area for new supplies of natural gas and oil. It will play an important role in meeting the Nation's energy needs.

Sale 181 is the work-product of more than five years of planning and preparation by the Federal Government, affected States, and industry, and should proceed as scheduled in December 2001.

The Nation's demand for natural gas is expected to grow significantly.

According to a 1999 National Petroleum Council study, the nation's demand for natural gas is expected to increase by 32 percent to 29 trillion cubic feet by 2010 and by 41 percent to 31 trillion cubic feet by 2015.

Current demand is 22 trillion cubic feet. Natural gas is essentially a North American commodity.

If the Nation is to meet its growing natural gas demand, access to gas resource rich areas like the Sale 181 area is an indispensable element of the energy policy agenda.

Major reserves of oil and natural gas are believed to exist in the eastern gulf. According to a study conducted in conjunction with the 1999 National Petroleum Council study, the Sale 181 area may hold 7.8 trillion cubic feet of natural gas and 1.9 billion barrels of oil.

This is enough natural gas to supply 4.6 million households for 20 years and enough oil to fill the Strategic Petroleum Reserve for three and one-half years or make enough gasoline to fuel 3.1 million cars for 20 years.

This is also three and one-half times the amount of oil currently in the Strategic Petroleum Reserves.

Sale 181 was recently modified to ensure a balance between state and federal interests.

Key affected constituencies including Alabama, Florida, and the Department of Defense were consulted during development of the current five-year plan to ensure that all concerns were addressed.

For example, the sale area was drawn to insure it was consistent with the State of Florida's request for no oil and gas activities within 100 miles of its coast, including limiting the number of tracts offered for lease.

In 1996, Florida Governor Lawton Chiles expressed appreciation to MMS for developing a program that recognized the need to exclude any tracts within 100 miles of Florida's coasts.

The sale area, with full recognition by Florida, including Florida congressional delegation, was specifically excluded from current leasing moratoria language under both Congressional action and President Clinton's 1998 Executive order.

Other tracts are expected to be deferred to assure smooth operations when the military and industry operate in the same area.

Sale 181 is a regional opportunity that impacts 5 Gulf States; all 5 Gulf States were consulted. Mississippi, Alabama, Louisiana, and Texas support Sale 181.

These States will enjoy significant economic benefits as a result of exploration and production activities in the area.

In addition, the coastal area of Louisiana will be the most heavily impacted of the five States.

The impact on Florida will be minimal. Many tracts in the sale area are closer to Louisiana, Mississippi, and Alabama than to Florida. In fact, Cuba is closer to Florida shore than is this lease.

Parts of the sale area come within about 40 miles of Mississippi, 64 miles of Louisiana, and about 18 miles of Alabama.

Florida could benefit significantly from Sale 181. Florida's population is expected to grow by 29 percent between now and 2020.

Florida's total demand for natural gas is expected to grow by 142 percent during the same period.

About two-thirds of this growth in demand is for natural gas to generate electricity.

Some of the potential 7.8 trillion cubic feet of natural gas that could be produced from Sale 181 could help meet the State's significant demand for natural gas during this time.

Making more natural gas available to Florida utilities for electricity generation should lead to better air quality in the state.

Mr. MCCAIN. Mr. President, I would like to clarify for the RECORD why I voted to table the Durbin amendment to H.R. 2217, the Interior appropriations bill for fiscal year 2002.

First of all, once national monuments are designated, similar to other federal designations, those lands are withdrawn from any further mining activity, with exception to existing

leases. My understanding is that nearly all of the recent monuments designated by the prior Administration are protected in this manner. Only one of the newly established monuments in Colorado has specific provisions in its proclamation that could potentially allow some type of oil or gas mining development. Unless the Congress or the President by executive action changes the terms of the original proclamation that established these monuments, these lands areas are protected. I would imagine that such changes would be difficult to approve.

The second reason I opposed this amendment is that I object to the process by which many of these monuments were designated by the previous Administration. If important land use issues like this one had been thoroughly evaluated during an open and fair public process prior to the monument designation, the Senate would not have to vote on this type of amendment. The use of the 1906 Antiquities Act is not an appropriate way to unilaterally cut off millions of acres of land from public use by fiat nor does it allow for the type of open and fair input to those living and working on and near those lands. Our democratic process should promote such procedural fairness and consultation.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

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

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, no matter what other issues are discussed in this Senate, what other concerns are brought before the body, the Nation's attention is turned again to the issue of campaign finance reform, the seemingly never-ending effort to restore integrity to this process and change the Nation's campaign finance laws.

In March, the Senate passed a comprehensive and workable piece of legislation; it required 2 weeks and 22 amendments. One of those amendments I offered together with my colleagues, Senator CORZINE, Senator DURBIN, and Senator ENSIGN. It was the other part of the equation: As we reduce the amount of money that is raised, to reduce the amount that must by necessity be spent.

Campaign spending in America is easily defined. It is used for television overwhelmingly: 80 or 85 percent of the cost of the Senate campaign goes to a television network.

This amendment was passed overwhelmingly by the Senate. I take the floor today because it is now in jeopardy. It is unconscionable, while the American people have demanded a control on the amount of political money being spent in America, unconscionable while this Congress has fought for campaign finance reform, the broadcast industry is fighting to the death to reverse this amendment in the House of Representatives and allow the television networks to charge whatever they want to charge for political advertising.

I take the floor today as one who has voted for campaign finance reform since I came to the Congress 18 years ago. I have always voted for campaign finance reform. I always want to vote for it because I believe the system must be fundamentally changed to restore integrity to the system and gain the confidence of the American people.

I take the floor to make this very clear: Reducing campaign fundraising without reducing the cost of campaigns is not reform. That reduces the amount of communication. It makes it more difficult for the political parties and candidates to communicate their message. This cannot be reform. This is silencing political debate in America.

The bill that passed this Senate reduced the amount of soft money, eliminated the amount of soft money and, correspondingly, in a balanced fashion, dealt with this cost of advertising.

In 1971, the Congress believed we had faced this problem and required the charging of the lowest unit charge. Over 30 years, the law became ineffective. That is why I offered this amendment. This chart shows, by 1990, an audit by the FEC found that 80 percent of television stations were failing to give the lowest rate. These are examples from around the country. The price of a typical ad is a percent greater than the lowest rate that should have been offered: NBC in New York, 21 percent higher than by law should have been charged; WXYZ in Detroit, 124 percent; KGO, San Francisco, 62 percent higher than the lowest rate. These are the numbers that convinced 69 Democrats and Republicans in the Senate to pass this amendment.

The second reason for the amendment is that stations are charging candidates the lowest rate, looking back 365 days. So they cannot simply charge the lowest rate available on that day, which they were not doing anyway, but had to look back for what was the lowest rate during the course of the year. The fact is, the broadcast industry in America has been profiteering at the expense of the political system. There is not another democracy in the world where the public airwaves, licensed to private companies, are used for profiteering and price gouging when a public candidate attempts to communicate with people in the country.

The patterns are quite clear. This chart indicates the percentage of ads sold above or below the lowest unit cost per station. Below the unit rate, Philadelphia, KYW, 9 percent; Detroit, XYZ, 8 percent; Los Angeles, one of the better in the country, is only 63 percent. NBC in New York, 15 percent of their ads are sold in accordance with the 1971 law at the lowest unit rate.

It isn't that the law is not being obeyed; it is being violated wholesale. Compliance with the law is the rare, rare, exception.

Here is the magnitude of the problem. In the 2000 political season, political advertisers spent $1 billion on television ads; $1 billion was raised, fundraiser by fundraiser, mailer by mailer, telephone call by telephone call. And an extraordinary percentage of this advertising, if it had been paid for at the lowest unit rate, would have saved hundreds of millions of dollars in political fundraising.

My message out of this, I hope, is clear. I speak not to my colleagues, but I speak to the broadcast industry, to the network televisions, which since the 2000 Presidential campaign have carried on a campaign of their own, criticizing the political community, attacking individual candidates, railing against the problems of political fundraising.

Instead of being part of the problem, be part of the solution. Campaign finance reform does not simply mean the Democrat and Republican Parties. It means ABC, NBC, CBS. It means you. Get your lobbyists out of the House of Representatives, out of these Chambers, and be part of a solution of campaign finance reform. Allow a balanced piece of legislation to pass this Congress that deals with this problem.

The National Association of Broadcasters has been fighting against this provision in an exercise of their own greed on two myths: First, that this will lead to perpetual campaigns because the low rates will mean this will go on and on forever in advertising.

That simply is not the case. The look-back will only allow the lowest rates for 365 days. Mr. SHAYS and MEEHAN have only proposed 180 days. That is the extent, in the primary season, campaigns are taking place anyway. The campaigns will not be longer; they will just be less expensive. And that is the problem for the broadcasters.

Second, that this is somehow unconstitutional, that we are taking private property. For 30 years this has already been the law. The broadcasters, as a condition of their license, are required to do public broadcasting, sometimes children's broadcasting. They comply with all kinds of Federal requirements as a condition of having a public license. This is one more, but it is not even a new requirement. For 30 years we have required them to sell at the lowest unit rate. They simply are not doing it. We are just strengthening the law; we are not fundamentally changing the law.

Third, they allege the amendment could force a TV station to sell a 30-second spot during a prime time television show for a de minimus amount of money. Actually, that would not be bad if it were true, but it is not. The FCC, in mediating pricing disputes under the law as it now stands, has always taken viewership levels into account, that they must be comparable.

You cannot take a 2 o'clock in the morning television show that sells at a discount rate and compare it with prime time. It simply is not true.

Fourth, the broadcasters say lowering the costs of candidate advertising will result in candidates running more ads. As my friend MITCH MCCONNELL commented on occasion, the Nation does not suffer from too much political discussion. It would not be a bad thing if there were more advertising, discussing more issues. But that is probably not the result of this amendment. It simply means candidates will raise less money because of campaign finance reform and hopefully be able to have the same amount of advertising because rates are lower.

This is all part and parcel of eliminating a major source of revenue for the broadcasters, and that is the problem. Political advertising is a paid form, in my judgment, of community service. This is not running a public service ad for the Boy Scouts, but it should not be akin to charging General Motors to advertise a new car either. And that is exactly what has happened.

Here, political ads have now become the third highest source of revenue for the broadcasters. In 1998, the automobile industry was the source of 25 percent of advertising dollars in America. Political candidates, using the public airwaves to discuss public policy issues under campaign finance law restrictions, are 10 percent of advertising dollars in America. This is growing faster than any other component of advertising in the Nation. Political advertising is not an industry; it is how we conduct public policy in a democracy. That is why we have offered this amendment as well.

This legislation will be voted upon in the House of Representatives in only another day. The House of Representatives has a choice that was before this Senate. The national broadcasters have spent $19 million since 1996 to lobby this Congress. They have spent $11 million to defeat no fewer than 12 campaign finance bills that would have reduced the cost of candidate advertising. It is unconscionable and it is wrong. It is also hypocrisy. The very news departments and executives that come to this Congress and complain about the state of politics in America, the lack of public confidence, the declining levels of integrity in the public discourse because of campaign fundraisers, are now a principal obstacle to reform.

I want to vote for McCain-Feingold when that legislation returns to this Senate after a conference, but I will make it very clear: Restricting campaign fundraising with no restriction on the cost of campaign advertising, in the region of the country in which I live, and Los Angeles and Chicago and Miami and Boston and other large cities in America, means that candidates will not be able to communicate with the public. There will be no independent means of the political parties actually getting their message to American voters.

I am prepared to vote to limit campaign spending, to eliminate soft money, but the test, in my judgment, at least for the region of the country in which I live, is whether we can overcome this hurdle of the broadcasters as well.

Mr. President, I hope the House of Representatives meets its responsibility. I hope we can get a bill that in good conscience many of us in the Senate can vote to support.

I yield the floor.

H–2A REFORM

Mr. BURNS. Mr. President, I rise today to express my support of the Agriculture Job Opportunity, Benefits, and Security Act of 2001. I am proud to join my colleague Senator CRAIG as a cosponsor of this important legislation.

I am a strong believer that American workers should have the first chance to have American farm and ranch jobs. However, when there are not enough American workers, our agricultural producers should be able to find farmworkers elsewhere. Under the current H–2A agricultural guest worker program, producers are required to go through a lengthy, uncertain, and undoubtedly costly process to demonstrate to the Federal Government that American workers are not available in order to gain authorization for guest workers. During this long process, Montana crops are not being harvested and cattle and sheep herds are not being tended to the degree they require. A General Accounting Office study recently found that the Government's inefficiency in processing such claims discourages use of the program. As a result, the Federal Government estimates that only half of this country's 1.6 million agricultural workers are authorized to work in the U.S., and the figure may be higher since the estimate is based on self-disclosure by illegal workers.

Let me give you an example of how H–2A reform will benefit real producers. We have a number of large sheep operations in Montana. All of these sheep need to be sheared in the spring of the year, and as any sheep rancher will tell you, this is a job that needs to be done quickly, safely, and accurately. Shearers need to pay close attention to detail, lest sheep could be severely injured. With the number of sheep ranches in this country dwindling, there are few Americans who shear professionally, so guest workers from countries such as Argentina must be brought in to do the job. Reform of the H–2A program would make this process easier for our sheep producers.

It is high time we reformed the H–2A program. This legislation will replace the current system with a more efficient process for certification of H–2A employers looking to hire agricultural guest workers. It will also replace the current, unrealistic premium wage mandated for H–2A employers with the standard, minimum wage. Employers will continue to furnish housing and transportation to H–2A workers.

This bill makes sense for producers in Montana, Senator CRAIG's home State of Idaho, and other agricultural States across the country. It also provides a better environment for our guest workers. I look forward to working with my colleagues on this important legislation.

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 January 14, 1999 in El Dorado, AR. Thomas Gary, 38, was run over by a truck he owned after he suffered a blow to the head and shotgun injuries that killed him. Chuck Bennett, 17, who has been charged with the crime, claimed that Gray made a sexual advance toward him.

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.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 10, 2001, the Federal debt stood at $5,710,436,329,428.99, five trillion, seven hundred ten billion, four hundred thirty-six million, three hundred twenty-nine thousand, four hundred twenty-eight dollars and ninety-nine cents.

One year ago, July 10, 2000, the Federal debt stood at $5,662,950,000,000, five trillion, six hundred sixty-two billion, nine hundred fifty million.

Five years ago, July 10, 1996, the Federal debt stood at $5,148,771,000,000, five trillion, one hundred forty-eight billion, seven hundred seventy-one million.

Ten years ago, July 10, 1991, the Federal debt stood at $3,533,712,000,000, three trillion, five hundred thirty-three billion, seven hundred twelve million.

Fifteen years ago, July 10, 1986, the Federal debt stood at $2,071,214,000,000, two trillion, seven-one billion, two hundred fourteen million, which reflects a debt increase of more than $3.5 trillion, $3,639,222,329,428.99, three trillion, six hundred thirty-nine billion, two hundred twenty-two million, three hundred twenty-nine thousand, four hundred twenty-eight dollars and ninety-nine cents during the past 15 years.

ADDITIONAL STATEMENTS

PAYING TRIBUTE TO THE KNOLL MOTEL IN BARRE, VERMONT

• Mr. LEAHY. Mr. President, I rise today to pay tribute to the Knoll Motel in Barre, VT, a pioneer establishment of the VT tourism industry.

In April 2000, the Knoll Motel celebrated its 50th anniversary of offering warm and courteous hospitality to visitors of the Green Mountain State. Founded in April of 1950, it is the State's first and longest operating motel.

During the period following World War II, the number of Americans traveling for recreational purposes increased dramatically. As more and more citizens traveled the country's expanding network of highways, the touring public were in need of economical and conveniently located overnight accommodations. Responding to this trend, the American tourist industry established motels that catered to the needs of family highway travelers.

Recognizing the economic potential associated with the growing tourist industry in Vermont, Stanley and Minnie Sabens established the Knoll Motel on 1015 North Main Street in Barre. Located near the State Capital, Montpelier, and what eventually became Interstate 89, the original eight-room facility became a model for the motel industry in Vermont, where tourism is vital to the success of the state's economy.

Keeping with Vermont's proud tradition of family-owned businesses, Stanley Sabens II has assumed the management of the Knoll Motel, ensuring that future generations of visitors to Vermont will be able to enjoy the Sabens' hospitality for years to come.

I congratulate the Sabens family and the Knoll Motel for their many years of service to Vermont and its visitors, and I wish them success in the future.•

IN MEMORY OF ROSEMARIE MAHER

• Mr. MURKOWSKI. Mr. President, I rise today to speak in remembrance of a wonderful Alaskan, Mrs. Rosemarie Maher, the President and Chief Operating Officer of the Doyon Native Regional Corp. based in Fairbanks, Alaska.

On Monday, I attended the moving memorial service in Fairbanks in Rosemarie's Maher's honor, who tragically died quite suddenly last week at far too young an age—53. Along with my wife Nancy, I want to express my deepest sympathies to Rosemarie's husband, Terry J. Maher, their children: Malinda and husband Jim Holmes, Warren J. and wife Angela Westfall, and Kerry-Rose and Kevin Maher, and all other family members.

I also want to express my condolences to the employees and all of the nearly 14,000 shareholders of Doyon Ltd. upon the death of a very dedicated and talented woman, who successfully advanced the causes of both Doyon members and of all Alaska Natives.

Rosemarie Maher showed uncommon grace and perseverance during her three decade career working on behalf of Alaska Natives. For 21 years, she served as a member of the Doyon corporation's board of directors and assumed the role of daily leadership of the corporation under such difficult circumstances in winter 2000.

Rosemarie Maher began her involvement in Alaska Native organizations and public service while still in her 20's. As a devoted wife and mother, she helped to steer development of several organizations, including the Interior Village Association and the Tanana Chiefs Conference. In 1979, she was first elected to the Doyon Ltd. Board of Directors. Seven years later, she was elected Chairman of the Board, a position she held until her appointment as President and Chief Executive Officer after the tragic plane-crash death in January 2000 of long-time Doyon President Morris Thompson.

Mrs. Maher was born in a fish camp on the Nabesna River near her home of Northway along the Alaska Highway in Central Alaska. As a child she was raised as a traditional Athabascan Indian, but as a young teen she was educated at Sheldon Jackson School in Sitka and later at East High School in Anchorage. After graduating from high school, she trained at Alaska Business College and in 1969 moved to Fairbanks, working for several U.S. Government agencies.

During the mid 1970s, Mrs. Maher moved back to Northway where she was elected President of the Northway Village Council and helped form the Upper Tanana Alcohol Program in the Tok area. She also played a key role in the incorporation of Greater Northway Inc., the non-profit organization formed to administer local infrastructure and economic development projects in the region. She was a shareholder of Northway Natives Inc., the Alaska Native Claims Settlement Act Village Corporation for Northway, serving as the first President of that organization. She also was President of Naabia Niign, a Northway Native subsidiary.

From 1976 to 1984 she entered governmental public service as a member of the Alaska Gateway School District Board and was a director of the Northwest Regional Education Lab, a nonprofit, federally and privately funded educational research organization based in Portland, Ore. She also was a member of the Teamsters Union, working summers in road construction and hazardous waste cleanup between 1992 and 2000.

At the statewide level, Rosemarie served as Co-Chair of the Alaska Federation of Natives from 1997–2000 and was a member of the Alaska Board of Game. She also served as a member of the Governor's Commission on Local Governance and Empowerment and on the Governor's Highway and Natural Gas Policy Council.

Rosemarie truly did commit her life to the success of Alaska Native corporations and to the betterment of her neighbors and of all Alaska Natives. Her death is a great loss, not just to Doyon and her Native culture, but to all who knew and loved her. Again our deepest sympathies to her family and friends. She will always be remembered with great fondness.•

MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 168. Concurrent resolution expressing the sense of Congress in support of victims of torture.

H. Con. Res. 170. Concurrent resolution encouraging corporations to contribute to faith-based organizations.

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.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 168. Concurrent resolution expressing the sense of Congress in support of victims of torture; to the Committee on the Judiciary.

H. Con. Res. 170. Concurrent resolution encouraging corporations to contribute to faith-based organizations; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2711. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Assistance Regulation; Administrative Amendment'' (RIN1991–AB58) received on July 9,

2001; to the Committee on Energy and Natural Resources.

EC–2712. A communication from the Director of the Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities'' (RIN2900–AK08) received on July 10, 2001; to the Committee on Veterans' Affairs.

EC–2713. A communication from the Acting Administrator of the Small Business Administration, transmitting, pursuant to law, a report concerning Minority Small Business and Capital Ownership Development for Fiscal Year 2000; to the Committee on Small Business and Entrepreneurship.

EC–2714. A communication from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Designation of Round III Urban Empowerment Zones and Renewal Communities'' (RIN2506–AC09) received on July 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2715. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Prohibited Purchasers in Foreclosure Sales of Multifamily Projects with HUD–Held Mortgages and Sales of Multifamily HUD-Owned Projects'' (RIN2501–AC89) received on July 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2716. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period from October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2717. A communication from the Acting Chief Administrative Officer/Secretary of the Postal Rate Commission, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Chairman/Commissioner, received on July 10, 2001; to the Committee on Governmental Affairs.

EC–2718. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to sexual harassment complaints and sexual misconduct for Fiscal Year 1998; to the Committee on Armed Services.

EC–2719. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–2720. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Administrative/Management Support function at Naval Air Systems Command, Naval Air Warfare Center Aircraft Division at Lakehurst, Ocean County, New Jersey; to the Committee on Armed Services.

EC–2721. A communication from the Assistant Secretary of the Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Employee Retirement Income Security Act of 1974; Rules and Regulations for Administrative and Enforcement; Claims Procedure'' (RIN1210–AA61) received on July 9, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2722. A communication from the Assistant Secretary for Administrative and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Wage and Hour Administrator, EX–V, Wage and Hour Division, received on July 10, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2723. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of acting officer for the position of Wage and Hour Administrator, EX–V, received on July 10, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2724. A communication from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''National Automated Immigration Lookout System (NAILS); Immigration and Naturalization Service (INS)'' (Justice/INS–032) received on July 10, 2001; to the Committee on the Judiciary.

EC–2725. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Refugee Resettlement Program for the period from October 1, 1998 through September 30, 1999; to the Committee on the Judiciary.

EC–2726. A communication from the Chief of the Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Service Obligation Reporting Requirement for USMMA Graduates and State Maritime School Graduates'' (RIN2133–XX01) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2727. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and EMB 145 Series Airplanes'' ((RIN2120–AA64)(2001–0282)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2728. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–300 Series Airplanes'' ((RIN2120–AA64)(2001–0278)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2729. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB 2000 Series Airplanes'' ((RIN2120–AA64)(2001–0279)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2730. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 10 Series Airplanes'' ((RIN2120–AA64)(2001–0280)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2731. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 120 Series Airplanes'' ((RIN2120–AA64)(2001–0281)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2732. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAe 125 Series 800A (C–29A and U–125 Military), 1000A, and 1000B Airplanes; Hawker 800 (U–125A Military) Airplanes, and Hawker 800 XP and 1000 Series Airplanes'' ((RIN2120–AA64)(2001–0275)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2733. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 200, 300 and 747SP Series Airplanes'' ((RIN2120–AA64)(2001–0276)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2734. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–300, 400, 500, 600, 700, 800, 757–200, 200PF, 200CB, and 757 300 Series Airplanes'' ((RIN2120–AA64)(2001–0277)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2735. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–800 Series Airplanes'' ((RIN2120–AA64)(2001–0272)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2736. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes'' ((RIN2120–AA64)(2001–0271)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2737. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Kaman Aerospace Corp Model K 1200 Helicopters'' ((RIN2120–AA64)(2001–0270)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2738. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 155B Helicopters'' ((RIN2120–AA64)(2001–0269)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2739. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters'' ((RIN2120–AA64)(2001–0267)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2740. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Inc., Model 205A, B, 212, 412, 412EP, and 412CF Helicopters'' ((RIN2120–AA64)(2001–0268)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2741. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives:

Boeing Model 747–100, 200, 300, 747 SP and 747 SR Series Airplanes; Powered by P and W JT9D–3 and –7 Series Engines'' ((RIN2120–AA64)(2001–0265)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2742. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9–81, 82, 83, and 87 Series Airplanes and MD 88 Airplanes'' ((RIN2120–AA64)(2001–0264)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2743. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(2001–0262)) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2744. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 1'' received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2745. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Amendment to the Steller Sea Lion Emergency Interim Rule (removes seasonal allocation of Pacific halibut prohibited species catch apportioned to the ''shallow water trawl fishery'' and closes that fishery)'' (RIN0648–AO82) received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2746. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Pacific halibut and Red King Crab By Catch Rate Standards for the Second Half of 2001'' received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2747. A communication from the Deputy Chief of the Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Charge Reform, CC Docket No. 95–262, Order'' (FCC 01–166) received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2748. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Recreational Fishery; Retention Limit Adjustments'' (I.D. 051701G) received on July 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2749. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Security Requirements for Unclassified Information Technology Resources'' (48 CFR Parts 1804 and 1852) received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2750. A communication from the Secretary of the Army and the Secretary of Agriculture, transmitting jointly, pursuant to law, a report relative to the interchange jurisdiction of Army and National Forest Service lands at Fort Leonard Wood Military Reservation in the State of Missouri; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2751. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Uruguay Because of Foot-and-Mouth Disease'' (Doc. No. 00–11–2) received on July 10, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2752. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the State of Michigan, et al.; Modifications to the Rules and Regulations under the Tart Cherry Marketing Order'' (Doc. No. FV01–930–3 IFR) received on July 10, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2753. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Federal Climate Change Expenditures; to the Committee on Foreign Relations.

EC–2754. A communication from the Deputy Director of the United States Trade and Development Agency, transmitting, pursuant to law, the report of the discontinuation in acting role and a nomination confirmed for the position of Director, received on July 5, 2001; to the Committee on Foreign Relations.

EC–2755. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the Central African Republic; to the Committee on Foreign Relations.

EC–2756. A communication from the Assistant Secretary of Legislative Affairs, Department of States, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Application for Nonimmigrant Visas: XIX Olympic Winter Games and VIII Paralympic Winter Games in Salt Lake City, Utah, 2002; to the Committee on Foreign Relations.

EC–2757. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Documentation of Immigrants under the Immigration and Nationality Act, as amended—Diversity Visas'' (22 CFR Part 42) received on July 5, 2001; to the Committee on Foreign Relations.

EC–2758. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Douglas Jay Feith, of Maryland, to be Under Secretary of Defense for Policy.

*Jessie Hill Roberson, of Alabama, to be an Assistant Secretary of Energy (Environmental Management).

*Jack Dyer Crouch, II, of Missouri, to be an Assistant Secretary of Defense.

*Steven John Morello, Sr., of Michigan, to be General Counsel of the Department of the Army.

*Michael Montelongo, of Georgia, to be an Assistant Secretary of the Air Force.

*Michael W. Wynne, of Florida, to be Deputy Under Secretary of Defense for Acquisition and Technology.

*Dionel M. Aviles, of Maryland, to be an Assistant Secretary of the Navy.

By Mr. WARNER for the Committee on Armed Services.

*Susan Morrisey Livingston, of Montana, to be Under Secretary of the Navy.

*Peter W. Rodman, of the District of Columbia, to be an Assistant Secretary of Defense.

*Thomas P. Christie, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense.

*Diane K. Morales, of Texas, to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

*William A. Navas, Jr., of Virginia, to be an Assistant Secretary of the Navy.

*Reginald Jude Brown, of Virginia, to be an Assistant Secretary of the Army.

*John J, Young, Jr., of Virginia, to be an Assistant Secretary of the Navy.

*Alberto Jose Mora, of Virginia, to be General Counsel of the Department of the Navy.

*Stephen A. Cambone, of Virginia, to be Deputy Under Secretary of Defense for Policy.

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

*Kay Coles James, of Virginia, to be Director of the Office of Personnel Management.

*Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2005.

*Nomination was reported with recommendation that it be confirmed subject to nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mr. THOMPSON):

S. 1162. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, to provide for a 9.6 percent increase in judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. CARPER, and Mr. SCHUMER):

S. 1163. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EDWARDS:

S. 1164. A bill to provide for the enhanced protection of the privacy of location information of users of location-based services and applications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself, Mr. KOHL, and Mr. REED):

S. 1165. A bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DEWINE):

S. 1166. A bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mr. HAGEL):

S. 1167. A bill to amend the Immigration and Nationality Act to permit the substitution of an alternative close family sponsor in the case of the death of the person petitioning for an alien's admission to the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. STEVENS, Mr. REID, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, and Mr. SARBANES):

S. Res. 126. A resolution expressing the sense of the Senate regarding observance of the Olympic Truce; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, and Mr. THURMOND):

S. Res. 127. A resolution commending Gary Sisco for his service as Secretary of the Senate; considered and agreed to.

By Mr. TORRICELLI (for himself, Mr. CORZINE, Mr. KERRY, Mr. ALLEN, Mr. WELLSTONE, Mr. THOMAS, and Mr. BROWNBACK):

S. Res. 128. A resolution calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 252

At the request of Mr. VOINOVICH, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 356

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 356, a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase.

S. 358

At the request of Mr. BREAUX, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 358, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes.

S. 392

At the request of Mr. SARBANES, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 527

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 527, a bill to amend the Internal Revenue Code of 1986 to exempt State and local political committees from duplicative notification and reporting requirements made applicable to political organizations by Public Law 106–230.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 694

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 706

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) 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 Washington (Ms. CANTWELL) 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. 742

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. 744

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 744, a bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law.

S. 778

At the request of Mr. HAGEL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor 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.

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 778, supra.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 834

At the request of Mr. MURKOWSKI, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 834, a bill to provide duty-free treatment for certain steam or other vapor generating boilers used in nuclear facilities.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor 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. 838

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 866

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 870

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for public-private partnerships in financing of highway, mass transit, high

speed rail, and intermodal transfer facilities projects, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor 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. 917

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 937

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 937, a bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance the Montgomery GI Bill by members of the Armed Forces, and for other purposes.

S. 972

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 972, a bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 979, a bill to amend United States trade laws to address more effectively import crises, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1018

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1018, a bill to provide market loss assistance for apple producers.

S. 1021

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1021, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004.

S. 1098

At the request of Mr. SMITH of Oregon, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of 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.

S. 1140

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. CON. RES. 53

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. THOMPSON):

S. 1162. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, to provide for a 9.6 percent increase in judicial salaries, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise, along with Senator THOMPSON, to introduce legislation to restore pay equity for our Federal judges. This legislation would guarantee judges automatic and annual cost-of-living adjustments, COLAs, just like other rank-and-file Federal employees.

In addition, the legislation would end a decade of Federal judicial salary neglect by giving judges a one-time salary increase of 9.6 percent. In the past decade, Congress has denied COLAs for judges in four separate years, in 1994, 1995, 1996, and 1998. This bill would restore to Federal justices the four COLAs they have lost.

In his year-end report on the state of the Federal Judiciary, Chief Justice William Rehnquist called the ''the need to increase judicial salaries'' the most pressing issue facing the Federal judiciary.

Simply put, while government service offers its own rewards, we should not create financial disincentives to service on the Federal bench.

Federal judges bear enormous responsibility as they preside over the most pressing legal issues. Often, they must render life-or-death decisions or preside over cases with millions of dollars at stake. For this vitally important work, they deserve appropriate compensation.

Recently, Congress took some action to restore equity in Federal salaries by doubling the salary of the President of the United States from $200,000 to $400,000.

Congress should now consider an appropriate pay adjustment for the Federal judiciary. As of January 2001, Federal district judges receive an annual salary of $145,000. If judges had received the COLAs to which they were entitled, a Federal District judge's salary would actually be $164,700, nearly $20,000 higher.

Now, $145,000 is a lot more money than the salary of a typical worker but it is not so high when you compare it to equivalent positions of authority in the private sector. For example, the average partner in a major national law firm earns well over $500,000 per year.

It is even more striking to note that major national law firms are offering first-year associates salaries topping $125,000 a year. With bonuses, some of these newly minted lawyers are earning more than appellate judges.

The bottom line is that we cannot expect to keep our country's best lawyers interested in serving on the Federal bench if we continue to denigrate the salary of the post. Just since 1993, the salary of Federal judges, adjusted for inflation, has declined by 13 percent.

Not surprisingly, more and more judges are leaving the Federal bench. Between 1991 and 2000, 52 Federal judges resigned their seats, many of them for the purposes of returning to private practice. These 52 judges represent 40 percent of the 125 Federal judges who have left the bench since 1965.

Attorneys should not expect to become wealthy through an appointment as a Federal judge. Neither should judges expect to have their salaries eroded by Congress' failure to give them Cost-of-Living Adjustments.

Preserving judicial salaries is vital to maintaining the high quality of our Federal judiciary. I look forward to working with my colleagues in the Senate to restore fairness to judicial compensation.

By Mr. CORZINE (for himself, Mr. CARPER, and Mr. SCHUMER):

S. 1163. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, I am pleased to join with my distinguished colleague, Senator CARPER, in introducing legislation, the FHA Multifamily Housing Loan Limit Adjustment Act, that would improve access to affordable housing.

Our Nation currently faces a critical housing shortage. A report released recently by the Center for Housing Policy, ''Housing America's Working Families,'' documented the overwhelming need for affordable housing. The report indicates that in 1997, nearly 14 million families had a critical housing need, meaning they either lived in substandard housing conditions or spent

more than half their monthly income on the cost of housing. The FHA Multifamily Housing Loan Limit Adjustment Act would provide America's working families with increased access to affordable rental housing.

The bill is simple, it increases by 25 percent the statutory limits for multifamily project loans that can be insured by the FHA. This increase reflects the increased costs associated with the production of multifamily units since 1992, when these limits were last revised. The bill also would index the loan limits for inflation and increases to the Annual Construction Cost Index, which is published by the Census Bureau.

Rising construction costs have resulted in a shortage of moderately priced affordable rental units. Rent increases now exceed inflation in all regions of the country, and new affordable rental units have become increasingly harder to find. Because of the current dollar limits on loans, FHA insurance cannot be used to help finance construction in high-cost urban areas such as the New York/New Jersey metropolitan area, Philadelphia and San Francisco.

By increasing the limits on loans for rental housing we will create more incentives for public/private investment in communities through America and spur the new production of cooperative housing projects, rental housing for the elderly, and new construction or substantial rehabilitation of apartments by for- and non-profit entities.

Late last year, Congress sought, through a number of initiatives, to implement programs aimed at increasing the production of affordable housing for the millions of Americans who currently face critical housing needs. For example, we expanded the Low Income Housing Tax Credit, the one Federal program designed to produce new housing. We also increased the supply of housing vouchers. However, these programs were targeted largely at families with very low incomes. Currently, there are no programs designed specifically to provide access to affordable rental housing for America's working middle class, the people who serve as the engine of our nation's economy. Far too many of these individuals, including vital municipal workers like teachers, nurses and police officers, are struggling to gain access to affordable housing even remotely near where they work.

Without this much-needed adjustment to the FHA multifamily loan limits, access to affordable housing for our working-citizens will continue to lag, thousands of more families will join the 14 million people who currently face severe housing needs and our nation's economy will suffer.

This bill is modeled after bipartisan legislation introduced in the House by my colleague from New Jersey, Congresswoman MARGE ROUKEMA, and Congressman BARNEY FRANK of Massachusetts. The bill is supported by housing and community advocates and has also been endorsed by the National Association of Home Builders, the National Association of Realtors, and the Mortgage Bankers Association.

I hope my Senate colleagues will support the legislation and help us ensure that America's working families have access to affordable housing.

Mr. CARPER. Mr. President, I am very pleased to join today with my distinguished colleague from new Jersey to introduce the FHA Multifamily Housing Mortgage Loan Limit Adjustment Act of 2001.

A recent report published by the National Housing Conference's Center for Housing Policy found that in 1997, nearly 14 million families either lived in substandard housing or spent more than half of their monthly income on housing costs. This affordable housing shortage also comes at a time of limited resources. Thus, we have to find the best use of each dollar at our disposal, as well as the most effective use of existing Federal programs to stimulate new production and substantial rehabilitation.

The Federal Housing Administration's, FHA, multifamily mortgage insurance is an important financing device for housing production. Unfortunately, production through this public/private partnership has been low in recent years. One of the reasons for FHA's absence from the rental housing market is that the multifamily loan limits have not been increased since 1992. While the annual Construction Cost Index, published by the Census Bureau, has increased over 23 percent since 1992, FHA's multifamily loan limits have remained static.

These rising construction costs have contributed to FHA's inability to be a significant participant in the production of multifamily housing. Increasing these loan limits by 25 percent, as this legislation does, is something Congress can do today to address immediately the shortage is affordable rental housing. This bill modifies a current federal program, FHA multifamily insurance, to make that program more effective. Importantly, this legislation also indexes the loan limits to the Annual Construction Cost Index.

I ask my colleagues to join with Senator CORZINE and me to increase these multifamily loan limits so that more working families will have access to affordable rental housing.

By Mr. EDWARDS:

S. 1164. A bill to provide for the enhanced protection of the privacy of location information of users of location-based services and applications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, I rise today to introduce much-needed legislation to protect the privacy of consumers who use technologies that can pinpoint their location. Under my bill, the Location Privacy Protection Act, any company that monitors consumers' physical location will be prohibited from using or disclosing that information without express permission from the consumer. And third parties that gain access to the information cannot use or disclose it without the individual's permission first.

Within the next few years, new technologies will allow companies to know our location any time of day or night. Our cell phones, pagers, cars, palm pilots and other devices will enable companies to constantly track where we go and how often we go there. These services can have enormous advantages. For example, public safety and rescue teams can save lives with systems that enable them to quickly locate crash victims. Imagine being able to ask your cell phone for directions to the nearest Italian restaurant. Or imagine you are traveling in a new city and your pager alerts you when you are within a block of your favorite coffee shop, which happens to be running a sale on coffee. The possibilities for location-based services and application are endless.

But these new technologies also raise serious privacy issues. Location information is very private, sensitive information that can be misused to harass consumers with unwanted solicitations or to draw inaccurate or embarrassing inferences about them. And in extreme cases, improper disclosure of location information to a domestic abuser or stalker could place a person in physical danger.

The wireless industry is unique in that it has worked with Congress to guarantee some privacy protections in the law, and it should be commended for recognizing the sensitivity of location information. However, although these laws are a good first step, we need to build on them and strengthen them. For example, although under the law customers must give their permission before wireless carriers can use or disclose their location information, the law does not require carriers to clearly notify consumers about how their location information will be used if they do grant their permission. Consumers also have no control over what happens to their information once third parties gain access to it. These parties are free to share it with anyone they please. And shockingly, there are no laws that protect the privacy of users of new technologies like telematics, services that allow drivers to get directions at the push of a button in their cars, and global positioning systems.

My legislation puts control over location information in the hands of the consumer. It requires the FCC to issue new regulations prohibiting all providers of location-based services and applications from collecting, using, disclosing, or retaining location information without the customer's permission first. And customers must be given clear and conspicuous notice about what the company is going to do

with their location information. Customers also will have the right to ensure the accuracy of the information that is collected and companies will be required to keep that information safe from unauthorized access.

Third parties will not be able to use or disclose location information without prior authorization from the customer. In this regard, my bill makes an exception if the third party is an emergency service. I believe that the FCC must be very careful not to interfere with the laws that have been carefully crafted to allow emergency medical rescue teams, public safety, fire services, hospital emergency facilities and other emergency services to respond to the user's call for help. These laws are critical to saving lives and I believe we should do everything we can to make sure they work.

I would also like to point out that while my bill requires that the FCC rules not interfere with the ability of law enforcement to obtain location information pursuant to an appropriate court order, it does not provide the FCC with extraordinary authority to control when law enforcement can and cannot gain access to location information. Although I have concerns about unnecessary and surreptitious government surveillance, I believe that this issue is best addressed either separately, or at a later date. The purpose of my bill is primarily to lay down guidelines for when private persons, such as businesses, are able to use and disclose consumers' location information.

The law needs to be strengthened, and we have the opportunity to do so while these location-based technologies are in their infancy. We have a unique opportunity to give consumers power over their location information before its commercial value becomes so great that it is impossible for consumers to prevent the buying and selling of this very personal information.

In sum, I believe the Location Privacy Protection Act is a common sense measure offered at an ideal time. I know that wireless carriers and many companies such as OnStar, ATX, Qualcomm and others care deeply about privacy. I applaud them for their efforts and I look forward to continuing working with them on this issue.

I ask unanimous consent that the text bill be printed in the RECORD.

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

S. 1164

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Location Privacy Protection Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Location-based services and applications allow customers to receive services based on their geographic location, position, or known presence. Telematics devices, for instance, permit subscribers in vehicles to obtain emergency road assistance, driving directions, or other information with the push of a button. Other devices, such as those with Internet access, support position commerce in which notification of points of interest or promotions can be provided to customers based on their known presence or geographic location.

(2) There is a substantial Federal interest in safeguarding the privacy right of customers of location-based services or applications to control the collection, use, retention of, disclosure of, and access to their location information. Location information is nonpublic information that can be misused to commit fraud, to harass consumers with unwanted messages, to draw embarrassing or inaccurate inferences about them, or to discriminate against them. Improper disclosure of or access to location information could also place a person in physical danger. For example, location information could be misused by stalkers or by domestic abusers.

(3) The collection or retention of unnecessary location information magnifies the risk of its misuse or improper disclosure.

(4) Congress has recognized the right to privacy of location information by classifying location information as customer proprietary network information subject to section 222 of the Communications Act of 1934 (47 U.S.C. 222), thereby preventing use or disclosure of that information without a customer's express prior authorization.

(5) There is a substantial Federal interest in promoting fair competition in the provision of wireless services and in ensuring the consumer confidence necessary to ensure continued growth in the use of wireless services. These goals can be attained by establishing a set of privacy rules that apply to wireless location information, regardless of technology, and to all entities and services that generate or receive access to such information.

(6) It is in the public interest that the Federal Communications Commission establish comprehensive rules to protect the privacy of customers of location-based services and applications and thereby enable customers to realize more fully the benefits of location services and applications.

SEC. 3. PROTECTION OF LOCATION INFORMATION PRIVACY.

(a) RULEMAKING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall complete a rulemaking proceeding for purposes of further protecting the privacy of location information.

(b) ELEMENTS.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2), the rules prescribed by the Commission under subsection (a) shall—

(A) require providers of location-based services and applications to inform customers, with clear and conspicuous notice, about their policies on the collection, use, disclosure of, retention of, and access to customer location information;

(B) require providers of location-based services and applications to obtain a customer's express authorization before—

(i) collecting, using, or retaining the customer's location information; or

(ii) disclosing or permitting access to the customer's location information to any person who is not a party to, or who is not necessary to the performance of, the service contract between the customer and such provider;

(C) require that all providers of location-based services or applications—

(i) restrict any collection, use, disclosure of, retention of, and access to customer location information to the specific purpose that is the subject of the express authorization of the customer concerned; and

(ii) not subsequently release a customer's location information for any purpose beyond the purpose for which the customer provided express authorization;

(D) ensure the security and integrity of location data, and give customers reasonable access to their location data for purposes of verifying the accuracy of, or deleting, such data;

(E) be technology neutral to ensure uniform privacy rules and expectations and provide the framework for fair competition among similar services;

(F) require that aggregated location information not be disaggregated through any means into individual location information for any commercial purpose; and

(G) not impede customers from readily utilizing location-based services or applications.

(2) PERMITTED USES.—The rules prescribed under subsection (a) may permit the collection, use, retention, disclosure of, or access to a customer's location information without prior notice or consent to the extent necessary to—

(A) provide the service from which such information is derived, or to provide the location-based service that the customer is accessing;

(B) initiate, render, bill, and collect for the location-based service or application;

(C) protect the rights or property of the provider of the location-based service or application, or protect customers of the service or application from fraudulent, abusive, or unlawful use of, or subscription to, the service or application;

(D) produce aggregate location information; and

(E) comply with an appropriate court order.

(3) ADDITIONAL REQUIREMENT.—Under the rules prescribed under subsection (a), any third party receiving, or receiving access to, a customer's location information from a provider of location services or applications pursuant to the express authorization of the customer, shall not disclose or permit access to such information to any other person without the express authorization of the customer.

(4) EXPRESS AUTHORIZATION.—

(A) FORM.—For purposes of the rules prescribed under subsection (a) and section 222(f) of the Communications Act of 1934 (47 U.S.C. 222(f)), the Commission shall specify the appropriate methods, whether technological or otherwise, by which a customer may provide express prior authorization. Such methods may include a written or electronically signed service agreement or other contractual instrument.

(B) MODIFICATION OR REVOCATION.—Under the rules prescribed under subsection (a), a customer shall have the power to modify or revoke at any time an express authorization given by the customer under the rules.

(c) APPLICATION OF RULES.—The rules prescribed by the Commission under subsection (a) shall apply to any person that provides a location-based service or application, whether or not such person is also a provider of commercial mobile service (as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

(d) RELATIONSHIP TO WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999.—The rules prescribed by the Commission under subsection (a) shall be consistent with the amendments to section 222 of the Communications Act of 1934 (47 U.S.C. 222) made by section 5 of the Wireless Communications and Public Safety Act of 1999 (Public Law

106–81; 113 Stat. 1288), including the provisions of section 222(d)(4) of the Communications Act of 1934, as so amended, permitting use, disclosure, and access to location information by public safety, fire services, and other emergency services providers for purposes specified in subparagraphs (A), (B), and (C) of such section 222(d)(4).

(e) STATE AND LOCAL REQUIREMENTS.—

(1) IN GENERAL.—No State or local government may adopt or enforce any law, regulation, or other legal requirement addressing the privacy of wireless location information that is inconsistent with the rules prescribed by the Commission under subsection (a).

(2) PREEMPTION.—Any law, regulation, or requirement referred to in paragraph (1) that is in effect on the date of the enactment of this Act shall be preempted and superseded as of the effective date of the rules prescribed by the Commission under subsection (a).

(f) DEFINITIONS.—In this section:

(1) AGGREGATE LOCATION INFORMATION.—The term ''aggregate location information'' means a collection of location data relating to a group or category of customers from which individual customer identities have been removed.

(2) CUSTOMER.—The term ''customer'', in the case of the provision of a location-based service or application with respect to a device, means the person entering into the contract or agreement with the provider of the location-based service or application for provision of the location-based service or application for the device.

By Mr. BIDEN (for himself, Mr. KOHL, and Mr. REED):

S. 1165. A bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce, along with Senator KOHL and Senator REED, the Juvenile Crime Prevention and Control Act of 2001. This is a balanced bill that recognizes the need to get tough on juvenile crime and violence, attempts to break the dangerous link between kids and guns, and, most importantly, puts the Federal Government firmly behind the proposition that preventing juvenile violence is the most effective crime fighting measure any of us could craft.

Before I discuss the specifics of the bill, let me give a brief overview of the current state of juvenile crime in America. Juvenile crime, like almost all other categories of crime, is down. Last December, the FBI released statistics that show the homicide arrest rate for juveniles down 68 percent from its 1993 peak. We are now experiencing the lowest rate of juvenile homicide arrests since 1966. Between 1994 and 1999, the arrest rate of juveniles for violent crimes, murder, rape, robbery, and aggravated assault, dropped 36 percent.

These statistics have not eased public concern about the scope and nature of juvenile crime. One 1998 poll showed that 62 percent of those asked believed juvenile crime was increasing. A poll conducted in 1999 revealed that 71 percent thought it likely that a shooting could occur in a school in their community. In the face of these popular perceptions, the Education Department reports that American children face a one in 2 million chance of being killed in their school.

Why the disparity? There are several reasons, in my opinion. First, and probably most importantly, while arrests of juveniles are unquestionably down, juvenile crime is still too high. The incidence of the most common crime committed by juveniles, property offenses, changed little throughout the last two decades. The rate of juvenile violent crime arrests has not yet returned to its 1988 level.

Second, and this cannot be understated, too many of our kids have access to guns, and those guns are finding their way into our Nation's schools at an alarming rate. A report released last year by the Education Department revealed that over 3,500 students were expelled in 1998 and 1999 for bringing guns to school, that's an average of 88 kids per week. The juvenile arrest rate for weapons crimes fell 39 percent from 1993 to 1999, but it too has not yet returned to 1988's low point.

Third, the American people understand that crime cannot stay down forever. I like to say that fighting crime is like mowing the grass, If you don't keep at it, it's going to come back up. We have good, demographic reasons to think this is particularly true in the case of juvenile crime. Today, there are approximately 39 million children younger than age 10. These kids, the children of the baby boom generation, stand on the edge of their teen years, the years when every reliable study reveals they are most at-risk of turning to drugs and crime.

What does this mean for juvenile crime? Even if we do everything right, even if we fund programs that work, put incorrigible juveniles behind bars, crack down on gun crimes, the demographic inevitability of this so-called ''baby boomerang'' means there is likely to be a 20 percent increase in juvenile murders by 2005. Such a jump would increase the overall murder rate by 5 percent. Our challenge is to make sure that does not happen.

We need to take another look at the Juvenile Justice and Delinquency Prevention Act of 1974. That Act expired on September 30, 1996, and, despite the good efforts of several Congresses, Members on both sides of the aisle, and the prior Administration, it has not been reauthorized. We should get that job done in the 107th Congress. The bill I introduce today includes provisions to reauthorize the Act, to fine tune some of its grant provisions, and to make some common sense changes to our firearms laws, changes that respect the rights of gun owners.

My bill reauthorizes the Community Prevention Grant Program, commonly known as Title V. It funds this critical juvenile crime prevention initiative at $250,000,000 per year for the next six years and mandates that no State would receive less than $200,000 in annual prevention grants. These funding levels would more than double juvenile crime prevention funding, enough resources for localities to implement a comprehensive delinquency prevention strategy and then fund smart prevention programs that work. In Delaware, Title V funds have been used to sponsor programs to reduce school violence, provide transition counseling to students returning to their local school from alternative school placement, reduce suspensions, expulsions, truancy, and teen pregnancy, and provide services to the children of incarcerated adult offenders. Prevention is the key to keeping our juvenile crime rate down, and we need to extend Title V to guarantee that these funds continue to flow to States and localities.

The bill also reauthorizes the Formula Grant Program for the next six years at $200,000,000 per year. I have included provisions to expand the permissible uses of these funds so as to make clear that employment training, mental health treatment, and other effective programs that meet the needs of children and youth in the juvenile system could be funded. The bill reauthorizes gang prevention programs and emphasizes the disruption and prosecution of gangs. It extends the juvenile justice mentoring program, and adds a pilot program to encourage and develop mentoring initiatives that focus on entire families. The bill also includes funds for grants to States to upgrade and enhance their juvenile felony criminal record histories.

My bill includes important provisions to continue the core protections for incarcerated youths that were included in the original Juvenile Justice and Delinquency Prevention Act of 1974. It continues the Act's function of protecting children from abuse and assault by adults in jails by prohibiting any contact between juveniles and adult inmates. The bill ensures that children are not detained in any jail or lockup for adults, except for very limited periods of time and under very limited circumstances. And it continues current law's requirement that States address the disproportionate number of minority children in confinement.

The bill authorizes $500,000,000 per year over the next six years for the Juvenile Accountability Block Grant program. Funded for the past three fiscal years, this program has never been authorized. Its purpose is to strengthen State juvenile justice systems. States would receive funds as long as they implement or consider implementing graduated sanctions, though this condition can be met through a reporting requirement. The language I have included in my bill is drawn from H.R. 863, a measure which is currently working its way through the other body. I am supportive of that measure, as it will provide much needed funds for States to hire additional prosecutors, juvenile court judges, probation officers, and court-appointed defenders and special advocates. In years past, my State has used these funds to establish

a Serious Juvenile Offender program through the Delaware Division of Youth Rehabilitative Services, which provides an immediate secure placement of violent youth offenders who have violated the terms of their probation. Delaware has also used these funds to expand diversionary programs such as Teen Court and Drug Court, thus reducing the time between arrest and disposition of juvenile offenders, and to add psycho-forensic evaluators in the Delaware Office of the Public Defender to identify and address mental illness as a cause for delinquent conduct. This is a good program and it needs to be authorized.

My bill also reauthorizes the Violent Crime Reduction Trust Fund. The Trust Fund, created in the 1994 Crime Bill, has been the key to our successful fight against crime over the past several years. Unfortunately, it expired in 2000. The Violent Crime Reduction Trust Fund was the vehicle for providing billions of dollars to State and local governments to implement a variety of law enforcement and crime-fighting initiative, from the COPS program to the Violence Against Women Act to youth violence programs. Without the Trust Fund, I fear we may not have the resources necessary to continue our struggle to keep our streets safe. I am pleased to include provisions in this bill that will extend the Fund through fiscal year 2007.

Finally, the bill I am introducing today includes several common sense gun safety provisions. First, it incorporates Senator REED's Gun Show Background Check Act. This language will ensure that criminals cannot purchase guns at gun shows, and I applaud Senator REED for his leadership in this area. Second, I have included Senator KOHL's Child Safety Lock Act. This moderate provision would require handguns to be sold with government-certified trigger locks. Studies indicate trigger locks save lives; I was pleased to see the Administration's endorsement of this idea in its budget request for the upcoming fiscal year; and I thank Senator KOHL for including his bill in this larger measure today. Third, the bill would extend the Brady Law to dangerous juvenile offenders. This provision would make it unlawful for any person adjudicated a juvenile delinquent for serious drug offenses or violent felonies to possess firearms. This is an important step toward getting guns out of the hands of criminals, and its enactment will prevent violent juveniles from accessing weapons and thus make it difficult for them to commit gun crimes as adults.

This is not a perfect bill, and I am not wedded to each and every line. I welcome comments from my colleagues, the juvenile justice community, and anyone interested in preventing and controlling juvenile crime. I am committed, however, to renewing our efforts to keep our children and our communities safe from crime and violence. I am committed to protecting our kids through meaningful prevention and intervention programs, to cracking down on drugs and the violence that accompanies them, and to ensuring that meaningful, appropriate and swift punishment is imposed on all juvenile offenders. I believe the Juvenile Crime Prevention and Control Act that I introduce today is an important step toward accomplishing these goals.

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. 1165

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Juvenile Crime Prevention and Control Act of 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—JUVENILE CRIME PREVENTION AND CONTROL

Sec. 101. Findings; declaration of purpose; definitions.
Sec. 102. Juvenile crime control and prevention.
Sec. 103. Juvenile offender accountability.
Sec. 104. Extension of violent crime reduction trust fund.

TITLE II—PROTECTING CHILDREN FROM VIOLENCE

Subtitle A—Gun Show Background Checks

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Extension of brady background checks to gun shows.

Subtitle B—Gun Ban for Dangerous Juvenile Offenders

Sec. 211. Permanent prohibition on firearms transfers to or possession by dangerous juvenile offenders.

Subtitle C—Child Safety Locks

Sec. 221. Short title.
Sec. 222. Requirement of child handgun safety locks.
Sec. 223. Amendment of consumer product safety act.

TITLE I—JUVENILE CRIME PREVENTION AND CONTROL

SEC. 101. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.

Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

''TITLE I—FINDINGS AND DECLARATION OF PURPOSE

''SEC. 101. FINDINGS.

''Congress finds that—

''(1) the juvenile crime problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(A) quality prevention programs that—

''(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether juveniles have ever been the victims of family violence (including child abuse and neglect); and

''(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts; and

''(2) action is required now to reform the Federal juvenile justice program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts.

''SEC. 102. PURPOSES.

''The purposes of this Act are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.

''SEC. 103. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention, appointed in accordance with section 201.

''(2) ADULT INMATE.—The term 'adult inmate' means an individual who—

''(A) has reached the age of full criminal responsibility under applicable State law; and

''(B) has been arrested and is in custody for, awaiting trial on, or convicted of criminal charges.

''(3) BUREAU OF JUSTICE ASSISTANCE.—The term 'Bureau of Justice Assistance' means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741).

''(4) BUREAU OF JUSTICE STATISTICS.—The term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(a)).

''(5) COLLOCATED FACILITIES.—The term 'collocated facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

''(6) COMBINATION.—The term 'combination' as applied to States or units of local government means any grouping or joining together of States or units of local government for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

''(7) COMMUNITY-BASED.—The term 'community-based' facility, program, or service means a small, open group home or other suitable place located near the home or family of the juvenile and programs of community supervision and service that maintain community and consumer participation in the planning, operation, and evaluation of those programs which may include, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

''(8) COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.—The term 'comprehensive and coordinated system of services' means a system that—

''(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of

preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

''(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

''(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

''(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency.

''(9) CONSTRUCTION.—The term 'construction' means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings).

''(10) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term 'Federal juvenile crime control, prevention, and juvenile offender accountability program' means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, violence, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

''(11) GENDER-SPECIFIC SERVICES.—The term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided.

''(12) GRADUATED SANCTIONS.—The term 'graduated sanctions' means an accountability-based juvenile justice system that protects the public, and holds juvenile delinquents accountable for acts of delinquency by providing substantial and appropriate sanctions that are graduated in such a manner as to reflect (for each act of delinquency or offense) the severity or repeated nature of that act or offense, and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender.

''(13) HOME-BASED ALTERNATIVE SERVICES.—The term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention.

''(14) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(15) JUVENILE.—The term 'juvenile' means a person who has not attained the age of 18 years and who is subject to delinquency proceedings under applicable State law.

''(16) JUVENILE POPULATION.—The term 'juvenile population' means the population of a State under 18 years of age.

''(17) JAIL OR LOCKUP FOR ADULTS.—The term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

''(A) pending the filing of a charge of violating a criminal law;

''(B) who are awaiting trial on a criminal charge; or

''(C) who are convicted of violating a criminal law.

''(18) JUVENILE DELINQUENCY PROGRAM.—The term 'juvenile delinquency program' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

''(A) drug and alcohol abuse programs;

''(B) any program or activity that is designed to improve the juvenile justice system; and

''(C) any program or activity that is designed to reduce known risk factors for juvenile delinquent behavior, by providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of juvenile delinquent behavior.

''(19) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term 'law enforcement and criminal justice' means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

''(20) NATIONAL INSTITUTE OF JUSTICE.—The term 'National Institute of Justice' means the institute established by section 201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721).

''(21) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

''(22) OFFICE.—The term 'Office' means the Office of Juvenile Crime Control and Prevention established under section 201.

''(23) OFFICE OF JUSTICE PROGRAMS.—The term 'Office of Justice Programs' means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711).

''(24) OUTCOME OBJECTIVE.—The term 'outcome objective' means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement in youth gangs, violent and unlawful acts of animal cruelty, and teenage pregnancy, among youth in the community.

''(25) PROCESS OBJECTIVE.—The term 'process objective' means an objective that relates to the manner in which a program or initiative is carried out, including—

''(A) an objective relating to the degree to which the program or initiative is reaching the target population; and

''(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

''(26) PROHIBITED PHYSICAL CONTACT.—The term 'prohibited physical contact' means—

''(A) any physical contact between a juvenile and an adult inmate; and

''(B) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

''(27) RELATED COMPLEX OF BUILDINGS.—The term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28, Code of Federal Regulations, as in effect on December 10, 1996.

''(28) SECURE CORRECTIONAL FACILITY.—The term 'secure correctional facility' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

''(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

''(29) SECURE DETENTION FACILITY.—The term 'secure detention facility' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

''(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

''(30) SERIOUS CRIME.—The term 'serious crime' means criminal homicide, rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

''(31) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(32) STATE OFFICE.—The term 'State office' means an office designated by the chief executive officer of a State to carry out this title, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

''(33) SUSTAINED ORAL AND VISUAL CONTACT.—The term 'sustained oral and visual contact' means the imparting or interchange of speech by or between an adult inmate and a juvenile, or clear visual contact between an adult inmate and a juvenile in close proximity.

''(34) TREATMENT.—The term 'treatment' includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

''(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

''(B) controlling or reducing their dependence and susceptibility to addiction or use.

''(35) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means—

''(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

''(B) any law enforcement district or judicial enforcement district that—

''(i) is established under applicable State law; and

''(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

''(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

''(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

''(i) the District of Columbia; or

''(ii) any Trust Territory of the United States.

''(36) VALID COURT ORDER.—The term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

''(A) who was brought before the court and made subject to the order; and

''(B) who received, before the issuance of the order, the full due process rights guaranteed to that juvenile by the Constitution of the United States.

''(37) VIOLENT CRIME.—The term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery; and

''(B) aggravated assault committed with the use of a firearm.

''(38) YOUTH.—The term 'youth' means an individual who is not less than 6 years of age and not more than 17 years of age.''.

SEC. 102. JUVENILE CRIME CONTROL AND PREVENTION.

(a) IN GENERAL.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended to read as follows:

''TITLE II—JUVENILE CRIME PREVENTION AND CONTROL

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

''SEC. 201. ESTABLISHMENT OF OFFICE.

''(a) IN GENERAL.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of Juvenile Crime Control and Prevention.

''(b) ADMINISTRATOR.—

''(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile delinquency prevention and crime control programs.

''(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, amounts made available under this title.

''(3) RELATIONSHIP TO ATTORNEY GENERAL.—The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have with the Attorney General.

''(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall—

''(1) be appointed by the Attorney General; and

''(2) perform such functions as the Administrator may assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

''(d) ASSOCIATE ADMINISTRATOR.—

''(1) IN GENERAL.—There shall be in the Office an Associate Administrator, who shall be appointed by the Administrator, and whose position shall be treated as a career reserved position within the meaning of section 3132 of title 5, United States Code.

''(2) DUTIES.—The duties of the Associate Administrator shall include informing Congress, other Federal agencies, outside organizations, and State and local government officials about activities carried out by the Office.

''(e) DELEGATION AND ASSIGNMENT.—

''(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this title, the Administrator may—

''(A) delegate any of the functions of the Administrator, and any function transferred or granted to the Administrator after the date of enactment of the Juvenile Crime Prevention and Control Act of 2001, to such officers and employees of the Office as the Administrator may designate; and

''(B) authorize successive redelegations of such functions as may be necessary or appropriate.

''(2) RESPONSIBILITY.—No delegation of functions by the Administrator under this subsection or under any other provision of this title shall relieve the Administrator of responsibility for the administration of such functions.

''(f) REORGANIZATION.—The Administrator may allocate or reallocate any function transferred among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in that Office as may be necessary or appropriate.

''SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.

''(a) IN GENERAL.—The Administrator may select, employ, and fix the compensation of officers and employees, including attorneys, who are necessary to perform the functions vested in the Administrator and to prescribe the functions of those officers and employees.

''(b) OFFICERS.—The Administrator may select, appoint, and employ not to exceed 4 officers and to fix the compensation of those officers at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code.

''(c) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Administrator, the head of any Federal agency may detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this title.

''(d) SERVICES.—The Administrator may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5, United States Code.

''SEC. 203. NATIONAL PROGRAM.

''(a) NATIONAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—Subject to the general authority of the Attorney General, the Administrator shall develop objectives, priorities, and short- and long-term plans, and shall implement overall policy and a strategy to carry out those plans, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

''(2) CONTENTS OF PLANS.—

''(A) IN GENERAL.—Each plan described in paragraph (1) shall—

''(i) contain specific, measurable goals and criteria for reducing the incidence of crime and delinquency among juveniles, improving juvenile crime control, and ensuring accountability by offenders within the juvenile justice system in the United States, and shall include criteria for any discretionary grants and contracts, for conducting research, and for carrying out other activities under this title;

''(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for joint funding to be coordinated by the Administrator;

''(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the time served by juveniles in custody, and the trends demonstrated by such data;

''(iv) provide a description of the activities for which amounts are expended under this title;

''(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for assessing progress toward national juvenile crime reduction and juvenile offender accountability goals; and

''(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders.

''(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders, and shall separately address with respect to each category of juveniles specified—

''(i) the types of offenses with which the juveniles are charged;

''(ii) the ages of the juveniles;

''(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

''(iv) the length of time served by juveniles in custody; and

''(v) the number of juveniles who died or who suffered serious bodily injury while in custody and the circumstances under which each juvenile died or suffered that injury.

''(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term 'serious bodily injury' means bodily injury involving extreme physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.

''(3) ANNUAL REVIEW.—The Administrator shall annually—

''(A) review each plan submitted under this subsection;

''(B) revise the plans, as the Administrator considers appropriate; and

''(C) not later than March 1 of each year, present the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.

''(b) DUTIES OF ADMINISTRATOR.—In carrying out this title, the Administrator shall—

''(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;

''(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies and between such programs and activities and other Federal programs and activities that the Administrator determines may have an important bearing on the success of the entire national juvenile crime control, prevention, and juvenile offender accountability effort including, in consultation

with the Director of the Office of Management and Budget listing annually those programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;

''(3) serve as a single point of contact for States, units of local government, and private entities for purposes of providing information relating to Federal juvenile delinquency programs or for referral to other agencies or departments that operate such programs;

''(4) provide for the auditing of grants provided pursuant to this title;

''(5) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency, and issue, not less than once each calendar year, a report on successful programs and juvenile crime reduction methods utilized by States, localities, and private entities;

''(6) ensure the performance of comprehensive rigorous independent scientific evaluations, each of which shall—

''(A) be independent in nature, and shall employ rigorous and scientifically valid standards and methodologies; and

''(B) include measures of outcome and process objectives, such as reductions in juvenile crime, youth gang activity, youth substance abuse, and other high risk factors, as well as increases in protective factors that reduce the likelihood of delinquency and criminal behavior;

''(7) consult with appropriate authorities in the States and with appropriate private entities regarding the development, review, and revision of the plans required by subsection (a) and the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts;

''(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded by grants under this title;

''(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if that organization agrees to carry out activities that include—

''(A) conducting an annual conference of the member representatives for purposes relating to the activities of the State advisory groups;

''(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 241; and

''(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

''(10) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist that eligible organization in—

''(A) conducting an annual conference of member representatives of the State advisory groups for purposes relating to the activities of those groups; and

''(B) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 241.

''(c) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

''(d) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.

''(e) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS.—

''(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program shall annually submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.

''(2) CONTENTS.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require and shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability, prevention, and treatment goals and policies.

''(3) REVIEW AND COMMENT.—

''(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

''(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

''(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

''(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

''(f) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—

''(1) any 1 of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced; and

''(2) a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such Federal agency to waive any technical grant or contract requirement (as defined in those regulations) that is inconsistent with the similar requirement of the administering agency or that the administering agency does not impose.

''SEC. 204. COMMUNITY PREVENTION GRANT PROGRAM.

''(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

''(1) recreation services;

''(2) tutoring and remedial education;

''(3) assistance in the development of work awareness skills;

''(4) child and adolescent health and mental health services;

''(5) alcohol and substance abuse prevention services;

''(6) leadership development activities; and

''(7) the teaching that people are and should be held accountable for their actions.

''(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

''(1) the unit is in compliance with the requirements of part B of title II;

''(2) the unit has submitted to the State advisory group a 3-year plan outlining the local front end plans of the unit for investment for delinquency prevention and early intervention activities;

''(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

''(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

''(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

''(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

''(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

''(c) PRIORITY.—In considering grant application under this section, the Administrator shall give priority to applicants that demonstrate ability in—

''(1) plans for service and agency coordination and collaboration including the collocation of services;

''(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

''(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

''SEC. 205. GRANTS TO INDIAN TRIBES.

''(a) IN GENERAL.—From the amount reserved under section 206(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 204 and part B of this title.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Administrator an application in such form and containing such information as the Administrator may by regulation require.

''(2) PLANS.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 204(a), which plan shall—

''(A) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

''(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

''(C) provide for fiscal control and accounting procedures that—

''(i) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this section; and

''(ii) are consistent with the requirements of subparagraph (B);

''(D) comply with the requirements of section 222(a) (except that such subsection relates to consultation with a State advisory group) and with the requirements of section 222(c); and

''(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this section.

''(c) FACTORS FOR CONSIDERATION.—In awarding grants under this section, the Administrator shall consider—

''(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

''(2) for each Indian tribe that receives assistance under such a grant—

''(A) the relative juvenile population; and

''(B) who will be served by the assistance provided by the grant.

''(d) GRANT AWARDS.—

''(1) IN GENERAL.—

''(A) COMPETITIVE AWARDS.—Except as provided in paragraph (2), the Administrator shall—

''(i) annually award grants under this section on a competitive basis; and

''(ii) enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

''(B) PERIOD OF GRANT.—The period of each grant awarded under this section shall be 2 years.

''(2) EXCEPTION.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

''(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1)(A); and

''(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

''(3) MODIFICATIONS OF PROCESSES.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in subsection (b) for an application for a renewal grant under paragraph (2)(B).

''(e) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

''(f) MATCHING REQUIREMENT.—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

''(g) TECHNICAL ASSISTANCE.—From the amount reserved under section 206(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.

''SEC. 206. ALLOCATION OF GRANTS.

''(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 261 to carry out section 204 in each fiscal year shall be allocated to the States as follows:

''(1) The amount allocated to any State shall not be less than $200,000.

''(2) Not less than 75 percent of the funds made available under Part A of this title shall be used to carry out section 205.

''(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 261 to carry out section 204 and part B in each fiscal year the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 205 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a).

''(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

''(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

''PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

''SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

''(a) IN GENERAL.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

''(b) TRAINING AND TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government (or combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

''(2) ELIGIBLE RECIPIENTS.—

''(A) IN GENERAL.—Grants may be made to and contracts may be entered into under paragraph (1) only with public and private agencies, organizations, and individuals that have experience in providing training and technical assistance required under paragraph (1).

''(B) ACTIVITY COORDINATION.—In providing training and technical assistance required under paragraph (1), the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

''SEC. 222. STATE PLANS.

''(a) IN GENERAL.—In order to receive formula grants under this part, a State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (e)(2)(A), for carrying out its purposes applicable to a 3-year period.

''(b) ALLOCATION.—A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position.

''(c) ANNUAL REPORTS.—The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original State plan, and amendments necessary to update the State plan, and shall describe the status of compliance with State plan requirements.

''(d) CONTENTS OF PLAN.—In accordance with regulations that the Administrator shall prescribe, a State plan shall—

''(1) designate a State agency as the sole agency for supervising the preparation and administration of the State plan;

''(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement the State plan in conformity with this part;

''(3) provide for the active consultation with and participation of units of local government in the development of a State plan that adequately takes into account the needs and requests of units of local government, except that nothing in the State plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies, including religious organizations;

''(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the assistance received with the State, including rural areas;

''(5) require that the State or unit of local government that is a recipient of amounts under this part distribute the amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities;

''(6) provide assurances that youth who come into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

''(7) provide for—

''(A) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

''(B) an indication of the manner in which the programs relate to other similar State or local programs that are intended to address the same or similar problems; and

''(C) a strategy for the concentration of State efforts, which shall coordinate all State juvenile crime control, prevention, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency programs and activities, including a provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

''(D) needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(E) needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(F) needed mental health services to juveniles in the juvenile justice system;

''(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

''(9) provide for the development of an adequate research, training, and evaluation capacity within the State;

''(10) provide that not less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

''(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

''(i) for youth who need temporary placement, the provision of crisis intervention, shelter, and after-care; and

''(ii) for youth who need residential placement, the provision of a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

''(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;

''(C) comprehensive juvenile crime control and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering youth services;

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to the families of those juveniles, in order to reduce the likelihood that those juvenile offenders will commit subsequent violations of law;

''(E) educational programs or supportive services for delinquent or other juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

''(iii) to enhance coordination with the local schools that juveniles would otherwise attend, to ensure that—

''(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

''(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;

''(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

''(I) projects designed to deter involvement in illegal activities and promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

''(J) programs and projects designed to provide for the treatment of a youth who is dependent on or abuses alcohol or other addictive or nonaddictive drugs;

''(K) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

''(L) activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;

''(M) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(N) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of the juveniles and the preservation of their families;

''(O) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts;

''(P) programs designed to prevent and reduce hate crimes committed by juveniles;

''(Q) court supervised initiatives that address the illegal possession of firearms by juveniles;

''(R) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

''(i) an ongoing relationship with a caring adult (such as a mentor, tutor, coach, or shelter youth worker);

''(ii) safe places and structured activities during nonschool hours;

''(iii) a healthy start;

''(iv) a marketable skill through effective education; and

''(v) an opportunity to give back through community service;

''(S) programs and projects that provide comprehensive post-placement services that help juveniles make a successful transition back into the community, including mental health services, substance abuse treatment, counseling, education, and employment training;

''(T) programs and services designed to identify and address the health and mental health needs of youth; and

''(U) programs that have been proven to be successful in preventing delinquency, such as Multi-Systemic Therapy, Multi-Dimensional Treatment Foster Care, Functional Family Therapy, and the Bullying Prevention Program;

''(11) provide that—

''(A) a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult shall not be placed in a secure detention facility or secure correctional facility unless the juvenile—

''(i) was charged with or committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) was charged with or committed a violation of a valid court order; or

''(iii) was held in accordance with the Interstate Compact on Juveniles as enacted by the State; and

''(B) a juvenile shall not be placed in a secure detention facility or secure correctional facility if the juvenile—

''(i) was not charged with any offense; and

''(ii) is—

''(I) an alien; or

''(II) alleged to be dependent, neglected, or abused.

''(12) provide that—

''(A) a juvenile who is alleged to be or found to be delinquent or a juvenile who is described in paragraph (11) will not be detained or confined in any institution in which prohibited physical contact or sustained oral and visual contact with an adult inmate can occur; and

''(B) there is in effect in the State a policy that requires an individual who works with both juveniles and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles;

''(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who—

''(i) are accused of nonstatus offenses;

''(ii) are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays); and

''(iii) are detained in a jail or lockup—

''(I) in which such juveniles do not have prohibited physical contact, or sustained oral and visual contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

''(II) where there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in collocated facilities have been trained and certified to work with juveniles; and

''(III) that is located—

''(aa) outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(bb) where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(cc) where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(14)(A) provide assurances that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and

other youth to prevent juvenile delinquency; and

''(B) approaches under subparagraph (A) should include the involvement of grandparents or other extended family members, when possible, and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible;

''(15) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to the services provided to any individual under the State plan;

''(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

''(17) provide reasonable assurances that Federal funds made available under this part for any period shall be used to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would, in the absence of the Federal funds, be made available for the programs described in this part, and shall in no event replace such State, local, and other non-Federal funds;

''(18) provide that the State agency designated under paragraph (1) shall, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of the State and local needs, that the agency considers necessary;

''(19) provide assurances that the State or unit of local government that is a recipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than that convicted person, be tested for the presence of a sexually transmitted disease and that the results of that test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted for the commission of the sexual act or sexual contact (as those terms are defined in paragraphs (2) and (3), respectively, of section 2246 of title 18, United States Code);

''(20) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that the juvenile is being taken into custody for violating the court order;

''(B) that within 24 hours of the juvenile being taken into custody, an authorized representative of the public agency shall interview the juvenile in person; and

''(C) that within 48 hours of the juvenile being taken into custody—

''(i) the authorized representative shall submit an assessment regarding the immediate needs of the juvenile to the court that issued the order; and

''(ii) the court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that the juvenile violated the order; and

''(II) the appropriate placement of the juvenile pending disposition of the alleged violation;

''(21) specify a percentage, if any, of funds received by the State under section 221 that the State shall reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within those units;

''(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to that juvenile that are on file in the geographical area under the jurisdiction of that court will be made known to that court;

''(23) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—

''(A) through programs of units of general local government, to the extent that those programs are consistent with the State plan; and

''(B) through programs of local private agencies, to the extent that those programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if the local private agency requests direct funding after the agency has applied for and been denied funding by a unit of general local government;

''(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;

''(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

''(26) provide assurances that—

''(A) any assistance provided under this title will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this title will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) an activity that would be inconsistent with the terms of a collective bargaining agreement shall not be undertaken without the written concurrence of the labor organization involved; and

''(27) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups, if such proportion exceeds the proportion such groups represent in the general population.

''(e) APPROVAL BY STATE AGENCY.—

''(1) STATE AGENCY.—The State agency designated under subsection (d)(1) shall approve the State plan and any modification of that plan prior to submission of the plan to the Administrator.

''(2) STATE ADVISORY GROUP.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The State advisory group referred to in subsection (a) shall be known as the 'State Advisory Group'.

''(ii) MEMBERS.—The State Advisory Group shall—

''(I) consist of representatives from both the private and public sector, each of whom shall be appointed for a term of not more than 6 years; and

''(II) include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket.

''(iii) MEMBER EXPERIENCE.—The State shall ensure that members of the State Advisory Group shall have experience in the area of juvenile delinquency prevention, the prosecution of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of juvenile justice programs.

''(iv) CHAIRPERSON.—The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.

''(B) CONSULTATION.—

''(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

''(I) participate in the development and review of a State plan under this section before the plan is submitted to the supervisory agency for final action; and

''(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (d)(1).

''(ii) AUTHORITY.—The State Advisory Group shall report to the chief executive officer and the legislature of a State that has submitted a plan, on an annual basis regarding recommendations related to the compliance by that State with this section.

''(C) FUNDING.—From amounts reserved for administrative costs, the State may make available to the State Advisory Group such sums as may be necessary to assist the State Advisory Group in adequately performing its duties under this paragraph.

''(f) COMPLIANCE WITH STATUTORY REQUIREMENTS.—If a State fails to comply with any of the applicable requirements of paragraph (11), (12), (13), or (27) of subsection (d) in any fiscal year beginning after September 30, 2001, the amount allocated to that State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with the applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with the applicable requirements within a reasonable time.

''SEC. 223. ALLOCATION OF GRANTS.

''(a) IN GENERAL.—Subject to subsections (b), (c), and (d), of the amount allocated under section 261 to carry out this part in each fiscal year that remains after reservation under section 206(b) for that fiscal year—

''(1) no State shall be allocated less than $750,000; and

''(2) the amount remaining after the allocation under paragraph (1) shall be allocated proportionately based on the juvenile population in the eligible States.

''(b) SYSTEM SUPPORT GRANTS.—Of the amount allocated under section 261 to carry out this part in each fiscal year that remains after reservation under section 206(b) for that fiscal year, up to 10 percent may be available for use by the Administrator to provide—

''(1) training and technical assistance consistent with the purposes authorized under sections 203, 204, and 221;

''(2) direct grant awards and other support to develop, test, and demonstrate new approaches to improving the juvenile justice

system and reducing, preventing, and abating delinquent behavior, juvenile crime, and youth violence;

''(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

''(4) information, including information on best practices, consistent with purposes authorized under sections 203, 204, and 221.

''(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

''(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

''PART C—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

''SEC. 231. DEFINITION OF JUVENILE.

''In this part, the term 'juvenile' means an individual who has not attained the age of 22 years.

''SEC. 232. GANG-FREE SCHOOLS AND COMMUNITIES.

''(a) IN GENERAL.—

''(1) FAMILY AND COMMUNITY GRANTS.—The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to—

''(A) prevent and reduce the participation of juveniles in criminal gang activity by providing—

''(i) individual, peer, family, and group counseling, including a provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

''(ii) education, recreation, and social services designed to address the social and developmental needs of juveniles that those juveniles would otherwise seek to have met through membership in gangs;

''(iii) crisis intervention and counseling to juveniles who are particularly at risk of gang involvement, and the families of those juveniles, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

''(iv) an organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

''(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs so the adults may provide constructive alternatives to participating in the activities of gangs;

''(B) develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles who have been convicted of serious drug-related and gang-related offenses;

''(C) target elementary school students, with the purpose of steering students away from gang involvement;

''(D) provide treatment to juveniles who are members of gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

''(E) promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

''(F) promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools that will assist those schools in maintaining a safe environment conducive to learning;

''(G) assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of those juveniles in the instructional programs;

''(H) expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies;

''(I) provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity;

''(J) provide services authorized in this section at a special location in a school or housing project or other appropriate site; or

''(K) support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(2) RESEARCH AND EVALUATION.—From not more than 15 percent of the total amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

''(A) to conduct research on issues related to juvenile gangs;

''(B) to evaluate the effectiveness of programs and activities funded under paragraph (1); and

''(C) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this section.

''(b) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution that seeks to receive a grant or enter into a contract under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a), and specifically identify each purpose the program or activity is designed to carry out;

''(B) provide that the program or activity shall be administered by or under the supervision of the applicant;

''(C) provide for the proper and efficient administration of the program or activity;

''(D) provide for regular evaluation of the program or activity;

''(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(F) describe how the program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(G) certify that the applicant has requested the State planning agency to review and comment on the application and to summarize the responses of that State planning agency to the request;

''(H) provide that regular reports on the program or activity shall be sent to the Administrator and to the State planning agency; and

''(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(3) PRIORITY.—In reviewing applications for grants and contracts under this section, the Administrator shall give priority to an application—

''(A) submitted by, or substantially involving, a local educational agency (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

''(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicant proposes to carry out the programs and activities for which the grants and contracts are requested; and

''(C) for assistance for programs and activities that—

''(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in the geographical area in which the applicant proposes to carry out the programs and activities; and

''(ii) will substantially involve the families of juvenile gang members in carrying out the programs or activities.

''SEC. 233. COMMUNITY-BASED GANG INTERVENTION.

''(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

''(1) to reduce the participation of juveniles in the illegal activities of gangs;

''(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs;

''(3) to facilitate coordination and cooperation among—

''(A) local education, juvenile justice, employment, recreation, and social service agencies; and

''(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

''(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and secure community-based treatment facilities linked to other support services such

as health, mental health, remedial and special education, job training, and recreation); and

''(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States, in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

''(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Programs and activities for which grants and contracts are to be made under this section may include—

''(1) the hiring of additional State and local prosecutors, and the establishment and operation of programs, including multijurisdictional task forces, for the disruption of gangs and the prosecution of gang members;

''(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles who are convicted of serious drug-related and gang-related offenses;

''(3) providing treatment to juveniles who are members of gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

''(4) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

''(5) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)), by juveniles, provided through State and local health and social services agencies;

''(6) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

''(7) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(c) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution that seeks to receive a grant or enter into a contract under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a), and specifically identify each purpose the program or activity is designed to carry out;

''(B) provide that the program or activity shall be administered by or under the supervision of the applicant;

''(C) provide for the proper and efficient administration of the program or activity;

''(D) provide for regular evaluation of the program or activity;

''(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(F) describe how the program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(G) certify that the applicant has requested the State planning agency to review and comment on the application and to summarize the responses of the State planning agency to the request;

''(H) provide that regular reports on the program or activity shall be sent to the Administrator and to the State planning agency; and

''(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(3) PRIORITY.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to an application—

''(A) submitted by, or substantially involving, a community-based organization experienced in providing services to juveniles;

''(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicant proposes to carry out the programs and activities for which the grants and contracts are requested; and

''(C) for assistance for programs and activities that—

''(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in the geographical area in which the applicant proposes to carry out the programs and activities; and

''(ii) will substantially involve the families of juvenile gang members in carrying out the programs or activities.

''SEC. 234. PRIORITY.

''In making grants under this part, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 233.

''PART D—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 241. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency.

''(b) DISTRIBUTION.—The Administrator shall ensure that, to the extent reasonable and practicable, a grant made under subsection (a) is made to achieve an equitable geographical distribution of such projects throughout the United States.

''(c) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which the grant is made.

''SEC. 242. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

''The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 241.

''SEC. 243. ELIGIBILITY.

''To be eligible to receive assistance pursuant to a grant or contract under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof, shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

''SEC. 244. REPORTS.

''Each recipient of assistance pursuant to a grant or contract under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which the assistance was provided.

''PART E—MENTORING

''SEC. 251. MENTORING.

''The purposes of this part are to, through the use of mentors for at-risk youth—

''(1) reduce juvenile delinquency and gang participation;

''(2) improve academic performance; and

''(3) reduce the dropout rate.

''SEC. 252. DEFINITIONS.

''In this part:

''(1) AT-RISK YOUTH.—The term 'at-risk youth' means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities.

''(2) MENTOR.—The term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, provides a positive role model for the youth, establishes a supportive relationship with the youth, and provides the youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

''SEC. 253. GRANTS.

''(a) LOCAL EDUCATIONAL GRANTS.—The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

''(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, elders in Alaska Native villages, and adults working for community-based organizations and agencies; and

''(2) are intended to—

''(A) provide general guidance to at-risk youth;

''(B) promote personal and social responsibility among at-risk youth;

''(C) increase participation by at-risk youth in, and enhance the ability of at-risk youth to benefit from, elementary and secondary education;

''(D) discourage the use of illegal drugs, violence, and dangerous weapons by at-risk youth, and discourage other criminal activity;

''(E) discourage involvement of at-risk youth in gangs; or

''(F) encourage at-risk youth to participate in community service and community activities.

''(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term 'family-to-family mentoring program' means a mentoring program that—

''(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to work directly with parents and children to work directly with children; and

''(ii) has an after-school program for volunteer and at-risk families.

''(B) POSITIVE ALTERNATIVES PROGRAM.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

''(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Juvenile Crime Prevention and Control Act of 2001.

''(2) AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

''SEC. 254. REGULATIONS AND GUIDELINES.

''(a) PROGRAM GUIDELINES.—To implement this part, the Administrator shall issue program guidelines which shall be effective only after a period for public notice and comment.

''(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

''SEC. 255. USE OF GRANTS.

''(a) PERMITTED USES.—Grants awarded under this part shall be used to implement mentoring programs, including—

''(1) the hiring of mentoring coordinators and support staff;

''(2) the recruitment, screening, and training of adult mentors;

''(3) the reimbursement of mentors for reasonable incidental expenditures, such as transportation, that are directly associated with mentoring; and

''(4) such other purposes as the Administrator may reasonably prescribe by regulation.

''(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

''(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

''(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the operations of the grantee;

''(3) to support litigation of any kind; or

''(4) for any other purpose reasonably prohibited by the Administrator by regulation.

''SEC. 256. PRIORITY.

''(a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

''(1) serve at-risk youth in high crime areas;

''(2) have 60 percent or more of the youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

''(3) have a considerable number of youths who drop out of school each year.

''(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

''(1) the geographic distribution (urban and rural) of applications;

''(2) the quality of a mentoring plan, including—

''(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

''(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

''(3) the capability of the applicant to effectively implement the mentoring plan.

''SEC. 257. APPLICATIONS.

''An application for assistance under this part shall include—

''(1) information on the youth expected to be served by the program;

''(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

''(3) an assurance that no mentor or mentoring family will be assigned a number of youths that would undermine the ability of that mentor to be an effective mentor and ensure a one-to-one relationship with mentored youths;

''(4) an assurance that projects operated in secondary schools will provide the youth with a variety of experiences and support, including—

''(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

''(B) an opportunity to witness the job skills that will be required for the youth to obtain employment upon graduation;

''(C) assistance with homework assignments; and

''(D) exposure to experiences that the youth might not otherwise encounter;

''(5) an assurance that projects operated in elementary schools will provide the youth with—

''(A) academic assistance;

''(B) exposure to new experiences and activities that the youth may not otherwise encounter; and

''(C) emotional support;

''(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, and will include a provision for a new mentor assignment if the relationship is not beneficial to the youth;

''(7) the method by which a mentor and a youth will be recruited to the project;

''(8) the method by which a prospective mentor will be screened; and

''(9) the training that will be provided to a mentor.

''SEC. 258. GRANT CYCLES.

''Each grant under this part shall be made for a 3-year period.

''SEC. 259. FAMILY MENTORING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COOPERATIVE EXTENSION SERVICES.—The term 'cooperative extension services' has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

''(2) FAMILY MENTORING PROGRAM.—The term 'family mentoring program' means a mentoring program that—

''(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

''(B) has a local advisory board to provide direction and advice to program administrators.

''(3) QUALIFIED COOPERATIVE EXTENSION SERVICE.—The term 'qualified cooperative extension service' means a cooperative extension service that has established a family mentoring program, as of the date of enactment of the Juvenile Crime Prevention and Control Act of 2001.

''(b) MODEL PROGRAM.—The Administrator, in cooperation with the Secretary of Agriculture, shall make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(c) ESTABLISHMENT OF NEW FAMILY MENTORING PROGRAMS.—

''(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperative extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

''(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 35 percent of the total costs of the program funded by the grant.

''(B) SOURCE OF MATCH.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

''PART F—ADMINISTRATIVE PROVISIONS

''SEC. 261. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title, and to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.), $1,065,000,000 for each of fiscal years 2002 through 2007.

''(b) ALLOCATION OF APPROPRIATIONS.—Of the amount made available under subsection (a) for each fiscal year—

''(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

''(2) $75,000,000 shall be for grants for juvenile criminal history records upgrades pursuant to section 1802 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee–1);

''(3) $250,000,000 shall be for programs under section 204 of part A of this title;

''(4) $200,000,000 shall be for programs under part B of this title;

''(5) $20,000,000 shall be for programs under parts C and D of this title; and

''(6) $20,000,000 shall be for programs under part E of this title, of which $3,000,000 shall be for programs under section 259.

''(c) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

''(d) ADMINISTRATION AND OPERATIONS.—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Control and Prevention such sums as may be necessary for each of fiscal years 2002 through 2007.

''(e) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

''SEC. 262. ADMINISTRATIVE PROVISIONS.

''(a) AUTHORITY OF ADMINISTRATOR.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

''(b) APPLICABILITY OF CERTAIN CRIME CONTROL PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and 3789g(d)) shall apply with respect to the administration of and compliance with this title, except that for purposes of this Act—

''(1) any reference to the Office of Justice Programs in such sections shall be considered to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

''(2) the term 'this title' as it appears in such sections shall be considered to be a reference to this title.

''(c) APPLICABILITY OF CERTAIN OTHER CRIME CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title—

''(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be considered to be a reference to the Administrator;

''(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be considered to be a reference to the Office of Juvenile Crime Control and Prevention; and

''(3) the term 'this title' as it appears in those sections shall be considered to be a reference to this title.

''(d) RULES, REGULATIONS, AND PROCEDURES.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

''(e) WITHHOLDING.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

''(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

''(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title.''.

(b) REPEAL.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 103. JUVENILE OFFENDER ACCOUNTABILITY.

(a) GRANT PROGRAM.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.) is amended to read as follows:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

''(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

''(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

''(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

''(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

''(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

''(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

''(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

''(9) establishing and maintaining a system of juvenile records designed to promote public safety;

''(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

''(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

''(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;

''(14) establishing and maintaining restorative justice programs;

''(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; and

''(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.

''(c) DEFINITION.—In this section the term 'restorative justice program' means—

''(1) a program that emphasizes the moral accountability of an offender toward the victim and the affected community; and

''(2) may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

''SEC. 1802. GRANT ELIGIBILITY.

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this part, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

''(1) information about—

''(A) the activities proposed to be carried out with such grant; and

''(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

''(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

''(A) information about—

''(i) the activities proposed to be carried out with such subgrant; and

''(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

''(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

''(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

''(1) sanctions are imposed on a juvenile offender for each delinquent offense;

''(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

''(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

''(4) appropriate consideration is given to public safety and victims of crime.

''(d) DISCRETIONARY USE OF SANCTIONS.—

''(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

''(A) its system of graduated sanctions is discretionary; and

''(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

''(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

''(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

''(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

''(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

''(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

''(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

''(e) DEFINITIONS.—In this section:

''(1) DISCRETIONARY.—The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

''(2) SANCTIONS.—The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

''SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

''(A) 0.25 percent for each State; and

''(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

''(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.

''(2) WAIVER.—The percentage referred to in paragraph (1) shall equal the percentage determined by subtracting the State percentage from 100 percent, if a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that—

''(A) the State's juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the 'State percentage') is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

''(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State's calculation of expenditures under subparagraph (A), the State's application for waiver under this paragraph, and the State's proposed uses of funds.

''(3) ALLOCATION.—In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) three-quarters; multiplied by

''(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(ii) the product of—

''(I) one-quarter; multiplied by

''(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

''(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

''(4) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

''(5) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

''(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall—

''(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

''(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $10,000.—If under this section a unit of local government is allocated less than $10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

''(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

''SEC. 1804. GUIDELINES.

''(a) IN GENERAL.—The Attorney General shall issue guidelines establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

''(b) ADVISORY BOARD.—

''(1) IN GENERAL.—The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds.

''(2) MEMBERSHIP.—The board shall include representation from, if appropriate—

''(A) the State or local police department;

''(B) the local sheriff's department;

''(C) the State or local prosecutor's office;

''(D) the State or local juvenile court;

''(E) the State or local probation officer;

''(F) the State or local educational agency;

''(G) a State or local social service agency;

''(H) a nonprofit, nongovernmental victim advocacy organization; and

''(I) a nonprofit, religious, or community group.

''SEC. 1805. PAYMENT REQUIREMENTS.

''(a) TIMING OF PAYMENTS.—The Attorney General shall pay to each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than the later of—

''(1) 180 days after the date that the amount is available, or

''(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c).

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

''(2) EXTENSION.—The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

''(3) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

''(4) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

''(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

''(e) MATCHING FUNDS.—

''(1) IN GENERAL.—The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.

''(2) CONSTRUCTION OF FACILITIES.—Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.

''SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this part may be used by a State or unit of local government that receives a grant under this part to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(b).

''SEC. 1807. ADMINISTRATIVE PROVISIONS.

''(a) IN GENERAL.—A State or specially qualified unit that receives funds under this part shall—

''(1) establish a trust fund in which the government will deposit all payments received under this part;

''(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);

''(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

''(4) spend the funds only for the purposes under section 1801(b).

''(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

''SEC. 1808. ASSESSMENT REPORTS.

''(a) REPORTS TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for each fiscal year for which a grant or subgrant is awarded under this

part, each State or unit of local government that receives such a grant or subgrant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

''(A) a summary of the activities carried out with such grant or subgrant; and

''(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.

''(2) WAIVERS.—The Attorney General may waive the requirement of an assessment in paragraph (1)(B) for a State or unit of local government if the Attorney General determines that—

''(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

''(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

''(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

''(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Congress a report, which shall include—

''(1) a summary of the information provided under subsection (a);

''(2) the assessment of the Attorney General of the grant program carried out under this part; and

''(3) such other information as the Attorney General considers appropriate.

''SEC. 1809. DEFINITIONS.

''In this part:

''(1) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;

''(B) any law enforcement district or judicial enforcement district that—

''(i) is established under applicable State law; and

''(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

''(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) SPECIALLY QUALIFIED UNIT.—The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

''(3) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

''(4) JUVENILE.—The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) JUVENILE JUSTICE EXPENDITURES.—The term 'juvenile justice expenditures' means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

''(A) activities specified in section 1801(b); and

''(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

''(6) PART 1 VIOLENT CRIMES.—The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.

''(a) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—

''(1) IN GENERAL.—Of the amount authorized to be appropriated under section 261 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2007 (as applicable), to remain available until expended—

''(A) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

''(B) not more than 1 percent of that amount, for training and technical assistance; and

''(C) not more than 1 percent, for administrative costs to carry out the purposes of this part.

''(2) OVERSIGHT PLAN.—The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

''(b) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

(c) TRANSITION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS PROGRAM.—For each grant made from amounts made available for the Juvenile Accountability Incentive Block Grants program (as described under the heading ''VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' in the Department of Justice Appropriations Act, 2000 (as enacted by Public Law 106–113; 113 Stat. 1537–14)), the grant award shall remain available to the grant recipient for not more than 36 months after the date of receipt of the grant.

SEC. 104. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2002, $6,025,000,000;

''(2) for fiscal year 2003, $6,169,000,000;

''(3) for fiscal year 2004, $6,316,000,000;

''(4) for fiscal year 2005, $6,458,000,000;

''(5) for fiscal year 2006, $6,616,000,000; and

''(6) for fiscal year 2007, $6,774,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays;

''(3) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,458,000,000 in new budget authority and $6,303,000,000 in outlays;

''(5) with respect to fiscal year 2006—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,616,000,000 in new budget authority and $6,452,000,000 in outlays; and

''(6) with respect to fiscal year 2007—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) and determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,774,000,000 in new budget authority and $6,606,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974;''.

TITLE II—PROTECTING CHILDREN FROM VIOLENCE

Subtitle A—Gun Show Background Checks

SECTION 201. SHORT TITLE.

This subtitle may be cited as the ''Gun Show Background Check Act of 2001''.

SEC. 202. FINDINGS.

Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun

show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this subtitle, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

SEC. 203. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which—

''(i) not less than 20 percent of the exhibitors are firearm exhibitors;

''(ii) there are not less than 10 firearm exhibitors; or

''(iii) 50 or more firearms are offered for sale, transfer, or exchange.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(b) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before commencement of the gun show, requires each gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.'';

and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(c) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(d) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(e) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(f) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer''.

(g) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—Gun Ban for Dangerous Juvenile Offenders

SEC. 211. PERMANENT PROHIBITION ON FIREARMS TRANSFERS TO OR POSSESSION BY DANGEROUS JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' after ''(20)'';

(2) by redesignating subparagraphs ''(A)'' and ''(B)'' as clauses ''(i)'' and ''(ii), respectively'';

(3) by inserting after subparagraph (A) the following:

''(B) For purposes of subsections (d) and (g) of section 922, the term 'adjudicated delinquent' means an adjudication of delinquency based upon a finding of the commission that an act by a person prior to the eighteenth birthday of that person, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.''; and

(4) by striking ''What constitutes'' through the end and inserting the following: ''What constitutes a conviction of such a crime or an adjudication of delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of delinquency which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored by the jurisdiction in which the conviction or adjudication of delinquency occurred shall be considered a conviction or adjudication of delinquency unless (i) the expunction, set aside, pardon or restoration of civil rights is directed to a specific person, (ii) the State authority granting the expunction, set aside, pardon or restoration of civil rights has expressly determined that the circumstances regarding the conviction and the person's record and reputation are such that the person will not act in a manner dangerous to public safety, and (iii) the expunction, set aside, pardon, or restoration of civil rights expressly authorizes the person to ship, transport, receive or possess firearms. The requirement of this subparagraph for an individualized restoration of rights shall apply whether or not, under State law, the person's civil rights were taken away by virtue of the conviction or adjudication.''.

(b) PROHIBITION.—Section 922 of title 18, United States Code is amended—

(1) in subsection (d)—

(A) by striking ''or'' at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting ''; or;'' and

(C) by inserting after paragraph (9) the following:

''(10) has been adjudicated delinquent.''; and

(2) in subsection (g)—

(A) by striking ''or'' at the end of paragraph (8);

(B) by striking the comma at the end of paragraph (9) and inserting ''; or'', and

(C) by inserting after paragraph (9) the following:

''(10) who has been adjudicated delinquent,''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle C—Child Safety Locks

SECTION 221. SHORT TITLE.

This subtitle may be cited as the ''Child Safety Lock Act of 2001''.

SEC. 222. REQUIREMENT OF CHILD HANDGUN SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(38) The term 'locking device' means a device or locking mechanism—

''(A) that—

''(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

''(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

''(iii) is a safe, gun safe, gun case, lock box, or other device that is designed to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means; and

''(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.''.

(b) UNLAWFUL ACTS.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) LOCKING DEVICES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) the—

''(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

''(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

''(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).''.

(2) EFFECTIVE DATE.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO LOCKING DEVICES.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for a hearing—

''(i) suspend or revoke any license issued to the licensee under this chapter; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.

SEC. 223. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.

(a) IN GENERAL.—The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

''SEC. 38. CHILD HANDGUN SAFETY LOCKS.

''(a) ESTABLISHMENT OF STANDARD.—

''(1) IN GENERAL.—

''(A) RULEMAKING REQUIRED.—Notwithstanding section 3(a)(1)(E) of this Act, the Commission shall initiate a rulemaking proceeding under section 553 of title 5, United States Code, within 90 days after the date of enactment of the Child Safety Lock Act of 2001 to establish a consumer product safety standard for locking devices. The Commission may extend the 90-day period for good cause. Notwithstanding any other provision of law, including chapter 5 of title 5, United States Code, the Commission shall promulgate a final consumer product safety standard under this paragraph within 12 months after the date on which it initiated the rulemaking. The Commission may extend that 12-month period for good cause. The consumer product safety standard promulgated under this paragraph shall take effect 6 months after the date on which the final standard is promulgated.

''(B) STANDARD REQUIREMENTS.—The standard promulgated under subparagraph (A) shall require locking devices that—

''(i) are sufficiently difficult for children to deactivate or remove; and

''(ii) prevent the discharge of the handgun unless the locking device has been deactivated or removed.

''(2) CERTAIN PROVISIONS NOT TO APPLY.—

''(A) PROVISIONS OF THIS ACT.—Sections 7, 9, and 30(d) of this Act do not apply to the rulemaking proceeding under paragraph (1). Section 11 of this Act does not apply to any consumer product safety standard promulgated under paragraph (1).

''(B) CHAPTER 5 OF TITLE 5.—Except for section 553, chapter 5 of title 5, United States Code, does not apply to this section.

''(C) CHAPTER 6 OF TITLE 5.—Chapter 6 of title 5, United States Code, does not apply to this section.

''(D) NATIONAL ENVIRONMENTAL POLICY ACT.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321) does not apply to this section.

''(b) NO EFFECT ON STATE LAW.—Notwithstanding section 26 of this Act, this section does not annul, alter, impair, affect, or exempt any person subject to the provisions of this section from complying with any provision of the law of any State or any political subdivision of a State, except to the extent that such provisions of State law are inconsistent with any provision of this section, and then only to the extent of the inconsistency. A provision of State law is not inconsistent with this section if such provision affords greater protection to children with respect to handguns than is afforded by this section.

''(c) ENFORCEMENT.—Notwithstanding subsection (a)(2)(A), the consumer product safety standard promulgated by the Commission under subsection (a) shall be enforced under this Act as if it were a consumer product safety standard described in section 7(a).

''(d) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means an individual who has not attained the age of 13 years.

''(2) LOCKING DEVICE.—The term 'locking device' has the meaning given that term in clauses (i) and (iii) of section 921(a)(38)(A) of title 18, United States Code.''.

(b) CONFORMING AMENDMENT.—Section 1 of the Consumer Product Safety Act is amended by adding at the end of the table of contents the following:

''Sec. 38. Child handgun safety locks.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Consumer Product Safety Commission $2,000,000 to carry out the provisions of section 38 of the Consumer Product Safety Act, such sums as necessary to remain available until expended.

Mr. KOHL. Mr. President, I rise today with Senator BIDEN to introduce the Juvenile Crime Prevention and Control Act of 2001.

This bill is an important step forward in the debate on juvenile justice. It is a comprehensive approach that recognizes prevention and enforcement are indispensable partners in combating juvenile crime. This bill addresses the issues most important to our communities, to the police, to the teachers, to the social workers, and most importantly, to the at-risk children whom we need to help. The legislation does this by giving crime prevention programs the priority, attention, and funding they deserve while recognizing that enforcement programs are indispensable to safer communities.

Let me focus on one part of the legislation. The Juvenile Crime Prevention and Control Act increases the authorization of Title V, the Community Prevention Grant program, to $250 million. I worked closely with Senator Hank Brown to create the Title V program in 1992 because we listened to local law enforcement experts who told us that prevention works. Almost a decade later, they still say the same thing: a crime bill without adequate prevention is only a half-measure. That's just common sense.

Congress has slowly realized the merits of crime prevention funding. Since 1992, funding for Title V has increased from $20 million to $95 million. Unfortunately, almost two-thirds of that money has been consistently earmarked for purposes other than crime and delinquency prevention. The bill remedies this problem by ensuring that at least 75 percent of all Title V Community Prevention Grants be spent on pure prevention and not set aside for other purposes.

We now know that crime prevention programs like Title V work. Studies prove that crime prevention programs mean less crime. For example, a RAND Study found that crime prevention efforts were three times more cost-effective than increased punishment. A study of the Big Brothers/Big Sisters' mentoring program showed that mentees were 46 percent less likely to use drugs, 27 percent less likely to use alcohol, 33 percent less likely to commit assault, and skipped 50 percent fewer days of school. A University of Wisconsin study of 64 after-school programs found that participating children became better students and developed improved conflict resolution skills; in addition, vandalism decreased at one third of the schools that participated in the programs.

One of the reasons these programs work is that Title V is designed to let the people with the real expertise do what they know best. Title V is a flexible program of direct local grants. The flexibility permits each locality, through a local planning board of experts from the community, to determine how to best fight juvenile crime and delinquency. Title V trusts each community to address its unique problems.

Law enforcement officials appreciate the importance of juvenile crime prevention programs and crave more. Last year, I surveyed every sheriff and chief of police in Wisconsin and found that 100 percent of Wisconsin's sheriffs and 100 percent of the police chiefs of Wisconsin's largest cities who responded to

the questionnaire believe more Federal money needs to be spent on crime prevention programs. Similarly, more than 80 percent of the police chiefs of small and mid-size cities in Wisconsin want more prevention funding.

When asked how much of Federal juvenile crime funding should go to prevention, these same law enforcement officials answer that close to 40 percent should be spent on prevention programs, far more than the current level of prevention funding. The Juvenile Crime Prevention and Control Act of 2001 listens to what local law enforcement experts have been telling us for years and addresses their needs.

Of course, prevention is not the sole answer to juvenile crime. Indeed, we need a comprehensive crime-fighting strategy aimed at juvenile offenders and potential offenders, from violent predators to children at-risk of becoming delinquent. This legislation understands that. Tough law enforcement plays an essential role. Certain violent juveniles should be incarcerated, and hopefully rehabilitated, and this bill provides the States with sufficient funds to get them off the streets and safeguard our communities.

Finally, no sensible juvenile crime fighting strategy is complete if it does not address the toxic combination of children and guns. This bill does that as well by mandating the sale of child safety locks with every handgun and insisting that those locks are designed well enough to work as intended.

Each year, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die. In addition, every year 1,300 children use firearms to commit suicide. Safety locks can be effective in deterring some of these incidents and in preventing others.

The sad truth is that we are inviting disaster every time an unlocked gun is stored but is still easily accessible to children. In fact, guns are kept in 43 percent of American households with children. In 23 percent of the gun households, the guns are kept loaded. And, in one out of every eight of those homes the guns are left unlocked.

During the last decade, crime rates, including juvenile crime rates, have decreased. Since 1994, the juvenile arrest rate for violent crime has dropped 36 percent. Nonetheless, the public perceives that juvenile crime is a growing problem, especially school violence.

We need to remain vigilant and think creatively about how to maintain this trend in falling juvenile crime. This measure provides a comprehensive approach. Prevention, enforcement, and keeping guns out of the hands of children are three essential elements to a common sense juvenile crime strategy.

By Mr. BINGAMAN (for himself and Mr. DEWINE):

S. 1166. A bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today with Senator DEWINE to introduce a bill authorizing the Secretary of Energy to lead the United States into the next generation of lighting technology. If this bill is enacted, I believe it will allow us not only to maintain a world leadership role that Thomas Edison started, but promote efficiency advances in a market which consumes 19 percent of our electrical energy supply.

Lighting is a 40-billion-dollar global industry. The United States occupies roughly one-third of that market. It's an extremely competitive industry whose technology has been well established over the course of 80 years. Today's lighting market primarily consists of two technologies. The first technology is incandescent lighting, it's the one Thomas Edison invented over 100 years ago. Incandescent lighting relies on running a current through a wire to heat it up and illuminate your surroundings. Only 5 percent of the electricity in a conventional bulb is converted into visible light. The second type of lighting is fluorescent lights, which use a combination of chemical vapors, mainly mercury, to discharge light when current is passed through it. Flourescent lights are six times more efficient than a light bulb.

As I have mentioned, today's lighting uses up about 19 percent of our electricity supply. In 1998, lighting electricity cost about 47 billion dollars which accounted for about 100 million tons of carbon equivalent from fossil energy plants.

Today, this paradigm is changing, because some scientists recently made a leap ahead in lighting research. Technology leaps displace, very quickly, traditional markets. We know the stories all too well, the horse courier, the telegraph, the telephone and finally the Internet.

That is why Senator DEWINE and I are proposing this legislation, because some advances have been made in the areas of solid state lighting that require a national investment that no one lighting industry can match. This emerging technology has the capability to disrupt our existing lighting markets. So quickly in fact, that other countries have formed consortia between their governments, industries, laboratories and universities. Solid state lighting is being taken very seriously around the world.

Let me describe solid state lighting. The best examples are red light emitting diodes, or ''LED's'', found in digital clocks. LED's produce only one color but they do not burn up a wire like a bulb and are seven times more efficient.

Until recently LED's were limited to yellow or red. That all changed in 1995. In 1995, some Japanese researchers developed a blue LED. Soon other bright colors started to emerge, such as green. That is when things started to change. Because, white light is a combination of red, blue, the recent Japanese breakthrough, and green or yellow. The recent Japanese breakthrough of that simple blue LED has now made it possible to produce white light from LED's ten times more efficient than a light bulb.

If it is successful, white light LED's will revolutionize lighting technology and will disrupt the existing industries. It's imperative that we move quickly on these advances. We need a consortia between our government, industry, research labs and academia to develop the necessary pre-competitive research to maintain our leadership role in this field.

I would like to mention one other technology that will change lighting. That technology is found in your cell phone and on your computer screen. It's called conductive polymers. Three Nobel Prizes were just awarded for this technology. Conductive polymers offer the possibility of covering large surface areas and replacing fluorescent lamps. These materials will not only provide white light, but like your computer screen, display text or programmed color pictures. These technologies can be Internet controlled to adjust building lighting across the country.

Given these advances, I would like to describe the Next Generation Lighting Initiative Act. If enacted, it will move our country to capture these revolutionary mergers between lighting and information. It will supply the necessary pre-competitive R&D which no one industry alone can provide, and, which we as holders of the public trust of basic research owe a duty to further. It will keep the United States in a leadership role of commercial lighting while promoting energy efficiency that can either be ten times that of incandescent lights or twice that of fluorescent lights. We need to enact this legislation now.

The Next Generation Lighting Initiative authorizes the Department of Energy to grant up to $480 million over ten years to a consortium of the United States lighting industry and research institutions. The goals of the Act are to have a 25 percent penetration of solid state lighting into the commercial markets by the year 2012. The Next Generation's consortium, will perform the basic and manufacturing research. The lighting industry will take this R&D and develop the necessary technologies to make it commercially viable.

This is precompetitive research. It is research that no one industry by itself can achieve and which we have a duty to promote together with industry. It has implications for our country's energy policy far broader than economic competitiveness. It is the reduction in energy consumption that makes it a national initiative. Once the pre-competitive research is transitioned to industry then it should be terminated, we think that will take about 10 years.

If this initiative is successful, then by 2025, it can reduce our energy consumption by roughly 17 billion watts of

power or the need for 17 large electricity generating plants. That's as much as 17 million homes consume in a single day. That's more homes than in California, Oregon, and Washington combined.

So let me conclude that the Next Generation Lighting Initiative will carry the U.S. lighting industry into the twenty first century. It capitalizes on technologies that have emerged only five years ago but have the potential to quickly displace our lighting industry. This Initiative will reduce our nation's energy consumption and greenhouse gas emission. The research necessary to advance this technology requires a national investment that must be in partnership with industry.

I encourage my colleagues to review this bill, offer their comments, and, join Senator DEWINE and me in its bipartisan support. I ask 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. 1166

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

SECTION 1. SHORT TITLE.

This Act may be cited as ''Next Generation Lighting Initiative Act''.

SEC. 2. FINDING.

Congress finds that it is in the economic and energy security interests of the United States to encourage the development of white light emitting diodes by providing financial assistance to firms, or a consortium of firms, and supporting research organizations in the lighting development sectors.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSORTIUM.—The term '''consortium'' means the Next Generation Lighting Initiative Consortium established under section 5(b).

(2) INORGANIC WHITE LIGHT EMITTING DIODE.—The term ''inorganic white light emitting diode'' means a semiconducting package that produces white light using externally applied voltage.

(3) LIGHTING INITIATIVE.—The term ''Lighting Initiative'' means the Next Generation Lighting Initiative established by section 4(a).

(4) ORGANIC WHITE LIGHT EMITTING DIODE.—The term ''organic white light emitting diode'' means an organic semiconducting compound that produces white light using externally applied voltage.

(5) PLANNING BOARD.—The term ''planning board'' means the Next Generation Lighting Initiative Planning Board established under section 5(a).

(6) RESEARCH ORGANIZATION.—The term ''research organization'' means an organization that performs or promotes research, development, and demonstration activities with respect to white light emitting diodes.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

(8) WHITE LIGHT EMITTING DIODE.—The term ''white light emitting diode'' means—

(A) an inorganic white light emitting diode; and

(B) an organic white light emitting diode.

SEC. 4. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—There is established in the Department of Energy a lighting initiative to be known as the ''Next Generation Lighting Initiative'' to research, develop, and conduct demonstration activities on white light emitting diodes.

(b) OBJECTIVES.—

(1) IN GENERAL.—The objectives of the Lighting Initiative shall be to develop, by 2011, white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive.

(2) INORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the Lighting Initiative with respect to inorganic white light emitting diodes shall be to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime.

(3) ORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the Lighting Initiative with respect to organic white light emitting diodes shall be to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants typical of fluorescent lamps such as mercury.

SEC. 5. ADMINISTRATION.

(a) PLANNING BOARD.—

(1) IN GENERAL.—The Secretary shall establish a planning board, to be known as the ''Next Generation Lighting Initiative Planning Board'', to assist the Secretary in developing and implementing the Lighting Initiative.

(2) COMPOSITION.—The planning board shall be composed of—

(A) 4 members from universities, national laboratories, and other individuals with expertise in white lighting, to be appointed by the Secretary; and

(B) 3 members nominated by the consortium and appointed by the Secretary.

(3) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the planning board shall complete a study on strategies for the development and implementation of white light emitting diodes.

(B) REQUIREMENTS.—The study shall—

(i) develop a comprehensive strategy to implement, through the Lighting Initiative, the use of white light emitting diodes to increase energy efficiency and enhance United States competitiveness; and

(ii) identify the research and development, manufacturing, deployment, and marketing barriers that must be overcome to achieve a goal of a 25 percent market penetration by white light emitting diode technologies into the incandescent and fluorescent lighting markets by the year 2012.

(C) IMPLEMENTATION.—As soon as practicable after the study is submitted to the Secretary, the Secretary shall implement the Lighting Initiative in accordance with the recommendations of the planning board.

(b) CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall solicit the establishment of a consortium, to be known as the ''Next Generation Lighting Initiative Consortium'', to initiate and manage basic and manufacturing related research contracts on white light emitting diodes for the Lighting Initiative.

(2) COMPOSITION.—The consortium may be composed of firms, national laboratories, and other entities so that the consortium is representative of the United States solid state lighting industry as a whole.

(3) FUNDING.—The consortium shall be funded by—

(A) membership fees; and

(B) grants provided under section 6.

SEC. 6. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall make grants to firms, the consortium, and research organizations to conduct research, development, and demonstration projects related to white light emitting diode technologies.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, a consortium shall—

(1) enter into a consortium participation agreement that—

(A) is agreed to by all members; and

(B) describes the responsibilities of participants, membership fees, and the scope of research activities; and

(2) develop a Lighting Initiative annual program plan.

(c) ANNUAL REVIEW.—

(1) IN GENERAL.—An annual independent review of firms, the consortium, and research organizations receiving a grant under this section shall be conducted by—

(A) a committee appointed by the Secretary under the Federal Advisory Committee Act (5 U.S.C. App.); or

(B) a committee appointed by the National Academy of Sciences.

(2) REQUIREMENTS.—Using clearly defined standards established by the Secretary, the review shall assess technology advances and commercial applicability of—

(A) the activities of the firms, consortium, or research organizations during each fiscal year of the grant program; and

(B) the goals of the firms, consortium, or research organizations for the next fiscal year in the annual program plan developed under subsection (b)(2).

(d) ALLOCATION AND COST SHARING.—

(1) IN GENERAL.—The amount of funds made available for any fiscal year to provide grants under this section shall be allocated in accordance with paragraphs (2) and (3).

(2) RESEARCH PROJECTS.—Funding for basic and manufacturing research projects shall be allocated to the consortium.

(3) DEVELOPMENT, DEPLOYMENT, AND DEMONSTRATION PROJECTS.—Funding for development, deployment, and demonstration projects shall be allocated to members of the consortium.

(4) COST SHARING.—Non-federal cost sharing shall be in accordance with section 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13542).

(e) TECHNICAL AND FINANCIAL ASSISTANCE.—The national laboratories and other pertinent Federal agencies shall cooperate with and provide technical and financial assistance to firms, the consortium, and research organizations conducting research, development, and demonstration projects carried out under this section.

(f) AUDITS.—

(1) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds made available under this Act have been expended in a manner that is consistent with the objectives under section 4(b) and the annual operating plan of the consortium developed under subsection (b)(2).

(2) REPORTS.—The auditor shall submit to Congress, the Secretary, and the Comptroller General of the United States an annual report containing the results of the audit.

(g) APPLICABLE LAW.—The Lighting Initiative shall not be subject to the Federal Acquisition Regulation.

SEC. 7. PROTECTION OF INFORMATION.

Information obtained by the Federal Government on a confidential basis under this Act shall be considered to constitute trade secrets and commercial or financial information obtained from a person and privileged or

confidential under section 552(b)(4) of title 5, United States Code.

SEC. 8. INTELLECTUAL PROPERTY.

Members of the consortium shall have royalty-free nonexclusive rights to use intellectual property derived from consortium research conducted under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $30,000,000 for fiscal year 2002; and

(2) $50,000,000 for each of fiscal years 2003 through 2011.

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

By Mrs. FEINSTEIN (for herself and Mr. HAGEL):

S. 1167. A bill to amend the Immigration and Nationality Act to permit the substitution of an alternative close family sponsor in the case of the death of the person petitioning for an alien's admission to the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce on behalf of myself and Mr. HAGEL, the Family Sponsor Immigration Act of 2001. This legislation would address the situation of those whose U.S. sponsor dies while they have the chance to adjust status or receive an immigrant visa.

Under current law, a family member who petitions for a relative to receive an immigrant visa must sign a legally binding affidavit of support promising to provide for the support of the immigrant. This is the last step before a green card is issued. If the family sponsor dies while the green card application is pending, the applicant is forced to find a new sponsor and restart the application process, usually a 7- to 8-year process, or face deportation.

The legislation I have introduced today would correct this anomaly in the law by permitting another family member to stand in for the deceased sponsor and sign the affidavit. Without this legislation, another relative who qualifies as a family sponsor would have to file a new immigrant visa petition on behalf of the relative and the relative would have to go to the end of the line if the visa category is numerically limited. Thus, the beneficiary would lose his priority date for a visa based on the filing of the first petition, and in some cases, face deportation.

With the passage of this legislation, even though there may be a different sponsor, the beneficiary would not lose his or her priority date to be admitted as a permanent resident of the United States. Nor will the beneficiary be subject to deportation even though they meet all the requirements for an immigrant visa.

A classic example of this situation was presented to my office just recently. Earlier this year I introduced a private bill on behalf of Zhenfu Ge, a 73-year-old Chinese grandmother whose daughter died before the Immigration and Naturalization Service, INS, was able to complete the final stage of application process: her interview. As a result, her immigration application is no longer valid and she is now subject to deportation. The private bill I introduced would allow her to adjust her status, given that she has met all the requirements for a visa.

In previous years, I have introduced other private bills which eventually became law. One bill was on behalf of Suchada Kwong, whose husband was killed in a car accident just weeks before her final interview with the INS. In 1997, I introduced a private bill on behalf of Jasmin Salehi, a Korean immigrant who became ineligible for permanent residency after her husband was murdered at a Denny's in Reseda, California, where he worked as a manager.

In all of these cases, a family's grief was compounded by the prospect of the deportation of a family member, who had met all the requirements for a green card. This legislation is an efficient way to alleviate the need for private legislation under these circumstances by making the law more just for those who have chosen to become immigrants in our country through the legal process.

We introduce the ''Family Immigration Act of 2001,'' in the hopes that it will go further to alleviate some of hardships families face when confronted by the untimely death of a sponsor. Similar legislation has gained bipartisan support in the House of Representatives. I look forward to working with my colleagues to move it quickly through the Senate.

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. 1167

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family Sponsor Immigration Act of 2001''.

SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF ORIGINAL SPONSOR HAS DIED.

(a) PERMITTING SUBSTITUTION OF ALTERNATIVE CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETITIONER.—

(1) RECOGNITION OF ALTERNATIVE SPONSOR.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(f)(5)) is amended to read as follows:

''(5) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who—

''(A) accepts joint and several liability with a petitioning sponsor under paragraph (2) or relative of an employment-based immigrant under paragraph (4) and who demonstrates (as provided under paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line; or

''(B) is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

''(i) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and

''(ii) the Attorney General has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate.''.

(2) CONFORMING AMENDMENT PERMITTING SUBSTITUTION.—Section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by striking ''(including any additional sponsor required under section 213A(f))'' and inserting ''(and any additional sponsor required under section 213A(f) or any alternative sponsor permitted under paragraph (5)(B) of such section)''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 213A(f) of such Act (8 U.S.C. 1183a(f)) is amended, in each of paragraphs (2) and (4)(B)(ii), by striking ''(5).'' and inserting ''(5)(A).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act, except that, in the case of a death occurring before such date, such amendments shall apply only if—

(1) the sponsored alien—

(A) requests the Attorney General to reinstate the classification petition that was filed with respect to the alien by the deceased and approved under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) before such death; and

(B) demonstrates that he or she is able to satisfy the requirement of section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) by reason of such amendments; and

(2) the Attorney General reinstates such petition after making the determination described in section 213A(f)(5)(B)(ii) of such Act (as amended by such subsection).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 126—EXPRESSING THE SENSE OF THE SENATE REGARDING OBSERVANCE OF THE OLYMPIC TRUCE

Mr. DASCHLE (for himself, Mr. STEVENS, Mr. REID, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, and Mr. SARBANES) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 126

Whereas the Olympic Games are a unique opportunity for international cooperation and the promotion of international understanding;

Whereas the Olympic Games bring together embattled rivals in an arena of peaceful competition;

Whereas the Olympic Ideal is to serve peace, friendship, and international understanding;

Whereas participants in the ancient Olympic Games, as early as 776 B.C., observed an ''Olympic Truce'' whereby all warring parties ceased hostilities and laid down their weapons for the duration of the games and during the period of travel for athletes to and from the games;

Whereas war extracts a terrible price from the civilian populations that suffer under it, and truces during war allow for the provision of humanitarian assistance to those suffering populations;

Whereas truces may lead to a longer cessation of hostilities and, ultimately, a negotiated settlement and end to conflict;

Whereas the Olympics can and should be used as a tool for international public diplomacy, rapprochement, and building a better world;

Whereas terrorist organizations have used the Olympics not to promote international understanding but to perpetrate cowardly acts against innocent participants and spectators;

Whereas, since 1992, the International Olympic Committee has urged the international community to observe the Olympic Truce;

Whereas the International Olympic Committee and the Government of Greece established the International Olympic Truce Center in July 2000, and that Center seeks to uphold the observance of the Olympic Truce and calls for all hostilities to cease during the Olympic Games; and

Whereas the United Nations General Assembly, with the strong support of the United States, has three times called for member states to observe the Olympic Truce, most recently for the XXVII Olympiad in Sydney, Australia: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE WITH RESPECT TO THE OLYMPIC TRUCE.

(a) COMMENDATION OF THE IOC AND THE GOVERNMENT OF GREECE.—The Senate commends the efforts of the International Olympic Committee and the Government of Greece to urge the international community to observe the Olympic Truce.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government should join efforts to use the Olympic Truce as an instrument to promote peace and reconciliation in areas of conflict; and

(2) the President should continue efforts to work with Greece—

(A) in its preparations for a successful XXVIII Olympiad in Greece in 2004; and

(B) to uphold and extend the spirit of the Olympic Truce during the XXVIII Olympiad.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the International Olympic Committee and the Government of Greece.

SENATE RESOLUTION 127—COMMENDING GARY SISCO FOR HIS SERVICE AS SECRETARY OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, and Mr. THURMOND) submitted the following resolution; which was considered and agreed to:

S. RES. 127

Whereas, Gary Sisco faithfully served the Senate of the United States as the 29th Secretary of the Senate from the 104th to the 107th Congress, and discharged the difficult duties and responsibilities of that office with unfailing dedication and a high degree of competence and efficiency; and

Whereas, as an elected officer, Gary Sisco has upheld the high standards and traditions of the United States Senate and extended his assistance to all Members of the Senate; and

Whereas, through his exceptional service and professional integrity as an officer of the Senate of the United States, Gary Sisco has earned the respect, trust, and gratitude of his associates and the Members of the Senate: Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of Gary Sisco to the Senate and to his Country and expresses to him its deep appreciation for his faithful and outstanding service, and extends its very best wishes in his future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Gary Sisco.

SENATE RESOLUTION 128—CALLING ON THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO IMMEDIATELY AND UNCONDITIONALLY RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION, CALLING ON THE PRESIDENT OF THE UNITED STATES TO CONTINUE WORKING ON BEHALF OF LI SHAOMIN AND THE OTHER DETAINED SCHOLARS FOR THEIR RELEASE, AND FOR OTHER PURPOSES

Mr. TORRICELLI (for himself, Mr. CORZINE, Mr. KERRY, Mr. ALLEN, Mr. WELLSTONE, Mr. THOMAS, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 128

Whereas in recent months the Government of the People's Republic of China has arrested and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including at least 2 United States citizens and 3 permanent residents of the United States;

Whereas according to the Department of State's 2000 Country Reports on Human Rights Practices in China, and international human rights organizations, the Government of the People's Republic of China ''has continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms'';

Whereas the harassment, arbitrary arrest, detention, and filing of criminal charges against scholars and intellectuals has created a chilling effect on freedom of expression in the People's Republic of China, in contravention of internationally accepted norms, including the International Covenant on Civil and Political Rights, which the People's Republic of China signed in October 1998;

Whereas the Government of the People's Republic of China frequently uses torture and other human rights violations to produce coerced ''confessions'' from detainees;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China has extensively documented that human rights abuses in the People's Republic of China ''included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process'', and also found that ''[p]olice and prosecutorial officials often ignore the due process provisions of the law and of the Constitution . . . [f]or example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence'';

Whereas the Government of the People's Republic of China has reported that some of the scholar detainees have ''confessed'' to their ''crimes'' of ''spying'', but it has yet to produce any evidence of spying, and has refused to permit the detainees to confer with their families or lawyers;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China also found that ''police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret'';

Whereas Dr. Li Shaomin is a United States citizen and scholar who has been detained by the Government of the People's Republic of China for more than 100 days, was formally charged with spying for Taiwan on May 15, 2001, and is expected to go on trial on July 14, 2001;

Whereas Dr. Li Shaomin has been deprived of his basic human rights by arbitrary arrest and detention, has not been allowed to contact his wife and child (both United States citizens), and was prevented from seeing his lawyer for an unacceptably long period of time;

Whereas Dr. Gao Zhan is a permanent resident of the United States and scholar who has been detained by the Government of the People's Republic of China for more than 114 days, and was formally charged with ''accepting money from a foreign intelligence agency'' on April 4, 2001;

Whereas Dr. Gao Zhan has been deprived of her basic human rights by arbitrary arrest and detention, has not been allowed to contact her husband and child (both United States citizens) or Department of State consular personnel in China, and was prevented from seeing her lawyer for an unacceptably long period of time;

Whereas Wu Jianmin is a United States citizen and author who has been detained by the Government of the People's Republic of China, has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Qin Guangguang is a permanent resident of the United States and researcher who has been detained by the Government of the People's Republic of China on suspicions of ''leaking state secrets'', has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Teng Chunyan is a permanent resident of the United States, Falun Gong practitioner, and researcher who has been sentenced to three years in prison for spying by the Government of the People's Republic of China, apparently for conducting research which documented violations of the human rights of Falun Gong adherents in China, has been deprived of her basic human rights by being placed on trial in secret, and her appeal to the Beijing Higher People's Court was denied on May 11, 2001;

Whereas Liu Yaping is a permanent resident of the United States and a businessman who was arrested and detained in Inner Mongolia in March 2001 by the Government of the People's Republic of China, has been deprived of his basic human rights by being denied any access to family members and by being denied regular access to lawyers, is reported to be suffering from severe health problems, was accused of tax evasion and other economic crimes, and has been denied his request for medical parole;

Whereas because there is documented evidence that the Government of the People's Republic of China uses torture to coerce confessions from suspects, because the Government has thus far presented no evidence to support its claims that the detained scholars and intellectuals are spies, and because spying is vaguely defined under Chinese law,

there is reason to believe that the ''confessions'' of Dr. Li Shaomin and Dr. Gao Zhan may have been coerced; and

Whereas the arbitrary imprisonment of United States citizens and residents by the Government of the People's Republic of China, and the continuing violations of their fundamental human rights, demands an immediate and forceful response by Congress and the President of the United States: Now, therefore, be it

Resolved, That

(1) the Senate—

(A) condemns and deplores the continued detention of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and other scholars detained on false charges by the Government of the People's Republic of China, and calls for their immediate and unconditional release;

(B) condemns and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them;

(C) condemns and deplores the ongoing and systematic pattern of human rights violations by the Government of the People's Republic of China, of which the unjust detentions of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, are only important examples;

(D) strongly urges the Government of the People's Republic of China to consider carefully the implications to the broader United States-Chinese relationship of detaining and coercing confessions from United States citizens and permanent residents on unsubstantiated spying charges or suspicions;

(E) urges the Government of the People's Republic of China to consider releasing Liu Yaping on medical parole, as provided for under Chinese law; and

(F) believes that human rights violations inflicted on United States citizens and residents by the Government of the People's Republic of China will reduce opportunities for United States-Chinese cooperation on a wide range of issues; and

(2) it is the sense of the Senate that the President—

(A) should make the immediate release of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan a top priority of United States foreign policy with the Government of the People's Republic of China;

(B) should continue to make every effort to assist Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, and their families, while discussions of their release are ongoing;

(C) should make it clear to the Government of the People's Republic of China that the detention of United States citizens and residents, and the infliction of human rights violations upon United States citizens and residents, is not in the interests of the Government of the People's Republic of China because it will reduce opportunities for United States-Chinese cooperation on other matters; and

(D) should immediately send a special, high ranking representative to the Government of the People's Republic of China to reiterate the deep concern of the United States regarding the continued imprisonment of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and Liu Yaping, and to discuss their legal status and immediate humanitarian needs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 877. Mr. BYRD proposed an amendment to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 878. Mr. CRAPO (for himself, Mr. MURKOWSKI, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 879. Mr. DURBIN (for himself, Mrs. MURRAY, Mr. DAYTON, Mr. REID, Mr. FEINGOLD, and Mrs. BOXER) proposed an amendment to the bill H.R. 2217, supra.

SA 880. Mr. BYRD proposed an amendment to the bill H.R. 2217, supra.

SA 881. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 882. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 883. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 885. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 886. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 887. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 888. Mr. HARKIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 889. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 890. Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 891. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 892. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 893. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra.

SA 894. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 895. Mr. KERRY (for himself, Ms. SNOWE, Ms. COLLINS, Mr. KENNEDY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 896. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 897. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 898. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 899. Mr. SMITH, of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 900. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 901. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 902. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 903. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 904. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 905. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 906. Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 907. Ms. LANDRIEU (for herself, Mr. SMITH, of New Hampshire, Mr. BREAUX, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 908. Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. LOTT, and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 909. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 910. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 911. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 912. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 913. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 914. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 915. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 916. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 917. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 918. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 919. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 920. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 921. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 922. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, supra; which was ordered to lie on the table.

SA 923. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 2217, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 877. Mr. BYRD proposed an amendment to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 152, line 4, strike ''$17,181,000'' and insert ''$72,640,000''.

SA 878. Mr. CRAPO (for himself, Mr. MURKOWSKI, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. 3___. BACKCOUNTRY LANDING STRIP ACCESS.

(a) IN GENERAL.—Funds made available by this Act shall not be used to permanently close any aircraft landing strip described in subsection (b) without public notice, consultation with appropriate Federal and State aviation officials, and the consent of the Federal Aviation Administration.

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land that—

(1) is officially recognized by an appropriate Federal or State aviation official;

(2) is administered by the Secretary of the Interior or the Secretary of Agriculture; and

(3) is commonly known for use for, and is consistently used for, aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

SA 879. Mr. DURBIN (for himself, Mrs. MURRAY, Mr. DAYTON, Mr. REID, Mr. FEINGOLD, and Mrs. BOXER) proposed an amendment to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1___. PRELEASING, LEASING, AND RELATED ACTIVITIES.

None of the funds made available by this Act shall be used to conduct any preleasing, leasing, or other related activity under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundary (in effect as of January 20, 2001) of a national monument established under the Act of June 8, 1906 (16 U.S.C. 431 et seq.), except to the extent that such a preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.

SA 880. Mr. BYRD proposed an amendment to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 157, line 7, insert ''Protection'' after the word ''Park''.

SA 881. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 4, before ''::'' insert the following: ''of which $2,000,000 shall be provided to the Ecological Restoration Institute''.

SA 882. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 10 before ''::'' insert the following, '', and of which $500,000 is provided to the Ecological Restoration Institute for assistance to communities and land management agencies to support the design and implementation of forest restoration treatments.''

SA 883. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 16, insert before ''::'' the following, ''and of which $338,000 shall be provided for Mt. Trumbull''.

SA 884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 16, strike ''longitude'' and insert ''longitude, or for the conduct of preleasing activities in those areas''.

SA 885. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) SHORT TITLE AND FINDINGS.—

(1) This Title can be cited as the ''Iraq Petroleum Import Restriction Act of 2001''.

(2) FINDINGS.—Congress finds that—

(A) the government of the Republic of Iraq—

(i) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(ii) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(iii) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(iv) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced ''No-Fly Zones'' in effect in the Republic of Iraq.

(v) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(B) further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

(b) PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.—The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

(c) TERMINATION/PRESIDENTIAL CERTIFICATION.—This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that—

(1) the United States is not engaged in active military operations in—

(A) enforcing ''No-Fly Zones'' in Iraq;

(B) support of United Nations sanctions against Iraq;

(C) preventing the smuggling of Iraqi-origin petroleum and petroleum products in violation of UNSC Resolution 986; and

(D) otherwise preventing threatening action by Iraq against the United States or its allies; and

(2) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

(d) HUMANITARIAN INTERESTS.—It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi

people are not negatively effected by this Act, and should encourage through public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

(e) DEFINITIONS.—

(1) 661 COMMITTEE.—The term ''661 Committee'' means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the U.N. Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(2) UNSC RESOLUTION 661.—The term ''UNSC Resolution 661'' means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(3) UNSC RESOLUTION 986.—The term ''UNSC Resolution 986'' means United Nations Security Council Resolution 986, adopted April 14, 1995.

(f) EFFECTIVE DATE.—The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

SA 886. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . GULFSTREAM NATURAL GAS PROJECT.

Notwithstanding any other provision of this Act, none of the funds made available under this Act shall be used to authorize or carry out construction of the Gulfstream Natural Gas Project.

SA 887. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, line 3, strike ''Act:'' and insert ''Act (of which $4,000,000 shall be available for the Tumbledown/Mount Blue conservation project, Maine):''.

SA 888. Mr. HARKIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(1) The National Park Service shall make further evaluations of national significance, suitability and feasibility for the Glenwood locality and each of the twelve Special Landscape Areas (including combinations of such areas) as identified by the National Park Service in the course of undertaking the Special Resource Study of the Loess Hills Landform Region of Western Iowa.

(2) The National Park Service shall provide the results of these evaluations no later than January 15, 2002, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

SA 889. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the Land and Water Conservation Fund, insert: ''$33,000 shall be made available for the purchase of land for the United States Forest Service's Bearlodge Ranger District Work Center (Old Stoney) in Sundance, Wyoming;''

And, at the appropriate place in the report, insert: ''$244,000 for the design of historic office renovations of the Bearlodge Ranger District Work Center (Old Stoney) in Sundance, Wyoming.''

SA 890. Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . LEASE OF FACILITY CONNECTED WITH THE NATIONAL WETLANDS RESEARCH CENTER.

Notwithstanding any other provision of law, if the University of Louisiana at Lafayette or the University of Louisiana at Lafayette Foundation makes a commitment to construct a facility adjacent to and connected with the National Wetlands Research Center, Louisiana, the Director of the United States Geological Survey, before commencement of construction, may enter into a long-term lease of the facility.

SA 891. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, line 6, after ''activities'', insert ''(including related studies)''.

SA 892. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following new General Provision:

SEC. . From within available funds in the Alaska Region including entrance fees generated in Glacier Bay National Park, the National Park Service shall conduct an Environmental Impact Statement on cruise ship entries into such park taking into account possible impacts on whale populations; Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the Park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed and any legal challenges thereto are finalized notwithstanding any other provision of law.

SA 893. Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . LEASE SALE 181.

None of the funds made available by this Act shall be used to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as ''Lease Sale 181'', as identified in the Outer Continental Shelf 5-Year Oil and Gas Leasing Program, before April 1, 2002.

SA 894. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1 . LEASE SALE 181.

None of the funds made available by this Act shall be used to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as ''Lease Sale 181'', as identified in the Outer Continental Shelf 5-Year Oil and Gas Leasing Program.

SA 895. Mr. KERRY (for himself, Ms. SNOWE, Ms. COLLINS, Mr. KENNEDY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 11, after ''offshore'', insert ''preleasing,''.

SA 896. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, line 9 strike ''$2,388,614,000'' and insert ''$2,408,614,000.''

On page 235, line 14 strike ''$98,234,000'' and insert ''$78,234,000.''

SA 897. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the

Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, line 5, after 205 insert ''of which, $244,000 is to be provided for the design of historic office renovations of the Bearlodge Ranger District Work Center (Old Stoney) in Sundance, Wyoming, and''.

SA 898. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, strike line 4 and all that follows through page 153, line 22 and insert ''$109,901,000, to be derived from the Land and Water Conservation Fund, of which $4,000,000 shall be made available for land acquisition for the establishment of the Cahaba River National Wildlife Refuge, authorized by PL 106–331, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $91,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(vi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,000,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 106–291, and Public Law 106–554 and hereafter in annual appropriations acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That the Secretary shall, after deducting administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: 30 percent based on the ratio to which the land area of such State bears to the total land area of all such States; and 70 percent based on the ratio to which the population of such State bears to the total population of the United States, based on the 2000 U.S. Census; and the amounts so apportioned shall be adjusted equitably so that no State shall be apportioned a sum which is less than one percent of the total amount available for apportionment or more than 10 percent: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106–291, $49,890,000 for State Wildlife Grants are rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,473,128,000, of which $10,881,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended; and of which $17,181,000, to remain available until September 30, 2003, is

for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $66,106,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement (not heretofore made), pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis for benefit wayments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act (Act), to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: *Provided*, That hereafter the appropriations made to the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $64,386,000.

SA 899. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

''None of the funds made available under this or any other Act may be used to provide any flows from the Klamath Project other than those set forth in the 1992 biological opinion for Lost River and shortnose suckers and the July 1999 biological opinion on project operations issued by the National Marine Fisheries Service, until the Fish and Wildlife Service takes the following actions identified or discussed in the April 1993 recovery plan for Lost River suckers and shortnose suckers:

(a) establishes at least one stable refugial population with a minimum of 500 adult fish for each unique stock of Lost River and shortnose suckers;

(b) secures refugial sites for upper Klamath Lake suckers;

(c) uses aeration for improving water quality and to expand refugial areas for relatively good water quality within Upper Klamath Lake;

(d) improves larval rearing and refuge habitat in the lower Williamson and Wood Rivers through increased vegetative cover;

(e) extirpates exotic species that are predators of the suckers;

(f) assesses the need for captive propagation and the potential for improving sucker stocks through supplementation, and the Secretary has submitted a report, including recommendations, to the Congress;

(g) implements a plan to monitor relative abundance of all life stages for all sucker populations;

(h) develops a plan to reduce losses of fish due to water diversions;

(i) determines the distribution and abundance of suckers in all waterbodies in the Upper Klamath Basin;

(j) implements the plan for wetland rehabilitation pilot projects;

(k) implements the most effective strategy to provide fish passage upstream of the Sprague River Dam;

(l) implements the plan to enhance spring spawning habitat in Upper Klamath Lake and Agency Lake;

And develops water management plans and land management plans, including sump rotations where appropriate, for the national wildlife refuges that receive water from the Klamath Project; and subsequently completes an evaluation of the impact of these actions on the recovery of the suckers before determining whether further modifications to project operations are needed and submits such evaluation to the Secretary of the Interior and to the Congress.

SA 900. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ (a) RESCISSIONS.—There is rescinded an amount equal to 1 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2002 in this Act for each department, agency, instrumentality, or entity of the Federal Government funded in this Act: *Provided*, That this reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

(b) DEBT REDUCTION.—The amount rescinded pursuant to this section shall be deposited into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

SA 901. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. . No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monumental.

SA 902. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 145, line 9, before the period at the end, insert the following: '', of which $500,000 shall be available to acquire land for the Don Edwards National Wildlife Refuge, California''.

SA 903. Mrs. FEINSTEIN submitted an amendment intended to the proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 256, between lines 7 and 8, insert the following:

SEC. 3___. FOREST LEGACY PROGRAM.

Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by adding at the end the following:

''(3) STATE AUTHORIZATION.—Notwithstanding any other provision of this Act, a State may authorize a local government, or any qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) that is organized for 1 or more purposes described in clauses (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986, to acquire land and interests in land to carry out the Forest Legacy Program in the State.''.

SA 904. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, line 22, before the period, insert the following: ''of which no funds shall be used for any purpose relating to Vulcan Monument, Alabama''.

SA 905. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, line 26 strike ''$20,000,000'' and insert the following: ''$23,363,000, of which $3,363,000 shall be derived by transfer from the Department Management fund''.

SA 906. Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, line 25, strike ''$870,805,000'' and insert ''$882,805,000''.

On page 217, line 7, strike the period and insert '': *Provided further,* That $23,300,000 shall be available for the Federal Energy Management Program and $20,788,000 shall be available for the Community partnerships.''.

On page 217, strike lines 17 through 19 and insert ''$157,009,000, to remain available until expended, of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.''.

On page 217, line 19, strike the period and insert ''and of which $132,000,000 shall be for non-phase specific activities: *Provided,* That the Department of Energy shall conduct a management review study of the Strategic Petroleum Reserve and report the findings to Congress not later than June 30, 2002.''.

SA 907. Ms. LANDRIEU (for herself, Mr. SMITH, of New Hampshire, Mr. BREAUX, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 148, strike line 6 and all that follows through page 150, line 7, and insert the following:

FUNDING FOR WILDLIFE CONSERVATION AND RESTORATION ACCOUNT

(INCLUDING RESCISSION)

For transfer to the Wildlife Conservation and Restoration Account established by section 3(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(2)), $100,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

SA 908. Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. LOTT, and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1___. SENSE OF CONGRESS CONCERNING COASTAL IMPACT ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) the United States continues to be reliant on fossil fuels (including crude oil and natural gas) as a source of most of the energy consumed in the country;

(2) this reliance is likely to continue for the foreseeable future;

(3) about 65 percent of the energy needs of the United States are supplied by oil and natural gas;

(4) the United States is becoming increasingly reliant on clean-burning natural gas for electricity generation, home heating and air conditioning, agricultural needs, and essential chemical processes;

(5) a large portion of the remaining crude oil and natural gas resources of the country are on Federal land located in the western United States, in Alaska, and off the coastline of the United States;

(6) the Gulf of Mexico has proven to be a significant source of oil and natural gas and is predicted to remain a significant source in the immediate future;

(7) many States and counties oppose the development of Federal crude oil and natural gas resources within or near the coastline, which opposition results in congressional, Executive, State, or local policies to prevent the development of those resources;

(8) actions that prevent the development of certain Federal crude oil and natural gas resources do not lessen the energy needs of the United States or of those States and counties that object to exploration and development for fossil fuels;

(9) actions to prevent the development of certain Federal crude oil and natural gas resources focus development pressure on the remaining areas of Federal crude oil and natural gas resources, such as onshore and offshore Alaska, certain onshore areas in the western United States, and the central Gulf of Mexico off the coasts of Alabama, Alaska, Louisiana, Mississippi, and Texas;

(10) the development of Federal crude oil and natural gas resources is accompanied by adverse effects on the infrastructure services, public services, and the environment of States, counties, and local communities that host the development of those Federal resources;

(11) States, counties, and local communities do not have the power to tax adequately the development of Federal crude oil and natural gas resources, particularly when those development activities occur off the coastline of States that serve as platforms for that development, such as Alabama, Alaska, Louisiana, Mississippi, and Texas;

(12) the Mineral Leasing Act (30 U.S.C. 181 et seq.), which governs the development of Federal crude oil and natural gas resources located onshore, provides, outside the budget and appropriations processes of the Federal Government, payments to States in which Federal crude oil and natural gas resources are located in the amount of 50 percent of the direct revenues received from the Federal Government for those resources; and

(13) there is no permanent provision in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which governs the development of Federal crude oil and natural gas resources located offshore, that authorizes the sharing of a portion of the annual revenues generated from Federal offshore crude oil and natural gas resources with adjacent coastal States that—

(A) serve as the platform for that development; and

(B) suffer adverse effects on the environment and infrastructure of the States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should provide a significant portion of the Federal offshore mineral revenues to coastal States that permit the development of Federal mineral resources off the coastline, including the States of Alabama, Alaska, Louisiana, Mississippi, and Texas.

SA 909. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 10 and 11, insert the following:

SEC. 1___. MODIFIED LEASE SALE 181.

Notwithstanding any other provision of this Act, not later than December 31, 2001, the Secretary of the Interior shall use such funds made available by this Act as are necessary to proceed with the sale of the area known as ''Modified Lease Sale 181'', located in the eastern portion of the Gulf of Mexico, consisting of 256 lease blocks for a total of approximately 1,470,000 acres, as depicted on the map entitled ''Eastern Gulf of Mexico and Sale 181 Area'', dated June 29, 2001.

SA 910. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 9 and 10, insert the following:

SEC. 1___. LEASE SALE 181.

Notwithstanding any other provision of this Act, not later than December 31, 2001, the Secretary of the Interior shall use such funds made available by this Act as are necessary to proceed with the sale of the area known as ''Lease Sale 181'', located in the eastern portion of the Gulf of Mexico, modifying the sale by excluding from Lease Sale 181 the area comprised of 120 blocks that forms a narrow strip beginning 15 miles south of the coast of Alabama.

SA 911. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, line 9, before the period, insert the following: '', of which not more than $250,000 shall be used for acquisition of 1,750 acres for the Red River National Wildlife Refuge and not more than $250,000 shall be available for use by the Louisiana herbivory (nutria) control program''.

SA 912. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 10 and 11, insert the following:

SEC. 1. . LEASE SALE 181.

Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to reduce the size of the area known as ''Lease Sale 181'', located on the outer Continental Shelf in the eastern portion of the Gulf of Mexico, as originally proposed in 1997.

SA 913. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . NATIONAL CAVE & KARST INSTITUTE.

$350,000 of the funds provided to the National Park Service in this Act shall be available for the National Cave & Karst Institute in New Mexico.

SA 914. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the

fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . VALLES CALDERA TRUST.

On page 195, line 19, strike ''1,324,491,000'' and insert ''1,324,841,000''.

SA 915. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . RIO PUERCO MANAGEMENT COMMITTEE.

$300,000 of the funds provided to the Bureau of Land Management shall be available for erosion control and watershed rehabilitation projects and initiatives developed by the Rio Puerco Management Committee (section 401 of Public Law 104–333) in New Mexico.

SA 916. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . SANTO DOMINGO PUEBLO CLAIM SETTLEMENT.

$2,200,000 of the funds provided to the Bureau of Indian Affairs shall be available for deposit into a fund to meet current obligations with the Santo Domingo Pueblo Claims Settlement Act of 2000 (Public Law 106–425).

SA 917. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

No funds contained in this or any other Act shall be used to approve the transfer of lands on South Fox Island, Michigan, until Congress has authorized such transfer.

SA 918. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Under United States Fish and Wildlife Service—Resource Management, on page 143, starting in line 5, strike ''$845,714,000, to remain available until September 30, 2003, except as otherwise provided herein,'' and insert in lieu thereof, ''846,214,000, to remain available until September 30, 2003, except as otherwise provided herein, of which $500,000 is for the University of Idaho for developing research mechanisms in support of salmon and trout recovery in the Columbia and Snake River basins and their tributaries, and''.

Under Bureau of Land Management—Land Acquisition: On page 137, in line 26, strike ''$45,686,000'' and insert in lieu thereof, ''45,186,000''; on page 138, in line 5, before the period insert '', of which $2,500,000 is for the Upper Snake/South Fork Snake River in Idaho''.

SA 919. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, line 5, strike ''lands.'' And insert ''land: *Provided further*, That no funds shall be available for the Landowner Incentive Program until the program is authorized by an Act of Congress enacted after the date of enactment of this Act.''.

On page 146, line 22, strike ''species.'' And insert ''species: *Provided further*, That no funds shall be available for the Private Stewardship Grants Program until the program is authorized by an Act of Congress enacted after the date of enactment of this Act.''.

SA 920. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 145, strike line 10 and all that follows through page 146, line 22.

Proposed Reallocations:

On page 132, line 9, strike ''$1,000,000'' and insert ''$3,000,000''.

On page 137, line 15, strike ''$50,000,000'' and insert ''$100,000,000''.

On page 143, line 19, strike ''$2,000,000'' and insert ''$4,000,000''.

On page 152, line 9, strike ''$2,000,000'' and insert ''$4,000,000''.

On page 207, line 12, strike ''$2,000,000'' and insert ''$6,000,000''.

Description: The Committee-reported bill includes $50 million in funding for a ''Landowner Incentive Program'' and $10 million for a ''Stewardship Grants'' Program as part of the conservation spending category. Neither program was authorized in last year's agreement establishing the conservation spending category and neither program is authorized as a stand-alone program. This amendment strikes the funding for both programs and reallocates it to other authorized programs within the category: $50 million in additional funding for the Payments in Lieu of Taxes Program and $10 million in additional funding for Youth Conservation Corps Programs.

SA 921. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, line 22, strike ''expended.'' and insert ''expended: *Provided*, That $498, 000 shall be used for the Moosehorn National Wildlife Refuge to develop and display exhibits in the Downneast Heritage Center in Calais, Maine.''

SA 922. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, line 15, strike ''analyses.'' and insert ''analyses: *Provided further*, That $1,100,000 shall be made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in Maine to fund on-the-ground projects to further Atlantic salmon conservation and restoration efforts, at least $550,000 of which shall be awarded to projects that will also assist industries in Maine affected by the listing of Atlantic salmon under the Endangered Species Act.''

SA 923. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 7, after ''herein,'' insert ''of which $140,000 shall be made available for the preparation of, and not later than July 31, 2002, submission to Congress of a report on, a feasibility study and situational appraisal of the Hackensack Meadowlands, New Jersey, to identify management objectives and address strategies for preservation efforts, and''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 11, 2001, at 5:45 p.m., in Executive Session to meet with the British Secretary of State for Foreign and Commonwealth Affairs, the Right Honorable Jack Straw.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 11, 2001, at 9:30 a.m. on Internet Privacy.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 11, 2001, to hear testimony regarding the Role of Tax Incentives in Energy Policy, Part II.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 11, 2001 at 3 p.m. to hold a nomination hearing.

Nominees:

Mr. Peter R. Chaveas, of Pennsylvania, to be Ambassador to the Republic of Sierra Leone.

Mr. Aubrey Hooks, of Virginia, to be Ambassador to the Democratic Republic of the Congo.

Mr. Donald J. McConnell, of Ohio, to be Ambassador to the State of Eritrea.

Ms. Nancy J. Powell, of Iowa, to be Ambassador to the Republic of Ghana.

Mr. George M. Staples, of Kentucky, to be Ambassador to the Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador to the Republic of Equatorial Guinea.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 11, 2001, at 9 a.m. for a business meeting to consider pending committee business.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 11, 2001, at 9:30 a.m. for a hearing regarding S. 803, the e-Government Act of 2001.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on achieving parity for mental health treatment during the session of the Senate on Wednesday, July 11, 2001, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Wednesday, July 11, 2001, at 2 p.m., in Dirksen 226.

Panel I: Roger L. Gregory, of Virginia, to be U.S. circuit judge for the Fourth Circuit.

Panel II: Richard F. Cebull, of Montana, to be U.S. district judge for the District of Montana; Sam E. Haddon, of Montana, to be U.S. district judge for the District of Montana.

Panel III: Eileen J. O'Connor, of Maryland, to be Assistant Attorney General for the Tax Division.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 11, 2001 at 2:30 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. REID. Mr. President, I ask unanimous consent that the subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 11, 2001, at 9:30 a.m., in open session to receive testimony on the readiness of the U.S. Military Forces and the FY2002 budget amendment, in review of the Defense authorization request for fiscal year 2002.

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

SUBCOMMITTEE ON STRATEGIC

Mr. REID. 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 Wednesday, July 11, 2001, at 2:00 p.m., in open session to receive testimony on the budget request for national security space programs, policies operations and strategic systems and programs, in review of the Defense authorization request for fiscal year 2002.

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

PRIVILEGE OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Scott Dalzell, a detailee with the majority staff, and Mark Davis, a detailee with the minority staff, be afforded privileges of the floor during the pendency of H.R. 2217.

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

SUPPLEMENTAL APPROPRIATIONS ACT, 2001

On July 10, 2001, the Senate amended and passed H.R. 2216, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2216) entitled ''An Act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF JUSTICE

RADIATION EXPOSURE COMPENSATION

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For an additional amount for ''Payment to Radiation Exposure Compensation Trust Fund'' for claims covered by the Radiation Exposure Compensation Act, $84,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $164,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $84,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $69,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $126,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $52,000,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $2,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $6,000,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $12,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $784,500,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $1,037,900,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $62,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $824,900,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-wide'', $62,050,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $20,500,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $12,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $1,900,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $34,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $42,900,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $119,300,000.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $3,000,000, to remain available for obligation until September 30, 2003.

SHIPBUILDING AND CONVERSION, NAVY

(TRANSFER OF FUNDS)

For an additional amount for ''Shipbuilding and Conversion, Navy'', $297,000,000: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amount specified: Provided further, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/2001'':

Carrier Replacement Program, $84,000,000;

DDG–51 Destroyer Program, $300,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2001'':

DDG–51 Destroyer Program, $14,600,000;

LPD–17 Amphibious Transport Dock Ship Program, $140,000,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1997/2001'':

DDG–51 Destroyer Program, $12,600,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2001'':

NSSN Program, $32,000,000;

DDG–51 Destroyer Program, $13,500,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $78,000,000, to remain available for obligation until September 30, 2003.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $15,500,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $31,200,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $165,650,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-wide'', $5,800,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $123,000,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $227,500,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-wide'', $35,000,000, to remain available for obligation until September 30, 2002.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $178,400,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,522,200,000 for operation and maintenance: Provided, That of the funds made available under this heading, not more than $655,000,000 may be used to cover TRICARE contract costs associated with the provision of health care services to eligible beneficiaries of all the uniformed services: Provided further, That of the funds made available under this heading, not less than $220,000,000 shall be made available upon enactment only for the requirements of the direct care system and military medical treatment facilities, to be administered solely by the uniformed services Surgeons General.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1201. Fuel transferred by the Defense Energy Supply Center to the Department of the Interior for use at Midway Island during fiscal year 2000 shall be deemed for all purposes to have been transferred on a nonreimbursable basis.

SEC. 1202. Funds appropriated by this Act or made available by the transfer of funds in this Act for intelligence activities are deemed to be specifically authorized by the Congress for the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING TRANSFER OF FUNDS)

SEC. 1203. In addition to the amount appropriated in section 308 of Division A, Miscellaneous Appropriations Act, 2001, as enacted by section 1(a)(4) of Public Law 106–554 (114 Stat. 2763A–181 and 182), $44,000,000 is hereby appropriated for ''Operation and Maintenance, Navy'', to remain available until expended: Provided, That such amount, and the amount previously appropriated in section 308, shall be for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE, including any costs previously incurred for such purposes: Provided further, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense.

(RESCISSIONS)

SEC. 1204. Of the funds provided in Department of Defense Appropriations Acts, the following funds are rescinded, from the following accounts in the specified amounts:

''Overseas Contingency Operations Transfer Fund, 2001'', $200,000,000;

''Aircraft Procurement, Navy, 2001/2003'', $150,000,000;

''Shipbuilding and Conversion, Navy, 2001/2005'', LPD–17(AP), $75,000,000;

''Aircraft Procurement, Air Force, 2001/2003'', $363,000,000;

''Research, Development, Test and Evaluation, Defense-wide 2001/2002'', $4,000,000.

SEC. 1205. Notwithstanding any other provision of law, the Secretary of Defense may retain all or a portion of Fort Greely, Alaska as the Secretary deems necessary, to meet military, operational, logistics and personnel support requirements for missile defense.

SEC. 1206. Of the funds appropriated in the Department of Defense Appropriations Act, 2001, Public Law 106–259, in Title IV under the heading, ''Research, Development, Test and Evaluation, Navy'', $2,000,000 may be made available for a Maritime Fire Training Center at the Marine and Environmental Research and Training Station (MERTS), and $2,000,000 may be made available for a Maritime Fire Training Center at Barbers Point, including provision for laboratories, construction, and other efforts associated with research, development, and other programs of major importance to the Department of Defense.

SEC. 1207. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $8,000,000 shall be available for the purpose of repairing storm damage at Fort Sill, Oklahoma, and Red River Army Depot, Texas.

SEC. 1208. (a) Of the total amount appropriated under this Act to the Army for operation and maintenance, such amount as may be necessary shall be available for a conveyance by the Secretary of the Army, without consideration, of all right, title, and interest of the United States in and to the firefighting and rescue vehicles described in subsection (b) to the City of Bayonne, New Jersey.

(b) The firefighting and rescue vehicles referred to in subsection (a) are a rescue hazardous materials truck, a 2,000 gallon per minute pumper, and a 100-foot elevating platform truck, all of which are at Military Ocean Terminal, Bayonne, New Jersey.

SEC. 1209. None of the funds available to the Department of Defense for fiscal year 2001 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit, or the facility, to which assigned as of that date.

CHAPTER 3

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'', $140,000,000, to remain available until expended: Provided, That funding is authorized for Project 01–D–107, Atlas Relocation and Operations, and Project 01–D–108, Microsystems and Engineering Science Application Complex.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management'', $95,000,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for ''Defense Facilities Closure Projects'', $21,000,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For an additional amount for ''Defense Environmental Management Privatization'', $29,600,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'', $5,000,000, to remain available until expended.

CHAPTER 4

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $18,000,000, to remain available until September 30, 2005: Provided, That notwithstanding any other provision of law, such amount may be used by the Secretary of the Air Force to carry out a military construction and renovation project at the Masirah Island Airfield, Oman.

FAMILY HOUSING, ARMY

For an additional amount for ''Family Housing, Army'', $27,200,000 for operation and maintenance.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing, Navy and Marine Corps'', $20,300,000 for operation and maintenance.

FAMILY HOUSING, AIR FORCE

For an additional amount for ''Family Housing, Air Force'', $18,000,000 for operation and maintenance.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For an additional amount for deposit into the ''Department of Defense Base Realignment and Closure Account 1990'', $9,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1401. (a) In addition to amounts appropriated or otherwise made available elsewhere in the Military Construction Appropriations Act, 2001, and in this Act, the following amounts are hereby appropriated as authorized by section 2854 of title 10, United States Code, as follows for the purpose of repairing storm damage at Ellington Air National Guard Base, Texas, and Fort Sill, Oklahoma:

''Military Construction, Air National Guard'', $6,700,000;

''Family Housing, Army'', $1,000,000:

Provided, That the funds in this section shall remain available until September 30, 2005.

(b) Of the funds provided in the Military Construction Appropriations Acts, 2000 and 2001, the following amounts are rescinded:

''Military Construction, Defense-Wide'', $6,700,000;

''Family Housing, Army'', $1,000,000.

SEC. 1402. Notwithstanding any other provision of law, the amount authorized, and authorized to be appropriated, for the Defense Agencies for the TRICARE Management Agency for a military construction project for Bassett Army Hospital at Fort Wainwright, Alaska, shall be $215,000,000.

TITLE II—OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for ''Office of the Secretary'', $3,000,000, to remain available until September 30, 2002: Provided, That of these funds, no less than $1,000,000 shall be used for enforcement of the Animal Welfare Act: Provided further, That of these funds, no less than $1,000,000 shall be used to enhance humane slaughter practices under the Federal Meat Inspection Act: Provided further, That no more than $500,000 of these funds shall be made available to the Under Secretary for Research, Education and Economics for development and demonstration of technologies to promote the humane treatment of animals: Provided further, That these funds may be transferred to and merged with appropriations for agencies performing this work.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $35,000,000, to remain available until September 30, 2002.

FARM SERVICE AGENCY

AGRICULTURAL CONSERVATION PROGRAM

(RESCISSION)

Of the funds appropriated for ''Agricultural Conservation Program'' under Public Law 104–37, $45,000,000 are rescinded.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', to repair damages to waterways and watersheds, resulting from natural disasters occurring in West Virginia on July 7 and July 8, 2001, $5,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549, 1549A–10) is amended by striking ''until expended'' under the heading ''Buildings and Facilities'' under the heading ''Animal and Plant Health Inspection Service'' and adding the following: ''until expended: Provided, That notwithstanding any other provision of law (including chapter 63 of title 31, U.S.C.), $4,670,000 of the amount shall be transferred by the Secretary and once transferred, shall be state funds for the construction, renovation, equipment, and other related costs for a post entry plant quarantine facility and related laboratories as described in Senate Report 106–288''.

SEC. 2102. The paragraph under the heading ''Rural Community Advancement Program'' in title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549, 1549A–17) is amended—

(1) in the third proviso, by striking ''ability of'' and inserting ''ability of low income rural communities and''; and

(2) in the fourth proviso, by striking ''assistance to'' the first place it appears and inserting ''assistance and to''.

SEC. 2103. (a) Not later than August 1, 2001, the Federal Crop Insurance Corporation shall promulgate final regulations to carry out section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 522(b)), 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 FR 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) In carrying out this section, the Corporation shall use the authority provided under section 808 of title 5, United States Code.

(c) The final regulations promulgated under subsection (a) shall take effect on the date of publication of the final regulations.

SEC. 2104. In addition to amounts otherwise available, $20,000,000 from amounts pursuant to 15 U.S.C. 713a–4 for the Secretary of Agriculture to make available financial assistance related to water conservation to eligible producers in the Klamath Basin, as determined by the Secretary.

SEC. 2105. Under the heading of ''Food Stamp Program'' in Public Law 106–387, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, in the sixth proviso, strike ''$194,000,000'' and insert in lieu thereof ''$191,000,000''.

SEC. 2106. Of funds which may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of the Food Stamp Act of 1977 to carry out Employment and Training programs, $39,500,000 made available in prior years are rescinded and returned to the Treasury.

SEC. 2107. In addition to amounts otherwise available, $2,000,000 from amounts pursuant to 15 U.S.C. 713a–4 for the Secretary of Agriculture to make available financial assistance related to water conservation to eligible producers in the Yakima Basin, Washington, as determined by the Secretary.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COASTAL AND OCEAN ACTIVITIES

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of construction of a research center at the ACE Basin National Estuarine Research Reserve, for use under this heading until expended, $8,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $3,000,000, to remain available until expended for construction and $5,000,000, to remain available until expended for land acquisition.

DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

(RESCISSION)

Of the funds made available in the Emergency Oil and Gas Guaranteed Loan Program Act (chapter 2 of Public Law 106–51; 113 Stat. 255–258), $114,800,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of technical assistance related to the New Markets Venture Capital Program for use under this heading in only fiscal year 2001, $30,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $30,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of guaranteed loans under the New Markets Venture Capital Program for use under this heading in only fiscal year 2001, $22,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $22,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. Section 144(d) of Division B of Public Law 106–554 is amended—

(1) in paragraph (1) and paragraph (5)(B) by striking ''not later than May 1, 2001'' and inserting in lieu thereof ''as soon as practicable'';

(2) in paragraph (2)(B)(i) by striking ''paragraph'' and inserting in lieu thereof ''paragraph: Provided, That regulations published by the Secretary to implement this section shall provide for replacement vessels and the marriage of fishing history from different vessels, and no vessels shall be prevented from fishing by virtue of this sentence until such regulations are final'';

(3) in paragraph (3) by striking ''the May 1, 2001 date'' and inserting in lieu thereof ''the direction to issue regulations as soon as practicable as''; and

(4) in paragraph (3) by striking ''with that date''.

SEC. 2202. (a) Section 12102(c) of title 46, United States Code is amended—

(1) in paragraph (2)(B) by striking ''or the use'' and all that follows in such paragraph and inserting in lieu thereof ''or the exercise of rights under loan or mortgage covenants by a mortgagee eligible to be a preferred mortgagee under section 31322(a) of this title, provided that a mortgagee not eligible to own a vessel with a fishery endorsement may only operate such a vessel to the extent necessary for the immediate safety of the vessel or for repairs, drydocking or berthing changes.''; and

(2) by striking paragraph (4) and renumbering the remaining paragraph accordingly.

(b) Section 202(b) of the American Fisheries Act (Public Law 105–277, Division C, Title II) is amended by striking paragraph (4)(B) and all that follows in such paragraph and inserting in lieu thereof the following:

''(B) a state or federally chartered financial institution that is insured by the Federal Deposit Insurance Corporation;

''(C) a farm credit lender established under Title 12, Chapter 23 of the United States Code;

''(D) a commercial fishing and agriculture bank established pursuant to State law;

''(E) a commercial lender organized under the laws of the United States or of a State and eligible to own a vessel under section 12102(a) of this title; or

''(F) a mortgage trustee under subsection (f) of this section.''.

(c) Section 31322 of title 46, United States Code is amended by adding at the end the following new subsections:

''(f)(1) A mortgage trustee may hold in trust, for an individual or entity, an instrument or evidence of indebtedness, secured by a mortgage of the vessel to the mortgage trustee, provided that the mortgage trustee—

''(A) is eligible to be a preferred mortgagee under subsection (a)(4), subparagraphs (A)–(E) of this section;

''(B) is organized as a corporation, and is doing business, under the laws of the United States or of a State;

''(C) is authorized under those laws to exercise corporate trust powers;

''(D) is subject to supervision or examination by an official of the United States Government or a State;

''(E) has a combined capital and surplus (as stated in its most recent published report of condition) of at least $3,000,000; and

''(F) meets any other requirements prescribed by the Secretary.

''(2) If the beneficiary under the trust arrangement is not a commercial lender, a lender syndicate or eligible to be a preferred mortgagee under subsection (a)(4), subparagraphs (A)–(E) of this section, the Secretary must determine that the issuance, assignment, transfer, or trust arrangement does not result in an impermissible transfer of control of the vessel to a person not eligible to own a vessel with a fishery endorsement under section 12102(c) of this title.

''(3) A vessel with a fishery endorsement may be operated by a mortgage trustee only with the approval of the Secretary.

''(4) A right under a mortgage of a vessel with a fishery endorsement may be issued, assigned, or transferred to a person not eligible to be a mortgagee of that vessel under this section only with the approval of the Secretary.

''(5) The issuance, assignment, or transfer of an instrument or evidence of indebtedness contrary to this subsection is voidable by the Secretary.

''(g) For purposes of this section a 'commercial lender' means an entity primarily engaged in the business of lending and other financing transactions with a loan portfolio in excess of $100,000,000, of which not more than 50 per centum in dollar amount consists of loans to borrowers in the commercial fishing industry, as certified to the Secretary by such lender.

''(h) For purposes of this section a 'lender syndicate' means an arrangement established for the combined extension of credit of not less than $20,000,000 made up of four or more entities that each have a beneficial interest, held through an agent, under a trust arrangement established pursuant to subsection (f), no one of which may exercise powers thereunder without the concurrence of at least one other unaffiliated beneficiary.''.

(d) Section 31322 of title 46, United States Code as amended in this section, and as amended by section 202(b) of the American Fisheries Act (Public Law 105–277, Division C, Title II) shall not take effect until April 1, 2003, nor shall the Secretary of Transportation, in determining whether a vessel owner complies with the requirements of section 12102(c) of title 46, United States Code, consider the citizenship status of a lender, in its capacity as a lender with respect to that vessel owner, until after April 1, 2003.

CHAPTER 3

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

For an additional amount for ''Governmental Direction and Support'', $5,400,000 from local funds for a natural gas increase.

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for ''Economic Development and Regulation'', $1,000,000 from local funds for the implementation of the New E-Conomy Transformation Act of 2000, (D.C. Act 13–543), and $624,820 for the Department of Consumer and Regulatory Affairs for the purposes of D.C. Code, sec. 5–513: Provided, That the Department shall transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring Department of Consumer and Regulatory Affairs employees into NSO positions without the filling of the resultant vacancies, into the general fund to be used to implement the provisions in DC Bill 13–646, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: Provided further, That the fees established and collected pursuant to Bill 13–646 shall be identified, and an accounting provided, to the Committee on Consumer and Regulatory Affairs of the Council of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

For an additional amount for ''Public Safety and Justice'', $8,901,000 from local funds, including $2,800,000 for the Metropolitan Police Department ($800,000 for the speed camera program, $2,000,000 for the Fraternal Order of Police arbitration award and the Fair Labor Standards Act liability), $5,540,000 for the Fire and Emergency Medical Services Department's pre-tax payments for pension, health and life insurance premiums, $400,000 for the fifth firefighter on trucks initiative, and $161,000 for the Child Fatality Review Committee established pursuant to the Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14–40) and the Child Fatality Review Committee Establishment Temporary Act of 2001 (Bill 14–165).

In addition, all funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code § 28–4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code § 1–1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for Fiscal Year 2001 (D.C. Law 13–172; D.C. Code § 28–3911), are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2002, in accordance with the statutes that established these funds.

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 2001, in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106–522), $131,000 for Taxicab Inspectors are rescinded.

PUBLIC EDUCATION SYSTEM

For an additional amount for ''Public Education System'', $1,000,000 from local funds for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and $12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.

In addition, Section 108(b) of the District of Columbia Public Education Act, Public Law 89–791 as amended (sec. 31–1408, D.C. Code), is amended by adding a new sentence at the end of the subsection, which states: ''In addition, any proceeds and interest accruing thereon, which remain from the sale of the former radio station WDCU in an escrow account of the District of Columbia Financial Management and Assistance Authority for the benefit of the University of the District of Columbia, shall be used for the University of the District of Columbia's Endowment Fund. Such proceeds may be invested in equity based securities if approved by the Chief Financial Officer of the District of Columbia.''.

HUMAN SUPPORT SERVICES

Notwithstanding any other provisions of the District of Columbia Appropriations Act, 2001, for an additional amount for ''Human Support Services'', $28,000,000 from local funds (including $19,000,000 for Medicaid expansion and increased utilization and a DSH cap increase, $3,000,000 for a disability compensation fund, $1,000,000 for the Office of Latino Affairs, and $5,000,000 for the Children Investment Trust).

PUBLIC WORKS

For an additional amount for ''Public Works'', $131,000 from local funds for Taxicab Inspectors.

FINANCING AND OTHER USES

WORKFORCE INVESTMENTS

For expenses associated with the workforce investments program, $40,500,000 from local funds.

WILSON BUILDING

For an additional amount for ''Wilson Building'', $7,100,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For an additional amount for ''Water and Sewer Authority'', $2,151,000 from local funds for initiatives associated with complying with stormwater legislation and proposed right-of-way fees.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. REPORT BY THE MAYOR. Pursuant to Section 222 of Public Law 104–8, the Mayor of the District of Columbia shall provide the House and Senate Committees on Appropriations, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform with recommendations relating to the transition of responsibilities under Public Law 104–8, the District of Columbia Financial Responsibility Act of 1995, at the earliest time practicable.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', $50,000,000, as authorized by Section 5 of the Flood Control Act of August 18, 1941, as amended, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For an additional amount for ''Non-Defense Environmental Management'', $11,400,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(TRANSFER OF FUNDS)

For an additional amount for ''Uranium Facilities Maintenance and Remediation'', $18,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. AUTHORIZATION TO ACCEPT PREPAYMENT OF OBLIGATIONS. (a) IN GENERAL.—Notwithstanding section 213(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(a)), the Bureau of Reclamation may accept prepayment for all financial obligations under Contract 178r–423 (including Amendment 4) (referred to in this section as the ''Contract'') entered into with the United States.

(b) CONTRACTUAL OBLIGATIONS.—If full prepayment of all financial obligations under the Contract is offered—

(1) the Secretary of the Interior shall accept the prepayment; and

(2) on acceptance by the Secretary of the prepayment all land covered by the Contract shall not be subject to the ownership and full cost pricing limitation under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

SEC. 2402. Of the funds provided under the heading ''Power Marketing Administration, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'', in Public Law 106–377, not less than $250,000 shall be provided for a study to determine the costs and feasibility of transmission expansion: Provided, That these funds shall be non-reimbursable: Provided further, That these funds shall be available until expended.

SEC. 2403. INCLUSION OF RENAL CANCER AS BASIS FOR BENEFITS UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000. Section 3621(17) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by

Public Law 106–398); 114 Stat. 1654A–502) is amended by adding at the end the following new subparagraph:

''(C) Renal cancers.''.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

(INCLUDING RESCISSION)

For an additional amount for ''Child Survival and Disease Programs Fund'', $100,000,000, to remain available until expended: Provided, That this amount may be made available, notwithstanding any other provision of law, for a United States contribution to a global trust fund to combat HIV/AIDS, malaria, and tuberculosis.

Of the funds made available under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, (as contained in section 101(a) of Public Law 106–429) which are designated for a contribution to an international HIV/AIDS fund, $10,000,000 are rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. The final proviso in section 526 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113), as amended, is hereby repealed, and the funds identified by such proviso shall be made available pursuant to the authority of section 526 of Public law 106–429.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to address increased permitting responsibilities related to energy needs, $3,000,000, to remain available until expended, and to be derived by transfer from unobligated balances available to the Department of the Interior for the acquisition of lands and interests in lands.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

(INCLUDING RESCISSIONS)

Of the amounts made available to the National Park Service under this heading in Public Law 106–291, $200,000 for completion of a wilderness study at Apostle Islands National Lakeshore, Wisconsin, are rescinded.

For an additional amount for ''Operation of the National Park System'', $200,000, to remain available until expended, for completion of a wilderness study at Apostle Islands National Lakeshore, Wisconsin: Provided, That these funds shall be made available under the same terms and conditions as authorized for the funds in Public Law 106–291.

Of the amounts transferred to the Secretary of the Interior, pursuant to section 311 of chapter 3 of division A of appendix D of Public Law 106–554 for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999, $4,000,000 are rescinded.

For an additional amount for ''Operation of the National Park System'', $4,000,000, to remain available until expended, for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999: Provided, That these funds shall be made available under the same terms and conditions as authorized for the funds pursuant to section 311 of chapter 3 of division A of appendix D of Public Law 106–554.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operation of Indian Programs'', $50,000,000, to remain available until September 30, 2002, for electric power operations at the San Carlos Irrigation Project, of which such amounts as necessary may be transferred to other appropriations accounts for repayment of advances previously made for such power operations.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for ''State and Private Forestry'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $10,000,000, to remain available until expended.

For an additional amount for ''State and Private Forestry'', $750,000 to be provided to the Kenai Peninsula Borough Spruce Bark Beetle Task Force for emergency response and communications equipment and $1,750,000 to be provided to the Municipality of Anchorage for emergency fire fighting equipment and response to respond to wildfires in spruce bark beetle infested forests, to remain available until expended: Provided, That such amounts shall be provided as direct lump sum payments within 30 days of enactment of this Act.

NATIONAL FOREST SYSTEM

For an additional amount for the ''National Forest System'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $10,000,000, to remain available until expended.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING RESCISSION)

Of the funds appropriated in Title V of Public Law 105–83 for the purposes of section 502(e) of that Act, the following amounts are rescinded: $1,000,000 for snow removal and pavement preservation and $4,000,000 for pavement rehabilitation.

For an additional amount for ''Capital Improvement and Maintenance'', $5,000,000, to remain available until expended, for the purposes of section 502(e) of Public Law 105–83.

For an additional amount for ''Capital Improvement and Maintenance'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $4,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 2601. Pursuant to title VI of the Steens Mountain Cooperative Management and Protection Act, Public Law 106–399, the Bureau of Land Management may transfer such sums as are necessary to complete the individual land exchanges identified under title VI from unobligated land acquisition balances.

SEC. 2602. Section 338 of Public Law 106–291 is amended by striking ''105–825'' and inserting in lieu thereof: ''105–277''.

SEC. 2603. Section 2 of Public Law 106–558 is amended by striking subsection (b) in its entirety and inserting in lieu thereof:

''(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.''.

SEC. 2604. Federal Highway Administration emergency relief for Federally owned roads, made available to the Forest Service as Federal-aid highways funds, may be used to reimburse Forest Service accounts for expenditures previously completed only to the extent that such expenditures would otherwise have qualified for the use of Federal-aid highways funds.

SEC. 2605. Notwithstanding any other provision of law, $2,000,000 provided to the Forest Service in Public Law 106–291 for the Region 10 Jobs in the Woods program shall be advanced as a direct lump sum payment to Ketchikan Public Utilities within thirty days of enactment: Provided, That such funds shall be used by Ketchikan Public Utilities specifically for hiring workers for the purpose of removing timber within the right-of-way for the Swan Lake-Lake Tyee Intertie.

SEC. 2606. Section 122(a) of Public Law 106–291 is amended by:

(1) inserting ''hereafter'' after ''such amounts''; and

(2) striking ''June 1, 2000'' and inserting ''June 1 of the preceding fiscal year''.

SEC. 2607. Section 351 of Public Law 105–277 is amended by striking ''prior to September 30, 2001'' and inserting in lieu thereof: ''and hereafter''.

SEC. 2608. SUDDEN OAK DEATH SYNDROME. In addition to amounts transferred under section 442(a) of the Plant Protection Act (7 U.S.C. 7772(a)), the Secretary of Agriculture shall transfer to the Forest Service, pursuant to that section, an additional $1,400,000 to be used by appropriate offices within the Forest Service that carry out research and development activities to arrest, control, eradicate, and prevent the spread of Sudden Oak Death Syndrome, to be derived by transfer from the unobligated balance available to the Secretary of Agriculture for the acquisition of land and interests in land.

CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For an additional amount to carry out chapter 4 of the Workforce Investment Act, $45,000,000 to be available for obligation for the period April 1, 2001 through June 30, 2002.

Of the funds made available under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554), $45,000,000 are rescinded including $25,000,000 available for obligation for the period April 1, 2001 through June 30, 2002 to carry out section 169 of the Workforce Investment Act, and $20,000,000 available for obligation for the period July 1, 2001 through June 30, 2002 for Safe Schools/Healthy Students.

Of the funds made available under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554), for Dislocated Worker Employment and Training Activities, $217,500,000 available for obligation for the period July 1, 2001 through June 30, 2002 are rescinded: Provided, That, notwithstanding any other provision of law, $160,000,000 is from amounts allotted under section 132(a)(2)(B), and $57,500,000 is from the National Reserve under section 132(a)(2)(A) of the Workforce Investment Act: Provided further, That notwithstanding any other provision of law, the Secretary shall increase State allotments under section 132(b)(2) of the Workforce Investment Act for program year 2001 by the reallotment of excess unexpended balances, as determined by the Secretary, as of June 30, 2001, from those States determined to have excess unexpended balances: Provided further, That the rescission of funds under section 132(a)(2)(B) is effective at the time the Secretary re-allots excess unexpended balances to the States: Provided further, That the amount reallocated to any State, when added to the State's formula allotment under section 132(b)(2), shall equal, to the extent possible, the amount the State would have received on July 1, 2001 had no rescission been enacted.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking ''$226,224,000'' and inserting ''$224,724,000''.

The provision for Northeastern University is amended by striking ''doctors'' and inserting ''allied health care professionals''.

NATIONAL INSTITUTES OF HEALTH

(TRANSFER OF FUNDS)

Funds appropriated to the Office of the Director, National Institutes of Health, in fiscal year 2001 for the Office of Biomedical Imaging, Bioinformatics and Bioengineering are transferred to the National Institute of Biomedical Imaging and Bioengineering.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out the Public Health Service Act with respect to mental health services, $6,500,000 for maintenance, repair, preservation, and protection of the Federally owned facilities, including the Civil War Cemetery, at St. Elizabeths Hospital, which shall remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low Income Home Energy Assistance'' under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $300,000,000, to remain available until expended: Provided, That these funds are for the home energy assistance needs of one or more States, as authorized by section 2604(e) of that Act and notwithstanding the designation requirement of section 2602(e) of such Act.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Technology Innovation Challenge Grants under the heading ''Education Reform'', the amount specified for Western Kentucky University to improve teacher preparation programs that help incorporate technology into the school curriculum shall be deemed to be $400,000.

EDUCATION FOR THE DISADVANTAGED

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking ''$7,332,721,000'' and inserting ''$7,237,721,000''.

For an additional amount (to the corrected amount under this heading) for ''Education for the Disadvantaged'' to carry out part A of title I of the Elementary and Secondary Education Act of 1965 in accordance with the eighth proviso under that heading, $161,000,000, which shall become available on July 1, 2001, and shall remain available through September 30, 2002.

IMPACT AID

Of the $12,802,000 available under the heading ''Impact Aid'' in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for construction under section 8007 of the Elementary and Secondary Education Act of 1965, $6,802,000 shall be used as directed in the first proviso under that heading, and the remaining $6,000,000 shall be distributed to eligible local educational agencies under section 8007, as such section was in effect on September 30, 2000.

SPECIAL EDUCATION

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Special Education Research and Innovation under the heading ''Special Education'', the provision for training, technical support, services and equipment through the Early Childhood Development Project in the Mississippi Delta Region shall be applied by substituting ''Easter Seals—Arkansas'' for ''the National Easter Seals Society''.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking ''$139,624,000'' and inserting ''$139,853,000''.

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to the Fund for the Improvement of Education under the heading ''Education Research, Statistics and Improvement''—

(1) the aggregate amount specified shall be deemed to be $139,853,000;

(2) the amount specified for the National Mentoring Partnership in Washington, DC for establishing the National E-Mentoring Clearinghouse shall be deemed to be $461,000; and

(3) the provision specifying $1,275,000 for one-to-one computing shall be deemed to read as follows:

''$1,275,000—NetSchools Corporation, to provide one-to-one e-learning pilot programs for Dover Elementary School in San Pablo, California, Belle Haven Elementary School in East Menlo Park, California, East Rock Magnet School in New Haven, Connecticut, Reid Elementary School in Searchlight, Nevada, and McDermitt Combined School in McDermitt, Nevada;''.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. (a) Section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327) is amended—

(1) in subsection (a), by inserting ''that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)'' after ''institutions'';

(2) in subsection (b), by adding ''institutional support of'' after ''for'';

(3) in subsection (d), by inserting ''that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)'' after ''institution''; and

(4) in subsection (e)(1)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following:

''(D) institutional support of vocational and technical education.''.

(b) EFFECTIVE DATE.—

(1) The amendments made by subsection (a) shall take effect on the date of enactment of this section.

(2) The amendments made by subsection (a) shall apply to grants made for fiscal year 2001 only if this section is enacted before August 4, 2001.

SEC. 2702. (a) ESTABLISHMENT OF GRANT PROGRAM.—Section 396 of the Communications Act of 1934 (47 U.S.C 396) is amended by adding the following new subsection:

''GRANT ASSISTANCE FOR TRANSITION TO DIGITAL BROADCASTING.

''(n)(1) The Corporation may, by grant, provide financial assistance to eligible entities for the purpose of supporting the transition of those entities from the use of analog to digital technology for the provision of public broadcasting services.

''(2) Any 'public broadcasting entity' as defined in section 397(11) of the Communications Act of 1934 (47 U.S.C. 397(11)) is an entity eligible to receive grants under this subsection.

''(3) Proceeds of grants awarded under this subsection may be used for costs associated with the transition of public broadcasting stations to assure access to digital broadcasting services, including for the support of digital transmission facilities and for the development, production, and distribution of digital programs and services.

''(4) The grants shall be distributed to the eligible entities in accordance with principles and criteria established by the Corporation in consultation with the public broadcasting licensees and officials of national organizations representing public broadcasting licensees. The principles and criteria shall include special priority for providing digital broadcast services to:

''(A) rural or remote areas;

''(B) areas under-served by public broadcasting stations; and

''(C) areas where the conversion to, or establishment of primary digital public broadcasting services, is impaired by an insufficient availability of private funding for that purpose by reason of the small size of the population or the low average income of the residents of the area.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (k)(1) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended—

(1) by re-designating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) In addition to any amounts authorized under any other provision of this or any other Act to be appropriated to the Fund, funds are hereby authorized to be appropriated to the Fund solely (notwithstanding any other provision of this subsection) for carrying out the purposes of subsection (n) as follows:

''(i) For fiscal year 2001, $20,000,000 to carry out the purposes of subsection (n);

''(ii) For fiscal year 2002, such sums as may be necessary to carry out the purposes of subsection (n).''.

SEC. 2703. IMPACT AID. (a) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—Section 8003(b)(3)(B)(iv) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(3)(B)(iv) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106–398)) is amended by inserting ''or less than the average per-pupil expenditure of all the States'' after ''of the State in which the agency is located''.

(b) FUNDING.—The Secretary of Education shall make payments under section 8003(b)(3)(B)(iv) of the Elementary and Secondary Education Act of 1965 from the $882,000,000 available under the heading ''Impact Aid'' in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by section 1 of Public Law 106–554) for basic support payments under section 8003(b).

CHAPTER 8

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $35,000.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For an additional amount for ''Congressional Printing and Binding'', $9,900,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the ''Government Printing Office Revolving Fund'', $6,000,000, to remain available until expended, for air-conditioning and lighting systems.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended—

(1) by inserting after the second sentence the following: ''The President pro tempore emeritus of the Senate is authorized to appoint and fix the compensation of one individual consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this subsection.''; and

(2) in the last sentence by inserting ''President pro tempore emeritus,'' after ''President pro tempore,''.

SEC. 2802. The Abraham Lincoln Bicentennial Commission Act, Public Law 106–173, February 25, 2000 is hereby amended in section 7 by striking subsection (e) and inserting the following:

''(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Librarian of Congress shall provide to the Commission, on a reimbursable basis, administrative support services necessary for the Commission to carry out its responsibilities under this Act, including disbursing funds available to the Commission, and computing and disbursing the basic pay for Commission personnel.''.

SEC. 2803. Notwithstanding any limitation in 31 U.S.C. sec. 1553(b) and 1554, the Architect of the Capitol may use current year appropriations to reimburse the Department of the Treasury for prior year water and sewer services payments otherwise chargeable to closed accounts.

SEC. 2804. That notwithstanding any other provision of law, and specifically section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024(a)), the Members of the Senate to be appointed by the President of the Senate shall for the duration of the One Hundred Seventh Congress, be represented by six Members of the majority party and five Members of the minority party.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $92,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $4,000,000, to remain available until expended, for the repair of Coast Guard facilities damaged during the Nisqually earthquake or for costs associated with moving the affected Coast Guard assets to an alternative site within Seattle, Washington.

FEDERAL AVIATION ADMINISTRATION

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, $30,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY HIGHWAY RESTORATION

For the costs associated with the long term restoration or replacement of seismically-vulnerable highways recently damaged during the Nisqually earthquake, $12,800,000, to remain available until expended: Provided, That of the amount made available under this head, $3,800,000 shall be for the Alaskan Way Viaduct in Seattle, Washington and $9,000,000 shall be for the Magnolia Bridge in Seattle, Washington.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under Public Law 94–280, Public Law 95–599, Public Law 97–424, Public Law 102–240, and Public Law 100–17, $14,000,000 are rescinded.

ALASKA RAILROAD COMMISSION

To enable the Secretary of Transportation to make an additional grant to the Alaska Railroad, $2,000,000 for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2901. (a) Item 143 in the table under the heading ''Capital Investment Grants'' in title I of the Department of Transportation and Related Agencies Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–456) is amended by striking ''Northern New Mexico park and ride facilities'' and inserting ''Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities''.

(b) Item 167 in the table under the heading ''Capital Investment Grants'' in title I of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1006) is amended by striking ''Northern New Mexico Transit Express/Park and Ride buses'' and inserting ''Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities''.

SEC. 2902. Notwithstanding section 47105(b)(2) of title 49, United States Code or any other provision of law, an application for a project grant under chapter 471 of that title may propose projects at Abbeville Municipal Airport and Akutan Airport, and the Secretary may make project grants for such projects.

SEC. 2903. Hereafter, funds made available under ''Capital Investment Grants'' in Public Law 105–277 for item number 15 and for any new fixed guideway system project cited as a ''fixed guideway modernization'' project shall not be made available for any other Federal transit project.

CHAPTER 10

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'' to reimburse any agency of the Department of the Treasury or other Federal agency for costs of providing operational and perimeter security at the 2002 Winter Olympics in Salt Lake City, Utah, $59,956,000, to remain available until September 30, 2002.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $49,576,000, to remain available through September 30, 2002.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For an additional amount for ''Processing, Assistance, and Management'', $66,200,000, to remain available through September 30, 2002.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Of the funds made available under this heading in H.R. 5658 of the 106th Congress, as incorporated by reference in Public Law 106–554, $1,000,000 shall be transferred and made available for necessary expenses incurred pursuant to section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)), to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 21001. Section 413 of H.R. 5658, as incorporated by reference in Public Law 106–554, is amended to read as follows:

''SEC. 413. DESIGNATION OF THE PAUL COVERDELL BUILDING. The recently-completed classroom building constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, shall be known and designated as the 'Paul Coverdell Building'.''

CHAPTER 11

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and Pensions'', $589,413,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for ''Readjustment Benefits'', $347,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(TRANSFER OF FUNDS)

Of the amounts available in the Medical Care account, not more than $19,000,000 may be transferred not later than September 30, 2001, to the General Operating Expenses account, for the administrative expenses of processing compensation and pension claims, of which up to $5,000,000 may be used for associated travel expenses.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NATIVE AMERICAN HOUSING BLOCK GRANTS

For an additional amount for ''Native American Housing Block Grants'', $5,000,000, to remain available until expended: Provided, That these funds shall be made available to the Turtle Mountain Band of Chippewa for emergency housing, housing assistance and other assistance to address the mold problem at the Turtle Mountain Indian Reservation: Provided further, That these funds shall be released upon the submission of a plan by the Turtle Mountain Band of Chippewa to the Secretary of Housing and Urban Development to address these emergency housing needs and related problems: Provided further, That the Federal Emergency Management Agency shall provide technical assistance to the Turtle Mountain Band of Chippewa with respect to the acquisition of emergency housing and related issues on the Turtle Mountain Indian Reservation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING RESCISSION)

Except for the amount made available for the cost of guaranteed loans as authorized under section 108 of the Housing and Community Development Act of 1974, the unobligated balances available in Public Law 106–377 for use under this heading in only fiscal year 2001 are rescinded as of the date of enactment of this provision.

The amount of the unobligated balances rescinded in the preceding paragraph is appropriated for the activities specified in Public Law 106–377 for which such balances were available, to remain available until September 30, 2003.

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended with respect to the amount made available for Rio Arriba County, New Mexico by striking the words ''for an environmental impact statement'' and inserting the words ''for a regional landfill''.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(TRANSFER OF FUNDS)

Of the amounts available for administrative expenses and administrative contract expenses under the headings, ''FHA—Mutual Mortgage Insurance Program Account'', ''FHA—General and Special Risk Program Account'', and ''Salaries and expenses, management and administration'' in title II of the Departments of Veterans Affairs and Housing and Urban Development,

and Independent Agencies Appropriations Act, 2001, as enacted by Public Law 106–377, not to exceed $8,000,000 is available to liquidate deficiencies incurred in fiscal year 2000 in the ''FHA—Mutual Mortgage Insurance Program Account''.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The matter under this heading in title IV of the Legislative Branch Appropriations Act, 2001, as enacted by reference by Public Law 106–554 (114 Stat. 2763A–124), is amended by striking the three provisos.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words ''Beloit, Wisconsin'' in reference to item number 236, and inserting the words ''extension of separate sanitary sewers and extension of separate storm sewers''.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,000,000 to remain available until expended for costs related to Tropical Storm Allison.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

Notwithstanding the proviso under the heading, ''Human Space Flight'', in Public Law 106–74, $40,000,000 of the amount provided therein shall be available for preparations necessary to carry out future research supporting life and micro-gravity science and applications.

TITLE III—GENERAL PROVISIONS

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. UNITED STATES-CHINA SECURITY REVIEW COMMISSION. There are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $1,700,000, to remain available until expended, to the United States-China Security Review Commission.

SEC. 3003. 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.

This Act may be cited as the ''Supplemental Appropriations Act, 2001''.

UNANIMOUS CONSENT AGREEMENT—H.R. 333

Mr. REID. Mr. President, I ask unanimous consent that the previously ordered debate with respect to the Nelson of Florida amendment No. 893 occur immediately following the vote on cloture on the motion to proceed to H.R. 333; the offering of the substitute amendment, and cloture being filed on that amendment, as under the previous order; further, that no amendments be in order to the substitute amendment to H.R. 333 prior to the cloture vote on the substitute amendment.

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

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 174 just received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 174) 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.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 174) was agreed to.

EXECUTIVE SESSION

NOMINATION OF OTHONEIL ARMENDARIZ TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY

NOMINATION OF KAY COLES JAMES TO BE DIRECTOR OF THE OFFICER OF PERSONNEL MANAGEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported earlier today by the Government Affairs Committee:

Othoneil Armendariz, to be a member of the Federal Labor Relations Authority;

Kay Coles James, to be the Director of the Office of Personnel Management;

that the nominations be confirmed, the motions to reconsider be laid on the table, that any statements thereon appear at the appropriate place in the RECORD, and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

OFFICE OF PERSONNEL MANAGEMENT

Kay Coles James, of Virginia, to be Director of the Office of Personnel Management.

FEDERAL LABOR RELATIONS AUTHORITY

Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2005.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Nos. 182 through 196 and all nominations on the Secretary's desk; that the nominations be confirmed, en bloc; that any statements therein be printed at the appropriate place in the RECORD; the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues.

Charles J. Swindells, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Wendy Jean Chamberlin, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

William S. Farish, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Robert D. Blackwill, of Kansas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Anthony Horace Gioia, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Howard H. Leach, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

William A. Eaton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State (Administration).

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Clark T. Randt, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Douglas Alan Hartwick, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Daniel C. Kurtzer, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN508 Foreign Service nominations (110) beginning Stephen K. Morrison, and ending Joseph Laurence Wright, II, which nominations were received by the Senate and appeared in the Congressional Record of June 12, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 104

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of Executive Calendar No. 104, the nomination of John Graham to be the Administrator of the Office of Regulatory Affairs at OMB and that it be considered under the following time limitation:

One hour under the control of Senator LIEBERMAN, 3 hours under the control of Senator THOMPSON, 2 hours under the control of Senator DURBIN, 2 hours under the control of Senator WELLSTONE, 15 minutes under the control of Senator KERRY; that upon the use or yielding back of the time, the Senate vote at a time to be determined by the two leaders on the nomination; that upon the disposition of the nomination, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

ORDERS FOR THURSDAY, JULY 12, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 o'clock a.m., on Thursday, July 12. I further ask consent that on Thursday immediately following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 333, the House Bankruptcy Act.

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

PROGRAM

Mr. REID. Mr. President, on Thursday, the Senate will convene at 9 a.m. and resume consideration of the motion to proceed to the House Bankruptcy Reform Act, with 3 hours for debate prior to a cloture vote on the motion to proceed.

Following consideration of the bankruptcy act on Thursday, the Senate will resume consideration of the Interior appropriations bill with a vote in relation to Nelson of Florida amendment No. 893.

At 11:30 a.m., the Senate will swear in the new Secretary of the Senate, Jeri Thomson.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of Senator MURRAY and Senator CANTWELL, who will be recognized to speak on matters of importance to them and their States and the country, the Senate stand in adjournment under the previous order.

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

Mr. REID. Mr. President, the majority leader has indicated that the two managers of the bill have stated they believe they can complete the bill tomorrow. If not, we will have to complete it on Friday. We are quite certain that will not happen, but the leader wanted us to notify people in case we were unable to finish tomorrow.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

LOSS OF FOUR WASHINGTON FIREFIGHTERS

Mrs. MURRAY. Mr. President, I come to the Senate Chamber this evening to join my colleague, Senator MARIA CANTWELL, in acknowledging four young Americans who lost their lives in service to our country last evening.

Like many Americans, this morning I awoke to the very tragic news that four firefighters had died while battling a wildfire near Winthrop, WA.

Today I want my colleagues and the American people to know the names of those four brave firefighters: Tom Craven, 30 years old, of Ellensburg, WA; Karen Fitzpatrick, 18 years old of Yakima, WA; Devin Weaver, 21, of Yakima; and Jessica Johnson, 19, also from Yakima.

These were young people.

These were people who put themselves in harms way to keep the rest of us safe.

Today, my thoughts and prayers are with the families of those four courageous firefighters.

It's hard to imagine the dangers that firefighters face every day. But they choose to fight fires to help protect the rest of us—our families and our communities.

When something like this happens, it makes all of us stop and think about what they've sacrificed for our safety.

My brother is a firefighter. For years, he fought fires. My family and I understand the risks.

I know how those families feel every day when they send their loved ones off to work.

They are proud of them.

They know they are doing something important for their neighbors and their community.

And they are always hoping they will get back home safely at the end of the day.

This tragedy reminds us all of the dangers that firefighters face every day.

To the families of those four brave young people, please know that we are a grateful nation, and you are all in our thoughts and prayers.

I also want to wish a speedy recovery for the other firefighters who were injured while battling the wildfire.

I want to thank the firefighters in Washington State—and across the country—for the work they do to protect us.

We own them a debt of gratitude.

Today, we owe four families our condolences and our thanks for their sacrifice. I yield to Senator CANTWELL from Washington State.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, it is with a heavy heart that I come to the floor today after learning of the tragic deaths of four firefighters in the Wenatchee National Forest in Washington state. These courageous firefighters died yesterday battling a wildfire in Okanogan County. A tragedy of this magnitude is felt throughout Washington state, but should also be recognized and mourned by a grateful nation.

This is the nation's deadliest wildfire since 1994. On behalf of the citizens of Washington State, I extend my deepest sympathies to the families of the four brave men and women who gave their lives to protect their neighbors. Squad Leader Tom Craven of Ellensburg, Devin Weaver of Yakima, Jessica Johnson of Yakima, and Karen Fitzpatrick of Yakima gave their lives to keep us safe. This tragedy is compounded because these firefighters were so young—the youngest being just 18 years old.

We join their families and friends in mourning their loss.

As Senator MURRAY pointed out, this tragedy reminds us that we often take for granted the men and women who routinely put their lives on the line to protect us. Every state in the nation has experienced the loss of people involved in fighting fires.

I hope the families and friends of these brave firefighters know that the courage and sacrifice of their loved ones will not be forgotten and that our sympathies reach out to their families.

I also want to recognize the hard work of those firefighters who are still fighting; to those who are injured, I also wish them a speedy recovery. The firefighters of the U.S. Forest Service come from all over the country. They have been battling fires for years. This year alone, 300 firefighting personnel are available on the Okanogan and Wenatchee National Forests. These firefighters work year after year in service to their country with little recognition.

On behalf of the residents of Washington State and the Nation, I thank

them for their hard work and their dedication under very trying circumstances. We all remember the sacrifice that each and every one of you have made.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

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

FBI OVERSIGHT

Mr. GRASSLEY. Mr. President, I want to discuss with my colleagues the issue of the Federal Bureau of Investigation oversight, and how we can help the Bureau regain the trust and confidence of the American people.

First, I find it very pleasant today to commend Attorney General Ashcroft for something he did. He announced today action to enlarge the jurisdiction of the Office of Inspector General of the Justice Department so that that Office of Inspector General would be able to work with the FBI and the DEA on its own initiative, without jumping through a lot of hoops which were some hoops that were put in place in the previous administration, which, in a sense, put the FBI and the DEA out of bounds from things that you would expect an inspector general of a department to be looking into.

So, effective immediately, then, the inspector general will have primary jurisdiction over allegations of misconduct against employees of the Federal Bureau of Investigation and the Drug Enforcement Agency. This is an important and encouraging step towards overall FBI reform, one which I hope will help to solve the problems that the FBI has with their management culture.

Previous to this, the inspector general could not initiate an investigation within the FBI, or the Drug Enforcement Agency, without the express permission from the Deputy Attorney General. Contrariwise, in most other Departments, the inspector general can do any investigation they want to, unimpeded in any way. It is very important for the inspector general to have that freedom to function. They are not only an agent for the Cabinet Department head, but they are also an agent of the Congress because they can report directly to the Congress. It is essential to have that type of oversight, that type of policing to ferret out wrongdoing.

I have been saying for many years that the FBI should not be allowed to police itself, and I am encouraged by this new step taken today towards the establishment of a free and independent oversight entity which now, truly, the Department of Justice inspector general will be.

I am also pleased to see as part of this order that the Attorney General has enhanced whistleblower protection for FBI employees who come forward with protected disclosures. As an author of legislation that is on the books now for whistleblower protection, the last time we enhanced the protection for whistleblowers there was just enough sympathy—and unjustified sympathy—within this body for the FBI that somehow the FBI could have a separate set of regulations just for whistleblowers within the FBI. As a result, whistleblowers within the FBI have not had the same amount of protection that whistleblowers in any other agency of the Federal Government might have. So this will also help in that direction. I thank the Attorney General for that.

Today, then, following up on this action of the Attorney General, I have forwarded a letter to Attorney General Ashcroft, commending him on these steps, and also request that his office provide me with additional details regarding how the various investigative and audit entities within the Department of Justice, the FBI, and the DEA are to be administered and organized.

Earlier this week, I had the opportunity to meet with FBI Director nominee Robert Mueller. I discussed with Robert Mueller several concerns that I have with how the Bureau has been managed over the past several years. I also discussed with Mr. Mueller my views on the type of leadership that I think the FBI needs.

We have a once-every-10-year opportunity to find someone who can fix the problems inherent in the management culture at the Bureau because that appointment comes up for a 10-year length of time. I want to make sure, during this once-in-a-10-year opportunity, Mr. Mueller understands my concerns.

Part of our discussion concerned the need for strengthening FBI oversight, both on the part of the executive branch, along the lines of what I have been saying about the inspector general, but also from the Congress—oversight, constitutional oversight over the executive branch agencies.

Without asking Mr. Mueller to comment on pending legislation, I mentioned to Mr. Mueller I am working on a bill to permanently extend by statute the jurisdiction that was given today by the Attorney General to the Department of Justice inspector general, so that some future Attorney General cannot put impediments in the way of the inspector general investigating things within the FBI. I encourage Mr. Mueller, should he be confirmed, to make it a priority to ensure that he and the FBI will cooperate fully with whatever oversight entity is in place.

I also discussed with Mr. Mueller the need for increased whistleblower protection for FBI employees. Over the years the FBI has been notorious for retaliating against those who would expose the types of waste, fraud, and abuse in cases that have now become synonymous with a culture of arrogance within the FBI. These are cases such as Ruby Ridge, Waco, the TWA–800 investigation, the FBI crime lab investigation, Richard Jewell, Wen Ho Lee, Robert Hanssen, and most recently the Oklahoma bombing investigation in the McVeigh case.

I will be introducing legislation that will provide statutory protection for FBI whistleblowers to overcome the shortcomings of the legislation that was signed by President Bush in 1989. Those exemptions that were made from the FBI need to be taken out so the whistleblowers in the FBI have the same protection as whistleblowers in any other agency of Government. I hope the new Director will not only support this important reform but will work to ensure these important reforms are communicated clearly throughout the entire Bureau.

I believe that in order to regain the trust and confidence of the American people, the FBI must be open and fully responsive to differing points of view within its own ranks. More importantly, employees must be able to present these opinions in an atmosphere that is free of retaliation that happens so often against people whom we call whistleblowers.

Basically, within any organization there is a great deal of peer pressure to go along to get along. But that peer pressure also has the capability of covering up wrongdoing and bad administration. That is why the process of people telling the truth and coming out in the open is so important.

Without this freedom, the FBI will only continue to suppress and marginalize those who speak out, and things will go on as they have for so long. That is not good. That is what has brought about a culture of arrogance—of believing within the FBI that the FBI can do no wrong.

Perhaps the greatest example of this type of retaliation against a whistleblower occurred in an investigation I made involving a whistleblower by the name of Dr. Fred Whitehurst. You may remember that when Dr. Whitehurst came forward with proof of abusive practices at the FBI crime lab, he was shamelessly discredited by senior FBI officials. An inspector general investigation—after going through all of those hoops I talked about—later supported the assertions made by Dr. Whitehurst. In an effort to get back his good name, Dr. Whitehurst won a settlement that ended up costing the American taxpayers $1 million.

There is something wrong when a whistleblower comes forward and he is not listened to, and he has to sue, and it costs the taxpayers $1 million to settle. He should have been listened to in the first instance.

We want to encourage an environment within all government agencies,

but particularly the FBI, that wrongdoing is not covered up; that people who whistleblow aren't treated like a skunk at a picnic on a Sunday afternoon, that they are held up as somebody who ought to be honored rather than somebody who ought to be suppressed.

I want to make sure to mention that the comments I make about the FBI today, though, should in no way minimize the great sacrifices made every day by hard-working FBI agents and support personnel. These men and women serve their nation proudly. They deserve an organization that has integrity and credibility.

The FBI management system is broken. This does a real disservice to the hard-working agents on the street. When the FBI does what they are set up to do—to seek the truth and let the truth convict—they do their job right. But when there is an effort to cover up something that has gone wrong and people are more concerned about the headlines and the public relations of the organization as opposed to the fundamentals of law enforcement—that is, these cases and a lot of others I have already listed—that is when their agency gets in trouble and loses credit.

In regard to these agents who do their work and do it right and because of this management culture that must be changed by the new Director, I have asked the Attorney General to provide me with information regarding the extent to which the new FBI Director will be able to institute the departmentwide reforms and to make staffing changes, including changes at the senior staff and management level.

I believe that a new FBI Director will only have a certain period of time—maybe a couple of months—in which he can make real change. In order for the new Director to take advantage of that time, he must be afforded maximum flexibility for staffing and policy setting.

I also agree that we have not done enough in Congress. I am not putting the blame just on the Department of Justice and the FBI. We have a constitutional responsibility of oversight. We spend all of our time legislating, giving speeches, passing laws, voting, and offering amendments. That is what most people think being a Congressman is all about. But also, once laws are passed, the checks and balances of our Constitution require that we do our constitutional job of oversight; that is, to see that the laws are faithfully executed and that money spent appropriated by Congress is spent within the intent of Congress and that the law is enforced within the intent of Congress.

Congress does not do a good enough job. For too long we have seen mishap after mishap occur, with the end result being more money and more jurisdiction for the FBI. The Director of the FBI comes up to Capitol Hill, everybody sees the Director of FBI, and they just melt. The Director of the FBI says a couple of mea culpas and walks out of here with a nice pat on the back, and probably a bigger appropriation.

That is not oversight. That is just business as usual. One way this can be improved is through the creation of a subcommittee within the Committee on the Judiciary that would be directly responsible for FBI oversight.

We need to help the FBI change the kind of culture that places image and publicity before basics and fundamentals. We need to help the FBI change the kind of culture that holds press conferences in high-profile cases before the investigation is complete and all the facts are in, and when all the facts are in, then the FBI has egg on its face.

Yes, the American people deserve the kind of agency that won't make the kind of mistakes the FBI has made in the Wen Ho Lee and the Atlantic Olympic bombing case, and the Waco case and the Ruby Ridge case. But, more importantly, the American people deserve an agency that is honest and forthright about their errors; in other words, very transparent.

As one of our Supreme Court Justices said 80 or 100 years ago, the best disinfectant is sunshine. Let the Sun shine in and there won't be mold. That is transparency. That is the way the American Government ought to operate.

I look forward to getting down to the business of helping the FBI and its next Director regain the trust and confidence of the American people.

I yield the floor. I thank the Presiding Officer for waiting for me to speak tonight.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow, Thursday, July 12, 2001.

Thereupon, the Senate, at 8:23 p.m., adjourned until Thursday, July 12, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 10, 2001:

THE JUDICIARY

JAMES E. GRITZNER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE CHARLES R. WOLLE, RETIRED.

MICHAEL J. MELLOY, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE GEORGE G. FAGG, RETIRED.

MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI, VICE NEAL B. BIGGERS, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 11, 2001:

DEPARTMENT OF STATE

PIERRE-RICHARD PROSPER, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.

CHARLES J. SWINDELLS, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAMOA.

MARGARET DEBARDELEBEN TUTWILER, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

WENDY JEAN CHAMBERLIN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

WILLIAM S. FARISH, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

FRANCIS XAVIER TAYLOR, OF MARYLAND, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

ROBERT D. BLACKWILL, OF KANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

ANTHONY HORACE GIOIA, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

HOWARD H. LEACH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

WILLIAM A. EATON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION).

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

CLARK T. RANDT, JR., OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

DOUGLAS ALAN HARTWICK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

DANIEL C. KURTZER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

OFFICE OF PERSONNEL MANAGEMENT

KAY COLES JAMES, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

FEDERAL LABOR RELATIONS AUTHORITY

OTHONEIL ARMENDARIZ, OF TEXAS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2005.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING STEPHEN K. MORRISON, AND ENDING JOSEPH LAURENCE WRIGHT II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 12, 2001.

EXTENSIONS OF REMARKS

INDIA, RUSSIA AGREE ON $10 BILLION IN DEFENSE CONTRACTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. BURTON of Indiana. Mr. Speaker, on June 4, the Information Times reported that India and Russia have signed $10 billion worth of defense contracts. This is not good for American interests in the world or for the cause of freedom.

Much has been written lately about the Indian Government's desire to improve its relations with the United States. However, we must not forget that India just recently voted to oust the United States from the UN Human Rights Commission. It supported a Chinese bid to table our resolution condemning Chinese human-rights violations. In May 1999, according to the Indian Express, Defense Minister George Fernandes convened a meeting with the ambassadors to India from Cuba, Communist China, Libya, Yugoslavia, and Russia to construct a security alliance ''to stop the U.S.'' India was an ally of the former Soviet Union and publicly supported its invasion of Afghanistan.

Mr. Speaker, America's national interests are best served by seeking new allies in south Asia. The best way to achieve that is to support the legitimate aspirations for freedom of the occupied and oppressed nations of South Asia such as Khalistan, Kashmir, Nagalim, and several others by means of a free and fair plebiscite under international supervision on the question of independence. Until India allows that democratic vote and permits all the minorities and every citizen to exercise their rights freely, we should cut off all aid to India. That should focus their attention on practicing democratic principles, not on grabbing every available military technology in pursuit of hegemony in South Asia. These are the best measures we can take to support the cause of freedom in the Indian subcontinent.

Mr. Speaker, I would like to place the Information Times article of June 4 into the RECORD.

INDIA, RUSSIA SIGN ABOUT 10 BILLION DOLLARS DEFENSE CONTRACTS

RUSSIA, 4 June 2001 (VOA): India and Russia have signed defense contracts worth some $10 billion as the two countries seek to increase their military cooperation.

The signing came during a visit to Russia by Indian Foreign Minister Jaswant Singh.

Singh arrived in Moscow late Sunday for a series of meetings with Russian officials that will also focus on the United States' proposal for a national missile defense system.

Russia opposes the plan, while India has indicated it is open to the idea.

Among the agreements already concluded are major Indian purchases of Russian Su–30MKI fighter jets and T–90 tanks.

Russian Deputy Prime Minister Ilya Klebanov says the two countries will sign an agreement later this year to jointly develop a military transport aircraft and a next-generation fighter plane.

Klebanov says contracts for the sale of a Soviet-era aircraft carrier to India will be signed later this year.

India has traditionally been one of the largest customers for Russian weapons.

RECOGNITION OF THE VETERANS OF WORLD WAR II

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. FERGUSON. Mr. Speaker, in recent years there has been an increased movement to recognize veterans of World War II. Despite improved awareness, there are many veterans whose heroic efforts to preserve this great country are still overlooked. Accordingly, we must continue to take greater strides to demonstrate the appreciation and gratitude these loyal Americans deserve for the sacrifices they made.

During World War II, tens of thousands of U.S. POWs were captured and either killed under unspeakable conditions or forced into slave labor for Japanese companies. After the United States surrendered its forces on the Bataan Peninsula, Philippines in early 1942, the infamous 60-mile Bataan Death March claimed the lives of hundreds of Americans. In fact, more than 14,000 American POWs perished from disease, starvation, injury, brutality or execution at an appalling 40 percent death rate that proved it was more deadly to be a prisoner of the Japanese than to fight in battle. The prisoners who survived the Bataan Death March were joined by other American prisoners who were taken at Corregidor and throughout the Pacific—Guam, Wake Island, and survivors of the sinking of the U.S.S. *Houston.*

Any words used to describe the conditions these American prisoners faced cannot do justice to the pain and suffering that they experienced. Upon arrival in Japan and Japanese-occupied territories such as Manchuria, they were sent to work as slaves for some of Japan's richest companies like Mitsubishi and Nippon Steel—companies that remain wealthy and powerful today.

The U.S. played an instrumental role in the discussions between German companies and their victims during the Holocaust litigation, and it is now time that our government extend the same gesture of gratitude and support for the POW veterans of World War II. As such, I am proud to voice my strong support for H.R. 1198, the ''Justice for United States Prisoners of War Act of 2001'', introduced by Representatives DANA ROHRABACHER (R–CA) and MICHAEL HONDA (D–CA).

I applaud Representatives ROHRABACHER and HONDA for their leadership in bringing these Japanese companies to justice on behalf of the well-deserving veterans who suffered and lost their lives. The bipartisan legislation will rightfully allow American POW's to sue Japanese companies in U.S. state or federal court for losses and injuries sustained during the time they were imprisoned and forced into slave labor. Moreover, the bill also provides that if Japan enters into peace settlement terms with another country more beneficial to that country than to the United States, those additional benefits will also be extended to the United States.

I believe our POWs, who have given years of their lives to serve the cruel interests of our wartime enemies should at least be allowed the opportunity to have their grievances redressed in an international court of law. As a nation, which has thrived because of the sacrifices of these brave men, we must do everything in our power to recognize and repay their courageous efforts.

We owe it to these POW's—both the survivors and those killed in action—who made immeasurable sacrifices for the brighter future of this great nation. We owe it to their families, who also made sacrifices by losing precious days, weeks and months with loved ones who were off serving, preserving the peace and freedom we have in this country today.

CONSECRATION OF FATHER JACOB ANGADIATH

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. HASTERT. Mr. Speaker, today, I would like to congratulate Father Jacob Angadiath, who will head up the newly created diocese in Chicago to serve Syro-Malabar Catholics in the United States and Canada. The consecration of Father Angadiath as bishop of the diocese will take place on July 1st.

Earlier this year, Pope John Paul II created the new diocese to serve the Syro-Malabarians of North America. The Syro-Malabar Archiepiscopal Church is an Eastern Catholic Church with more than 3 million faithful, and they trace their roots to St. Thomas the apostle, who brought the Gospel to Southern India. Though the vast majority of Syro-Malarbians live in India, about 75,000 live in North America, including about 7,000 in Chicago.

The creation of the new St. Thomas Syro-Malabar Catholic diocese of Chicago is truly a recognition by Pope John Paul II of this faithful community, which refers to itself as ''oriental in worship, Indian in culture and Christian in religion.'' It is the first Syro-Malabar diocese outside of India.

I want to again congratulate Father Angadiath, and wish him the best of luck as he takes on his new responsibilities as bishop. The St. Thomas Syro-Malabar Catholic diocese will provide a spiritual home for the Syro-Malabar Catholics outside of India, and it will be a wonderful addition to Chicago's many other religious communities.

CONGRATULATING STEVE SAMUELIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Steve Samuelian for being presented with the Chair's Award from the United Way of Fresno County (UWFC). The Chair's Award is selected by the Chair of the Board of Directors of the UWFC, and is awarded to the board member who has demonstrated outstanding service to community improvement.

The main goal of the United Way is to maximize financial resources in order to build a healthier community while improving the quality of life. Steve's exemplary service to the UWFC has helped advance the mission, values, and goals of the United Way. In addition to his work on the Board of Directors, Steve recruited and chaired the Leadership Giving Committee of the United Way of Fresno County. The Leadership Giving Committee is the group that recruits and handles major donors to the United Way of Fresno County. The amount of contributions to this committee has doubled under Steve's guidance.

Steve serves on the Board of Directors of the Clovis District Chamber of Commerce and participates in the National Education Association's Read Across America Program. He is also a member of the Resource Development Committee for the Fresno Leadership Foundation. In addition, Steve is actively involved in the Armenian-American community, and serves on the Board of Advisors for the Armenian Studies Program at California State University, Fresno.

Mr. Speaker, I want to congratulate Steve Samuelian for earning the United Way of Fresno County Chair's Award. I urge my colleagues to join me in recognizing Steve Samuelian's contributions and dedication to the community.

TRIBUTE TO COLONEL TIMOTHY M. DANIEL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Colonel Timothy M. Daniel, who recently retired from the United States Army Corps of Engineers where he served as Chief, Commander's Planning Group. He has distinguished himself, the Army, and our nation with dedicated service.

Colonel Daniel, originally from Wyoming, enlisted as a soldier in 1970. Following his tour of duty as a construction surveyor and instructor, he returned to the University of Wyoming where he graduated in 1975. He accepted a ROTC commission and reentered active duty in July 1975.

Colonel Daniel is a graduate of the engineer officer basic and advanced courses, Command and General Staff College. He holds a bachelor's degree in International Relations. A master's degree in Public Administration and attended Harvard University's John F. Kennedy School of Government as a fellow in their national security program.

Prior to his assignment as Chief, Commander's Planning Group, United States Army Corps of Engineers, he served as the Garrison Commander of the United States Army Garrison, Fort Leonard Wood, Missouri. His other commands include the 35th Engineer Battalion and company command at the United States Army Engineer Center, serving again at Fort Leonard Wood, Missouri.

Other assignments of Colonel Daniel include Long Range Planner, Strategic Plans and Policy Division, Office of the Chief of Staff for Operations and Plans at Headquarters, Department of the Army: Area Engineer for Israel: executive officer, 14th Combat Engineer Battalion, TRADOC Liaison Officer to the French Corps of Engineers, Angers, France; and Group Engineer, United States Army Artillery Group, Cakmakli, Turkey.

Mr. Speaker, Colonel Daniel has dutifully served our nation. As he prepares to spend more time with his wife Carol and his children, Thomas and Kelly, I know the members of the House will join me in expressing appreciation for his years of service.

IN HONOR OF ARTHUR MAYER, JR. WHO HAS BEEN ELECTED NATIONAL PRESIDENT OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Arthur Mayer, Jr., who formally became President of the Benevolent and Protective Orders of Elks on Saturday, July 7, 2001. Mr. Mayer assumed his presidency at the 133rd Elks National Convention in Philadelphia, Pennsylvania.

Arthur Mayer, Jr. is a native of Bergenfield, New Jersey and has been an active member of the Bergenfield Elks Lodge #1477 for the past 35 years. In 1978, he was appointed District Deputy Grand Exhalted Ruler for the Northeast District of New Jersey. He also served as President of the New Jersey Elks Association from 1985 to 1986. As President of the New Jersey Elks Association, he managed and supervised over 120 lodges throughout New Jersey.

The Benevolent and Protective Order of Elks of the United States of America is one of the largest fraternal organizations in the country. Currently, over 1.2 million men and women serve as members of this prestigious association. In the organization's 132-year history, it has disbursed over $2 billion in goods and services for patriotic and civic programs that assist armed service veterans and students in over 2,000 communities nationwide.

As a result of his hard work and diligent efforts, Arthur Mayer, Jr. has helped improve the lives of thousands of families across the country.

Today, I ask my colleagues to join me in honoring Arthur Mayer, Jr. for his commitment to helping others and for his years of distinguished service at the Benevolent and Protective Order of Elks of the United States of America.

INTRODUCTION OF THE ''QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR PROTECTION ACT OF 2001''

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. SIMMONS. Mr. Speaker, I rise today with my colleague from Massachusetts, RICHARD NEAL, to introduce the ''Quinebaug and Shetucket Rivers Valley National Heritage Corridor Protection Act of 2001.''

The bill would provide for the implementation of a management plan for the Corridor to protect resources critical to maintaining and interpreting the distinctive character of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

Created by Congress in 1999, the Quinebaug-Shetucket Rivers Valley National Heritage Corridor (QSHC) encompasses about 695,000 acres in northeastern Connecticut and south-central Massachusetts.

Called ''the Last Green Valley'' in the sprawling metropolitan Boston-to-Washington, D.C. corridor, the QSHC has successfully assisted in the development and implementation of integrated cultural, historical, and recreational land resource management programs that has and will continue to retain, enhance and interpret these significant features. But much more needs to be done, which is why Mr. NEAL and I introduced this legislation.

The QSHC will embark on two very significant projects. The Green Valley Institute is an expansion of the successful natural resource education program that will serve as a key educational tool for the scores of volunteers who work on the municipal boards, committees and commissions making those important decisions regarding land use and natural resource conservation. The program will also provide much needed information in estate planning, forestland management, and technical assistance in GIS training and other important technology. The Green Valley Institute may be the single most important program that the QSHC can provide its 35 towns.

The other significant project is the planning and consideration of the Gateway Center proposed for I–395 in Thompson, Connecticut. Many entities in northeast Connecticut and south-central Massachusetts are looking to the QSHC as the unifying element to carry the project forward.

The Gateway Center will fill a significant need for the communities, businesses, attractions and recreational facilities in the region.

It's imperative that the Quinebaug-Shetucket Rivers Valley National Heritage Corridor be given the resources to continue to conserve, celebrate and enhance the significant historical, cultural, natural and scenic resources in the region while at the same time promoting a quality of life based on a strong, healthy economy compatible with the region's character.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor Protection Act will go a long way toward accomplishing these important goals. I hope my colleagues will join Rep. NEAL and me in support of this worthy initiative.

RECOGNIZING MISS ARKANSAS 2001 JESSIE WARD

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. ROSS. Mr. Speaker, It is with honor and great pride that I wish to recognize and congratulate the new Miss Arkansas 2001 Jessie Ward, who was crowned Saturday, June 16th, in Hot Springs, Arkansas. Jessie is a native of my hometown of Prescott, and I have watched her grow up since she was a little girl.

Jessie has always been a caring, talented, and hard-working young lady.

At her first press conference following her crowning as the new Miss Arkansas, Jessie said that during the competition she wanted to be different—to stand out, if you will—while remaining true to herself. I think it's safe to say she succeeded. In the talent competition, she performed an energetic tap-dance routine to ''The King of Pop,'' a medley of hits by the world famous pop singer, Michael Jackson. Her performance earned her preliminary talent winner honors as well as the coveted $1,000 Coleman Dairy Talent Scholarship.

During an on-stage interview, Jessie explained to the crowd that she enjoys not only bass fishing with her father, but also a rather unique hobby, taxidermy. In her words, she said, ''to me, taxidermy is an art form, and everyone needs a little art in their life.''

In addition to her hobby, Jessie is also co-authoring a book with her mother, Karen Ward, on perseverance, which is something I think we could all use a lesson on from time to time.

Jessie's platform as a contestant, and now as Miss Arkansas, is School Violence Prevention Awareness, and she has spent the past three years traveling through Arkansas and Texas to promote this message. In her program, she stresses the importance of recognizing warning signs and being aware of safe reactions to potentially violent situations. Just recently, she has developed a scholarship program to reward a graduating senior each year who exhibits dedication to his or her school and community.

Jessie is affiliated with the National Center for the Prevention of School Violence, and her goal, she says, is to rally the state and national governments for funding of preventative programs and to reach at least two schools in every school district in Arkansas with her school violence prevention message.

I know this is an issue that she cares very deeply about, and I want to applaud her for her interest and leadership in helping to make our schools and communities safer.

Jessie is currently completing undergraduate degrees in biology and radio, television, and film at the University of Arkansas at Little Rock. She plans to attend medical school and begin working in rural medicine—something that is very important to south Arkansas. She eventually hopes to establish herself as a medical correspondent in the national broadcast arena.

Again, I say to Jessie, ''Congratulations. We're proud of you, and we wish you all the best.''

HONORING WAIN JOHNSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the retirement of Wain Johnson after his twenty years faithful dedication to Mariposa County. Mr. Johnson's agricultural vision revised and shaped Mariposa County's grape growing industry.

In March of 1981, Wain began working as the University of California Farm Advisor for Mariposa County. Wain is a past President of the Mariposa Wine Grape Growers Association. His impact on the grape growing industry, in Mariposa County has been great. Wain's dream was for the county to become a premier grape growing and winemaking region. He helped Mariposa County realize this dream by educating the County's grape growers, providing classes and seminars in viticulture to local farmers.

Mr. Speaker, I am pleased to pay tribute to Wain Johnson for his service to the people of Mariposa County. I urge my colleagues to join me in wishing him a long and happy retirement.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. MOORE. Mr. Speaker, on June 25, 2001, I inadvertently failed to record my vote on vote No. 4187, H. Res. 99. This motion to suspend the rules adopted a resolution that would urge Lebanon, Syria and Iran to push Hezbollah to allow Red Cross staff to visit four Israelis abducted by that group in Lebanon last year. I strongly support this resolution and intended to vote ''aye.''

RECOGNITION OF FORT CHADBOURNE, COKE COUNTY, TEXAS

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. STENHOLM. Mr. Speaker, I rise today to recognize Fort Chadbourne, which is located in Coke County, Texas. I commend local citizens, including Garland and Lana Richards, along with many others who have worked to preserve this important part of Texas history.

A part of the Texas Fort Trails, Fort Chadbourne was established in 1852 as one of eight frontier posts set up to provide settlers protection while venturing into the Indian Territory. It also provided a stage stop for the Butterfield Overland Mail Route. The Fort, which is listed in the National Registry of Historic Places, is open to the public for the first time in 120 years.

The Fort Chadbourne Foundation, established in 1999 to preserve and protect the Fort, is currently in the process of stabilizing the Fort ruins and also plans to restore four buildings. In addition, the Foundation has raised more than $1,000,000 and is pursuing funding through the Statewide Transportation Enhancement Program in order to establish a visitors center and museum. The center will enable visitors to learn the history of the Fort and the area.

I wish to include in the RECORD an excellent article by Preston Lewis, a free-lance writer based in San Angelo, that appeared in Sunday's edition of The Dallas Morning News.

I know that many of my colleagues join me in recognizing the important historic preservation work at Fort Chadbourne.

[From The Dallas Morning News, July 8, 2001]

PIECES OF THE PAST, FORT CHADBOURNE PRESERVATION WORK IS COUPLE'S MISSION

(By Preston Lewis)

FORT CHADBOURNE, Texas.—Not until college did Garland Richards truly realize that not everyone grew up with a genuine frontier fort in the back yard.

Today the 49-year-old, sixth-generation Coke County rancher is opening up his back yard so that all of Texas can share his fascination with the ruins that provided his imagination such a captivating playground during his youth.

Mr. Richards' mission—or possibly his obsession—is to preserve the history of Fort Chadbourne and to stop the deterioration of the remaining structures. Ultimately, he and his wife, Lana, hope to build a visitors center where travelers on U.S. Highway 277 between San Angelo and Abilene can stop for a break and a history lesson.

''Fort Chadbourne has been good to our family,'' Mr. Richards said. ''It's been home. It's been shelter under the storms and a place where you could keep your saddles dry. The historical value of Fort Chadbourne, which I took for granted for so many years, belongs not just to our family but to everyone.''

Through his personal research of books and of original source materials in Texas repositories and the National Archives, Mr. Richards estimates that about 6,000 soldiers were stationed at the fort during its brief life. In addition to those and the various other men and women associated with frontier forts, hundreds if not thousands more traveling the Butterfield Trail stopped at the stage station adjacent to the fort.

Established Oct. 28, 1852, by Companies A and K of the 8th U.S. Infantry, Fort Chadbourne was the midpoint of a line of U.S. military posts stretching from the Red River to the Rio Grande in pre-Civil War Texas. The fort was named for 2nd Lt. Theodore Lincoln Chadbourne, who had died in the Battle of Resaca de la Palma during the Mexican War.

Though officially closed as a military post in 1867 in favor of the newly established Fort Concho about 45 miles to the southwest, the site and buildings continued to be used by the Army in West Texas through 1873).

Three years after the Army left the site for good, T.L. Odom—Mr. Richards' great-great-greatgrandfather—purchased the half section encompassing the fort near Oak Creek and another half section where the Army cut its timber.

Mr. Odom established the O–D Ranch headquarters at the fort site. That land and the fort have been in the family ever since. The property today is known as the Chadbourne Ranch, and it encompasses about 25,000 acres in Coke and Runnels counties.

''Back then, Fort Chadbourne didn't mean anything to them other than a place to stay, a roof to keep the rain off their heads and

some place to get in out of the sun,'' Mr. Richards said.

The roofs on all of the fort structures are gone now. During a 1957 West Texas windstorm, the last surviving roof was blown off a barracks building that was being used as a tool and tack shed.

Today, that barracks's roofless sandstone walls, some with prickly pear growing out the top, are braced against collapse as they are being prepared for a stabilization project that should be completed by the end of the year.

FATHER WAS INSPIRATION

Mr. Richards' father, the late Conda Richards, provided both the inspiration and the grubstake for him to revive Fort Chadbourne from gradual decay and to save its legacy from historical oblivion.

''He and I talked at length about preserving the fort,'' Mr. Richards said. ''He was excited and very supportive.''

When his father died in 1998, Mr. Richards used all of the money from his inheritance to start the Fort Chadbourne Foundation, a 501 (c)3 nonprofit charitable foundation.

''It has been a learning process from the word go,'' he said. ''I've run budgets on cattle and I've run budgets on wheat and everything else, but as far as me going in and making a seven-year projected budget on a fort and submitting it to the IRS for a 501 (c)3, I was pretty much at a loss.''

Mr. Richards majored in agriculture at Angelo State University, but over the last five years, he and his wife have probably earned the equivalent of a Ph.D. in history, grant-writing and nonprofit management in their efforts to preserve the fort and its heritage.

Mrs. Richards said she has supported her husband in the project from the beginning.

''I'm not as knowledgeable a history buff as Garland is, but this is the kind of enterprise where he and I can use our strengths,'' she said. ''I told him if he wanted to go to grant-writing classes, I'd go with him. I'm not the writer he is, but I'm a better speller. What he can't come up with, I usually can.''

She has learned that the history can become fascinating.

''You never know what you are going to come up with,'' she said. ''Today I've been taking pictures where we uncovered some more stones with names carved on them. That is exciting, a real energizer.''

The creation of the foundation opened up the possibility of grant monies to support the work that the couple had been funding out of their own pockets. It was more money than Mr. Richards cares to admit, plus ''four years of our lives.''

To help cover the expenses, they started writing grant proposals. Through support from the Summerlee Foundation, the Dodge-Jones Foundation and the Texas Historical Commission, they have brought in an additional $414,000.

RESEARCH PROJECT

In addition to the stabilization project, the grants have helped fund a billboard on Highway 277 pointing to the turnoff to the ruins. A historical research project is in progress to identify documents and other primary source materials necessary to write the first history of Fort Chadbourne.

Each fall, the foundation also has a fundraiser for the preservation efforts. The event includes reenactors, programs on the fort, and skits reflecting stories and vignettes from the fort's past. Last year, for instance, Mr. Richards included in the program a newly discovered letter from the post surgeon to the War Department stating in the most formal language that he was unable to give his monthly meteorological report in full because the Comanches had stolen his rain gauge. This year's fund-raiser is scheduled for Sept. 22.

''We've looked every way we could look trying to figure out a way for Fort Chadbourne to pay for itself,'' Mr. Richards said. ''We've pretty much determined that Fort Chadbourne will never pay for itself or make an income. As far as the dollars Lana and I have invested in the fort, I don't think that anybody will ever recover those dollars. This is just something I wanted to do, and I convinced her that we needed to do it.''

If the site can be preserved and developed, Mr. Richards said he believes it can bring in significant revenue to the area. He said studies indicate that visitors to historic sites spend an average of $94 a day in the area.

''If we are capable of bringing in 80,000 visitors a year, which the numbers indicate to us we are capable of doing,'' Mr. Richards said, ''theoretically, that could put another $7.5 million into the economy of San Angelo, Abilene, Ballinger, Bronte and Winters.''

Even if the economics of the fort never reach that level, Mr. Richards said he's glad he made the effort to save Fort Chadbourne.

''It has been a lot of work, but it's been a lot of fun. I've met some neat people along the way and they are what keeps us going,'' he said.

For example, an article on the Texas Forts Trail in the November issue of Texas Highways ran a photograph of a carved inscription in the barracks wall: Albert Haneman, Oct. 19, 1858, Co. B 2 Cav.

Two days after the magazine appeared on newsstands, Mr. Richards received a call from John and Laura Haneman of Austin, indicating that Albert Haneman was his great-grandfather. Barely weeks after the photo appeared, Haneman family members from Austin and El Paso met at Fort Chadbourne for a family reunion and the chance to see in person the graffiti of their ancestor.

''I've got a cool job,'' Mr. Richards said. ''It doesn't pay well, but things like that are what makes what we are doing worthwhile.''

HONORING LARRY HOLMAN ON HIS RETIREMENT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor Larry Holman on the occasion of his retirement later this summer. Mr. Holman has served 30 years as the Bureau of Indian Affairs' Superintendent for Education of the Eastern Navajo Agency. Since beginning his BIA career in 1966 as a Wingate Elementary school teacher, he has dedicated his life to bringing equal opportunity education to the Navajo youth of New Mexico.

Mr. Holman has seen many changes during his term. In the late sixties, families would bring their children to school in horse-drawn wagons. In the seventies, there was a lot of pressure to only emphasize English instruction. One of his many distinguished accomplishments was instituting a new Bureau of Indian Affairs personnel system. Through his efforts, BIA teachers' salaries were raised to equal the Department of Defense teacher's rate. This led to a superior teaching staff, and it has increased the quality of education for students.

Such dedication to our teachers and our students, the future of our world, is one of the greatest gifts that a person can give. Mr. Holman has touched many lives and affected a strong beginning for a successful education for many New Mexicans.

Today we recognize Larry Holman's distinguished career and his remarkable service to the youth of the Navajo nation. Mr. Speaker, I believe that I speak for every citizen in the State of New Mexico when I extend our congratulations and best wishes for a retirement filled with happiness.

TRIBUTE TO THE LATE POLICE OFFICER LOIS MARRERO

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. DAVIS of Florida. Mr. Speaker, today I joined thousands of Floridians in saying goodbye to one of Tampa's finest, Police Officer Lois Marrero, who was struck down when a bank robber opened fire on four pursuing officers. Marrero was Tampa's first female police officer killed in the line of duty, but she will be remembered in Florida for so much more.

A devoted officer, Marrero never let her diminutive stature slow her down. Today, her friends and colleagues recalled her feisty spirit, her dedication to the job and as one officer described it, her ''heart that was twice as big as her physical size.''

Marrero, who was just 15 months shy of retirement, impressed her superiors throughout her career for her energy and professionalism. She was praised for her crime fighting efforts in Ybor City's neighborhoods, and as head of the Tampa Police Department's community affairs bureau and gang suppression units, Marrero was credited for cutting back a rash of car thefts that plagued our city in the mid-1990s.

To her friends and family, Marrero will be remembered as a caring person who was always ready to lend a helping hand. In the words of one neighbor, Lois Marrero was ''the kind of person you could count on.''

For those of us who never had the privilege of getting to know Officer Marrero, it is our duty to remember Lois for the ultimate sacrifice that she made to keep our community safe. This terrible tragedy reminds us that law enforcement officers put their lives on the line every day to protect us and our families, friends and neighbors. In honoring Lois Marrero, we show our gratitude to the entire law enforcement community.

So today, on behalf of the citizens of Tampa Bay, who came together this week in an outpouring of sympathy, prayers and tributes, I thank Officer Marrero and Tampa's Police Department for their commitment to our neighborhoods and I send our deepest sympathies to Lois' family, friends and colleagues for this great loss.

TRIBUTE TO DR. RICHARD W. McDOWELL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. KNOLLENBERG. Mr. Speaker, today I pay tribute to Dr. Richard W. McDowell, the longest-serving President in Schoolcraft College's history. He will be retiring on June 30,

2001. Dr. McDowell has been a great asset to his students, and served the Michigan educational community with diligence and excellence. In addition to his tenure as president, he has served on numerous educational and commerce boards, including the Livonia Chamber of Commerce, American Association of Community Colleges, and Council of North Central Two-year Colleges.

After completing his tenure as vice-president and acting-president at two community colleges in Pittsburgh and Florida respectively, Richard McDowell joined Schoolcraft College in 1981, and helped guide the college through a 20-year period of academic growth and brilliance. On this end, he achieved high standards in increasing staff development, employee recognition, and provided the necessary direction to establishing the Business Development Center that has generated a billion dollars in grants to various local companies.

The increased funds have enabled Schoolcraft College to be expanded considerably, which has made for a livelier and richer educational environment for students. On May 16th, 2001 the college broke ground on a $27 million facility that will house a state-of-the-art information technology center, and it's culinary arts department, which is recognized nationally. The college also plans to break ground on a $27 million facility that will house a state-of-the-art information technology center, and its culinary arts department, which is recognized nationally.

Through his dedication and hard work to Schoolcraft College and the Michigan educational community, Dr. McDowell is a prime example of the kind of people that we need running the affairs of colleges and universities dedicated to providing the best environment and education possible to our students. I congratulate Richard on his fine achievements and wish nothing but the best in his future endeavors.

A TRIBUTE TO KELLY AIR FORCE BASE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. RODRIGUEZ. Mr. Speaker, on Friday, July 13, 2001, after 85 years the flag will be brought down for the final time at Kelly Air Force Base in San Antonio, Texas. In recognition of this momentous occasion I offer the following tribute of Kelly AFB and its lasting legacy to the United States Air Force, the nation, and the San Antonio community.

Seventy-four years after Travis, Crockett and Bowie manned the battlements at the Alamo, a different kind of warrior made his appearance over the South Texas City of San Antonio. He rode on wings of wood and fabric. In January 1910, on orders from Major General James Allen, Chief of the Army Signal Corps, Lieutenant Benjamin Foulois established a flying field at Fort Sam Houston, Texas. Foulois arrived at the Fort with a Wright flyer, the only airplane in the air service. In April 1911, three young Army officers joined Foulois fresh from Glenn Curtiss' Flying School at San Diego. Among them was a thirty-year-old lieutenant from London, England, George Edward Maurice Kelly. Kelly immigrated to America, enlisted in the United States Army and eventually received his citizenship and gained a commission. Volunteering for duty in the Air Service, he trained briefly with Curtis and then joined Foulois at San Antonio. Lieutenant Kelly's aviation career would be short lived. On May 10, 1911, he crashed his Curtis Type-4 Pusher into the brush near Fort Sam Houston's Drill Field. Lieutenant Kelly became the first American military aviator to die in the crash of a military aircraft. Six years later, one of the nation's premier flying fields would bear the name of this brave young aviator.

Lieutenant Kelly's death caused the Commander at Fort Sam Houston to call a halt to flying at the Post. Aviation didn't return to the Alamo City until November 1915, when the First Aero Squadron arrived from Fort Sill, Oklahoma. It did not stay long. In March 1916, the Mexican Revolutionary leader, Pancho Villa, attacked Columbus, New Mexico, and the First Aero Squadron, commanded by Foulois, joined a punitive expedition commanded by General John J. Pershing. Within months all its few aircraft were grounded. With World War I raging in Europe, it was clear that American military aviation needed to expand. Foulois, now a major, was called upon to form new squadrons and find a training site. In November 1916, he returned once again to San Antonio. Lacking space to expand at Fort Sam Houston, Foulois looked for another site for an aviation camp, choosing a 700-acre track of land southwest of San Antonio. The land was leased in January 1917. What was once cotton, cabbage, mesquite and cactus, was overrun with men and machines clearing the way for a landing field. On April 5th 1917, the first four planes slid out of the sky to land at the new field. The United States entered World War I the next day. Named Kelly Field in July, the new field was seen training aviators, mechanics, and support personnel destined for duty in France. Within 18 months, Kelly was the largest aviation training, classification and reception center in the United States. With the end of the war to end all wars, Kelly Field was consumed by the lethargy that follows most armed conflicts. The United States adopted an isolationist attitude and military aviation lapsed into a period of near hibernation. Aircraft that had been built for war were now turned to barnstorming and amusement. Throughout the nation aviation camps and depots were closing, but at Kelly Field the pace had merely slowed not stopped. For a time, all the active flying groups were stationed at Kelly. Then in 1922, the Air Service restructured its training program, making Kelly home to the Air Service Advanced Flying School. For the next two decades, Kelly would become famous as the alma mater of the Air Corps. During these years, some of aviation's greatest names pressed the rudder pedals of Kelly trainers. Early graduates of the Advanced Flying School include ''lone eagle'' Charles Lindbergh; General Curtis LeMay, cigar chopping advocate of strategic air power; and future Air Force Chiefs of Staff Hoyt S. Vandenburg, Thomas D. White, John McConnell and George S. Brown.

With the acquisition of more land west of Frio City Road in 1917, Kelly Field was divided into two areas, Kelly Number I and Kelly Number 2. While Kelly Number 2 was busy turning out dashing aviators, Kelly Number 1, renamed Duncan Field in 1925, was engaged in a less glamorous task of aviation supply and maintenance. This humble stepchild spawned out of necessity would eventually thrive and go on to become an Air Force logistical giant. By 1935, most world powers were struggling to free themselves from the grip of worldwide depression. In Germany, Adolph Hitler had seized the reigns of power. On the other side of the globe, Japan was running rampid through Manchuria. The clouds of depression were clearing, but clouds of war were rapidly taking their place. Aircrew training at Kelly was stepped up; courses were conducted in nearly every form of military aviation including attack, pursuit, observation and bombardment. Paved runways and permanent facilities sprouted throughout the installation. When Japanese bombs rained on Pearl Harbor on December 7th, 1941, Kelly Field was ready to take its place as a major cog in America's war machine. Midway through World War II, Kelly's logistical role came to the forefront. Pilot training moved to Randolph and other new airfields while an organization known as the San Antonio Air Service Command sought to repair and supply the nation's aerial fighting force. In two short years, the workforce expanded from 1,000 to over 20,000. Many were women, Kelly Katies, the Kelly equivalent to Rosie the Riverter. Peace came in August 1945. Kelly Katy went home. The base paused, caught its breath, and then put itself to the task of supporting the most powerful Air Force in the world. On September 18, 1947, President Harry S Truman signed the National Security Act. Among the articles contained in this legislation was one establishing the Air Force as an independent military service. Duncan Field and Camp Normoyle had been absorbed during World War II, and in January 1948, the field became Kelly Air Force Base. Within a year, the base would once more respond to an international challenge. The Russian bear was putting paw prints all over Eastern Europe. When the Soviets attempted to slam the door on West Berlin, allied air power came to its rescue. Kelly engine maintenance shops operated night and day. Pratt and Whitney R2000 engines rolled off the production lines destined for installation on C–54 aircraft flying the Berlin Airlift. The Russian bear hug on Berlin was broken after 11-months of Herculean effort by crews, aircraft and dedicated support by San Antonio Air Materiel Area workers. Less than a year later, the outbreak of the Korean War dropped the temperature of Cold War even further. Kelly personnel labored around the clock to prepare B–29 bombers and Mustang fighters for service overseas. The outdoor lighting lit up the sky at night and became famous as San Antonio's ''Great White Way''. Nuclear deterrent was the ''watch word'' and Kelly's people worked in support of the intercontinental B–36 bomber, the first capable of flying anywhere in the world, dropping its nuclear payload and returning home. Its Pratt and Whitney R4360 engines monopolized Kelly's overhaul facilities for over a decade. A proud yet poignant story revolves around the cargo version of the B–36. The XC–99 transport was the largest cargo aircraft ever built until the advent of the massive C–5A. The huge bird nested at Kelly and from this base of operations set numerous cargo hauling records, but logistics theorists at the time balked at having too many eggs in one basket. Cost of

maintaining this one-of-a-kind aircraft grew prohibitive. It now sits next to Kelly's runway; silently watching the C–5s fly the role it pioneered.

In the early '50s, propeller whine was replaced by jet roar. Boeing B–47s, first operational all jet strategic bombers, began to line Kelly ramps awaiting their turn to pass through the overhaul and modification lines in building 375, at that time the world's largest hangar. They would be followed by a succession of aerial armament including the B–58 Hustler, the F–102 Delta Dagger, and now the venerable B–52 Stratofortress. For over forty-five years the B–52 filled the role of manned strategic bombers; and for thirty-six of those years, the San Antonio Air Materiel Area and its successor, the San Antonio Air Logistics Center, strengthened its airframe and modified its offensive and defensive capabilities. In January 1970, a cavern with wings shared the maintenance area with the camouflaged B–52s. It is the world's largest aircraft, the Lockheed C–5. This enormous cargo and troop carrier, longer than the area covered by the Wright brothers' first flight, was the most ambitious workload ever assumed by this or any other Air Logistics Center. From the tip of its liftable nose, to the top of its five-story tail, the C–5 was a Kelly management responsibility for over 35 years. Less visible was the vital support given to other aircraft and weapon systems. Kelly personnel managed over half of the Air Force engine inventory, repairing and managing the C–5's TF39 engine and the F100 engine, which powers the F–15 and F–16 aircraft. Kelly personnel also managed engines for the T–37 and T–38 trainers, the A–10 Attack aircraft and C–130 transport. Other members of the Kelly team manage all the fuel used by the Air Force and NASA and monitor all Air Force nuclear weaponry.

Although the Berlin Wall came down in 1989, Kelly AFB remained a vital part of American defense of freedom. During Operation JUST CAUSE in December 1989, Kelly was a staging area for troops on their way to Panama and was a reception point for wounded Americans. Less than a year later Kelly's people worked 24–hour days in support of American and Allied efforts to drive Iraqi invaders from Kuwait in Operations DESERT SHIELD/DESERT STORM. By March 1991, Kelly had sent nine million pounds of munitions to the theatre of operations along with 7,400 tons of other supplies and 4,700 passengers. In April 1999, Kelly employees again were called upon to perform their ''logistical magic.'' Engines were surged to support NATO's efforts to end brutal ethnic cleansing in Kosovo.

Even before the end of the Cold War, America's military services saw their budgets grow smaller, and by the early 1990s, people expected to see a ''peace dividend'' to help reduce the budget deficit and pay for soaring costs of social services. Continuing efforts to cut defense spending by relocating some missions and closing some bases put Kelly and the San Antonio Air Logistics Center at risk. In May 1993, the Base Realignment and Closure Commission added the San Antonio ALC and three other air logistics centers to its list of places to consider for closure. While Kelly escaped the bullet in 1993, it did not do so again. In 1995 the BRAC was determined to close one, or possibly, two of the Air Force's giant depots. Once again, the city and the base marshaled it forces to persuade the commission that this depot was too important to close. Despite heroic efforts, on June 22, 1995, the commission voted first to close the Sacramento ALC at McClellan AFB in California and then voted to close the San Antonio ALC and realign Kelly AFB west of the landing strip to the adjoining Lackland AFB. The ALC would close July 31, 2001.

The center had the maximum of six years to relocate its missions and turn over a going concern to the city's redevelopment authority. Center officials used three guiding principles in its planning: the first was continued support to maintain Air Force readiness; the second was taking care of the Kelly work force; and finally, minimizing the impact on the San Antonio Community.

Both the city and the Air Logistics Center were determined to make this transition a success. Kelly created the Privatization and Realignment Directorate, headed by Tommy Jordan, to handle the Air Force side of the operation. The city created the Greater Kelly Development Corporation (later Authority) to carry out the strategies and plans to redevelop the base. The group went right to work, signing its first lease for a portion of East Kelly to Rail Car Texas for a rail car repair facility. Less than a month later, aircraft engine giant Pratt & Whitney signed a lease to perform upgrades on the F100 engines. And in November 1997, Ryder International Logistics, Inc. signed a lease for warehouse space.

However, the dream to keep all of the Center's workload at Kelly never materialized. The Air Force ran public-private competitions for Kelly's workload. The first went to another ALC. In September 1997, the Air Force announced that Warner Robins ALC won the C–5 depot maintenance contract. Only 200 Kelly workers moved to the Georgia base, but thousands upon thousands of pounds of equipment necessary for C–5 maintenance were loaded on 18-wheelers for the trek to south Georgia. Over the next year, as workers finished maintenance on the C–5s, Kelly's giant aircraft hangar got emptier and emptier. On 15 September 1998, the last C–5 to undergo PDM at Kelly lifted off the runway, ending nearly eight decades of aircraft depot maintenance.

But building 375 didn't remain empty for long. On 20 February 1998, representatives from Boeing, GKDC, and the city of San Antonio signed letters of intent for the lease of five buildings. Workloads at the new Boeing Aerospace Support Center included C–17s, KC–10s and KC–135s for the Air Force and MD–10s for commercial companies like Federal Express. By May 1999, this new center had over 1,300 employees with prospects of more workload and more workers every day.

Kelly's other large workload, the Propulsion Business Area, went on the bidding block in March 1998. In February 1999, the Air Force announced that Oklahoma City ALC and its bidding partner Lockheed Martin had won the contract. The news for Kelly and San Antonio was not all bad, however. Early on, Oklahoma City ALC announced it was only interested in Kelly's F100 workload, which left in December 1999. Work on the TF39 and T56 engines, and about 1,400 former Kelly federal workers, would stay at Kelly in building 360 under contract with Lockheed.

The rest of Kelly's depot maintenance workload, automatic test equipment, gas turbine engines, and ICBM reentry vehicles for example, moved to the other ALCs between 1997 and 2000. The remaining three ALCs picked up Kelly's materiel management responsibilities beginning with ICBM reentry vehicle items in August 1997 and ending with secondary power systems in June 2001. In the intervening four years, millions of pounds of equipment needed to perform Kelly's various missions left the base for their new homes across the country.

Kelly's remaining base operating support transitioned to Lackland AFB, beginning with the 76th Medical Group in October 1999. The final realignment of base support and Kelly's major tenant units to Lackland was completed by April 2001. Meanwhile, the GKDA's vision of a ''new Kelly'' had taken off. The city-appointed authority renamed the base KellyUSA as a way to convey the nonmilitary focus of the burgeoning 2,000-acre industrial and commercial park. By 2000, GKDA was already well on its way to its goal of replacing the civil service jobs lost at Kelly.

Although the flag came down on the San Antonio Air Logistics Center on July 13, 2001, it was not the end of Kelly's story. Kelly's legacy will live on for generations. Kelly was a place where people from all backgrounds came together to roll up their sleeves and work for a united cause—our country's freedom. For 85 years Kelly AFB made major contributions to the military strength of the United States and the prosperity of San Antonio. Kelly was the largest single employer in San Antonio and South Texas for over 50 years, and year-after-year Kelly was the largest contributor to the Combined Federal Campaign within the city. Kelly was a place where the workers prospered, purchased better homes, and provided family members the resources to pursue more education and more opportunities. Kelly Field provided tens of thousands of civil service jobs, and was the birth and backbone of the Hispanic middle class in the Alamo City. Generations of Hispanic families were employed at Kelly throughout its history, and, today many of the city business leaders and even congressional members have their roots as Kelly families.

For decades the men and women of Kelly AFB dedicated their hearts and lives to the service of their country. From its beginnings as a farmer's cotton field in 1916, Kelly became the largest recruit and aviation training camp in the United States during World War I. In the interwar years, Kelly served as the Alma Mata of the Air Corps while its neighbor Duncan Field provided repair and supply support for America's small air arm.

Following World War I, Kelly became one of the country's largest logistical supermarkets, supporting the Air Force around the globe. During the most recent conflicts of JUST CAUSE, DESERT SHIELD/DESERT STORM, and Kosovo, the Kelly employees had the greatest logistical support of all the ALCS, shipping more components, more engines, and more munitions. From the beginning of Kelly Field to the end of the San Antonio Air Logistics Center, the logistical impact and support of Kelly and its employees were vital for the United States to be successful in completing the mission. Today, Kelly transitions again, becoming KellyUSA, an industrial, commercial park for the 21st century. But, throughout this tradition of service remains and will continue to be—Kelly Forever!

HONORING EDWARD PAELTZ

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Mr. Edward Paeltz of Godfrey, Illinois. Mr. Paeltz is a veteran of World War II and was recently awarded the ''General William C. Westmoreland Award'' from the National Society of the Sons of the American Revolution for his distinguished service to veterans.

Since he was discharged from the Army 55 years ago, Edward Paeltz has spent countless hours helping veterans in need of care. With the help of his wife, Nancy, he frequently visits veterans in hospitals, nursing homes, and veterans homes throughout Illinois. During the Christmas season, he brings them cookies and other gifts to put a smile on their faces. In addition, Mr. Paeltz helps transport veterans from the Veterans Hospital in Marion, Illinois, to a lodge and retreat center in Carbondale so they can participate in recreational activities.

Edward Paeltz is a former commander of Alton American Legion Post 126. He recently fulfilled his dream by designing and organizing the construction of a Veterans' Memorial in Alton, Illinois, to honor the veterans of all branches of the armed forces. Mr. Paeltz is an inspiration to us all.

A TRIBUTE TO HERB OBERMAN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Ms. SOLIS. Mr. Speaker, I rise today to recognize the retirement of Mr. Herb Oberman, who will step down from his job as a Los Angeles County social worker on July 12, 2001. A dedicated public servant, Herb has served the people of Los Angeles County for the past 35 years.

Herb has proven that he truly cares about protecting children's rights. He received his Master's Degree of Social Work from the University of California Los Angeles in 1966 and spent seven years dedicating himself as a Children's Service Worker in the Foster Care Program. In 1973, he participated in the formation of Community Service Centers.

Herb has served on the board of directors of several social service organizations. He is the past president of the Santa Clarita Valley Girls and Boys Club and served on the board of directors of the Los Angeles Regional Foodbank between 1973–1993.

Herb Oberman's contributions have received recognition for his programs, which include the Los Angeles Efficiency and Productivity Program administration of the Los Angeles Citizenship Assistance Campaign; the Ford Foundation's ''Innovations in State and Local Government'' award in 1986 for his administration of the county's Federal Food Commodities Distribution Program; and the Parents Fair Share Project, a national demonstration project which helps noncustodial parents find employment and pay.

As Herb moves on to new pursuits, I would like to thank him for his remarkable work. I ask my colleagues to join me in honoring his hard work and extraordinary contributions and wish him luck on his retirement.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, I would like to explain my position on the Kucinich amendment that would reduce funding for the National Ignition Facility at Lawrence Livermore National Laboratory and move some of the NIF money into the nonproliferation programs of the national Nuclear Security Administration. There is clearly a need to avoid the damage that would occur to our nonproliferation programs if funding is not increased. The President made a mistake in his budget when he made deep cuts in the non-proliferation programs. The cuts make little sense in a world where many nations have the capability and desire to develop weapons of mass destruction including nuclear, chemical and biological weapons. We must therefore increase our capability to monitor developments around the globe in this area.

The President's budget already cuts the NIF programs. I support that cut given the troubling history of this program. I am very concerned about the recent GAO report findings, which concluded that not only will NIF cost at least $1 billion more than planned and take six years longer than expected to begin operations, but also that the program poses a serious number of unresolved technical problems. Moreover, because of the critical nature of the GAO findings, the agency reportedly is doing a follow-up report, which it intends to submit to Congress.

Mr. Speaker, furthermore, in an article in the Albuquerque Tribune, the Director of Sandia National Laboratory, Mr. Paul Robinson, criticized NIF suggesting there be a reduction in its design and cost to protect other nuclear weapons program components. Moreover, a report by Dr. Robert Civiak, a physicist and former OMB Program Examiner for the Department of Energy, spells out the need to cancel NIF before any further spending occurs.

For these reasons and others, Congress needs to closely examine the NIF program and determine whether it warrants future funding. That is why I am voting NO on the Kucinich amendment.

PROJECT VOTE SMART

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. HYDE. Mr. Speaker, I was recently informed of the efforts of an organization called Project Vote Smart—a group of dedicated individuals who work tirelessly in a non-partisan fashion to develop dependable facts about various national and state issues affecting all Americans while encouraging eligible citizens to vote. I am pleased to share some background information about the organization, which I hope my colleagues will find interesting and beneficial.

PROJECT VOTE SMART

A few years ago a handful of people, a mixture of young energetic students and retired leaders from fields in politics, academia and various other civic fields, held a meeting about the increasing use of media and technology by campaigns to manipulate information, and the citizen's diminishing access to dependable, abundant information on issues and political candidates.

That meeting gave birth to Project Vote Smart (PVS), a small 501(c)(3) now engulfed in its own success. In the beginning the idea seemed simple: use young people from throughout the country to collect millions of documented facts about issues, candidates and other pertinent information about politics; index the information and then categorize it so that citizens could easily access the information through local libraries, toll-free hot lines, the internet and published reports.

Specifically, the Project is in a national library of factual information on over 40,000 candidates and incumbents in public office—all presidential, congressional, gubernatorial, state legislative seats, county, and local candidates and incumbents. They are researched in five basic areas: backgrounds, voting records, campaign finances, performance evaluations by over 100 conservative to liberal special interests, and campaign issue positions on the issues they will likely have to deal with if elected.

Project Vote Smart does not lobby, support or oppose any candidate or cause, and does not accept financial support from any organization that does—it is supported entirely by philanthropic foundations and the individual contributions of over 45,000 members. Election-year programs are sponsored by over 4,000 public libraries and hundreds of national and local news organizations. National leaders are not allowed to join the founding board without a political opposite—founding board members are national leaders as diverse a Goldwater and McGovern, Carter and Ford, Hatfield and Ferraro, Gingrich and Dukakis. PVS is staffed by volunteers, interns and a small staff paid only minimal salaries. They are conservatives and liberals of various parties who have volunteered for up to two years in order to help citizens get the facts about candidates instead of just the rhetoric.

TRIBUTE TO 2001 LEGRAND SMITH SCHOLARSHIP FINALISTS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. SMITH of Michigan. Mr. Speaker, it is a sincere pleasure to recognize the finalists of the 2001 LeGrand Smith Scholarship Program. This special honor is an appropriate tribute to the academic accomplishment, demonstration of leadership and responsibility, and commitment to social involvement displayed by these remarkable young adults. We all have reason to celebrate their success, for it

is in their promising and capable hands that our future rests:

Brian Anderson of Lansing, Michigan; Nicole Beil of Tecumseh, Michigan; Leah Brady, of Battle Creek, Michigan; Jeremy Connin of Jackson, Michigan; Lindsay Elliott of Pittsford, Michigan; Calby Garrison, of Onsted, Michigan; Aaron Heinen of Battle Creek, Michigan; Sarah Holliday of Hillsdale, Michigan; Stephanie Lallemand of Battle Creek, Michigan; Tabbetha McLain of Quincy, Michigan; Molly Miller of Marshall, Michigan; Jessica Muterspaugh of Spring Arbor, Michigan; Teresa Reinker of Horton, Michigan; Adam Shissler of Jackson, Michigan; Anna Vanderstelt of Charlotte, Michigan; and Randi Wigent of Reading, Michigan.

The finalists of the LeGrand Smith Congressional Scholarship Program are being honored for showing that same generosity of spirit, depth of intelligence, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan. They are young men and women of character, ambition, and initiative, who have already learned well the value of hard work, discipline, and commitment.

These exceptional students have consistently displayed their dedication, intelligence, and concern throughout their high school experience. They are people who stand out among their peers due to their many achievements and the disciplined manner in which they meet challenges. While they have already accomplished a great deal, these young people possess unlimited potential, for they have learned the keys to success in any endeavor. I am proud to join with their many admirers in extending our highest praise and congratulations to the finalists of the 2001 LeGrand Smith Congressional Scholarship Program.

HONORING THE RETIREMENT OF SERGEANT RON PACKARD, OFFICER JOE REIS AND OFFICER JOHN NYIKES OF THE UNION CITY POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. STARK. Mr. Speaker, on July 14, 2001, the Union City Police Department will celebrate the retirement of three of its finest officers, Sergeant Ron Packard, Officer Joe Reis and Officer John Nyikes.

Sergeant Ron Packard began his law enforcement career with the Union City Police Department on November 1, 1968. His first assignment was undercover at a local high school, posing as a student. During the day, he attended classes with the intention of identifying sales and distribution of illegal drugs on campus. In the evenings, he completed class homework assignments and police reports. Sergeant Packard progressed in his career and was promoted from Officer to Sergeant on January 16, 1974. He has served as a Firearms Instructor and Range Master, SWAT member, and has supervised a number of divisions, including Traffic Investigations and Patrol. Sergeant Packard was instrumental in developing the Union City Police Department's current Canine Program and is currently the Canine Program Manager. During his off-duty hours, Sergeant Packard enjoys participating in local and international Police and Fire Olympic Games, and is the recipient of numerous silver and gold medals in archery.

Officer Joe Reis, President of the Union City Police Officers Association, began his career in law enforcement on December 16, 1974. During his tenure with the Union City Police Department, Officer Reis worked as a Field Training Officer for ten years. He was responsible for training new Police Officers in Union City and assisted in developing a Recruit Training Manual for the Department. Officer Reiss continued his enthusiasm for teaching by becoming the instructor of ''Introduction of Administration of Justice'' at James Logan High School for five years. In addition, Officer Reis was one of the Department's Firearms Instructors for nineteen years and was assigned as the Court Liaison Officer with the District Attorney's Office for four years. For the past eight years, Officer Reis has served on an assignment he considers the most rewarding, as a D.A.R.E. officer working with the New Haven Unified School District.

Officer John Nyikes began his career in law enforcement as a Detroit Police Officer for eight years where he was awarded a meritorious citation. He was hired by the Union City Police Department on July 2, 1980. While assigned Patrol duties with the Department, Officer Nyikes worked as a Field Training Officer and was responsible for training new police officers in Union City. Officer Nyikes was transferred from the Patrol Division to the Investigations Division where he has received many letters of commendation for his teamwork and clearances of crimes ranging from homicides to arson, and recovery of stolen property.

I am honored to join the colleagues of Sergeant Packard and Officers Reis and Nyikes in commending them for their many years of dedicated and exemplary service to law enforcement. They have left their indelible mark of excellence on the Union City Police Department.

PAYING TRIBUTE TO LANSING, MI, FOR ''HIGH GROWTH'' STATUS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the City of Lansing, Michigan, for having been named one of the top five cities in its population category for high-growth companies. The National Commission on Entrepreneurship released a study on High Growth Companies this week. This study was the first of its kind and examined entrepreneurial-growth companies in communities across the country.

Surprisingly to some, but not to the people of Michigan, the report found that the bulk of high-growth companies in the past ten years are not in ''high tech'' areas, but are instead found in the industrial sectors of America.

High-Growth status is achieved by few companies. It is given only to those that have attained a 15% employment growth per year for 5 years or 100% employment growth over 5 years.

Among the communities recognized for High-Growth is the City of Lansing, Michigan, located in the 8th Congressional District, in the heart of Michigan and the greater Mid-west. Since 1996, the city of Lansing has generated more than 300,000 new jobs, more than New York, Los Angeles, or San Diego.

I urge my colleagues in the U.S. House of Representatives to join me in congratulating and expressing pride in the city of Lansing, Michigan, and the community businesses that work for job growth and development of the city's entrepreneurial landscape.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained due to a delayed flight arriving into the Ronald Reagan National Airport on July 10, 2001, and unfortunately missed the following recorded votes: No. 211 on H. Con. Res. 170; No. 212 on H. Con. Res. 168; and No. 213 on H. Con. Res. 174.

I ask that the RECORD reflect that, had I not been delayed, I would have voted ''yea'' on all of the above bills.

TRIBUTE TO ERIN DOHERTY OF JONESVILLE, MI, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. SMITH of Michigan. Mr. Speaker, It is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Erin Doherty, winner of the 2001 LeGrand Smith Congressional Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Congressional Scholarship, Erin is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Erin Doherty is an exceptional student at Jonesville High School and possesses an impressive high school record. Erin has received numerous awards for her academic achievement and her success as a young athlete. She is active in student government, serving as President of her class, and participates in the high school and pep bands. Erin is active in S.A.D.D. and the Jr. Rotary, Interact.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Erin Doherty for her selection as a winner of a LeGrand Smith Congressional Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

TRIBUTE TO THE 18TH ANNUAL FREMONT FESTIVAL OF THE ARTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. STARK. Mr. Speaker, I would like to pay tribute to the 18th Annual Fremont Festival of the Arts sponsored by the Fremont Chamber of Commerce. The two-day Festival, to be held on July 28 and 29, 2001, is expected to attract over 450,000 attendees and has become a model of success for the modern festival. This single event provides some $400,000 in contributions to non-profits for the betterment of communities in Fremont, California.

Over 780 artists, 35 culinary selections and 20 bands will be featured at the Festival. Three thousand volunteers give willingly of their time to contribute to the Festival's success.

It takes generous and concerned individuals, such as the volunteers, to reach out and make a difference, ensuring promise and opportunity for this and future generations. It also takes the support of business sponsors and patrons to ensure the success of the Festival.

The Festival typifies the spirit of community service, which is alive and thriving in Fremont. I am proud to salute the efforts of this year's Festival Chairman, David M. O'Hara, the organizers, the volunteers, the sponsors and the patrons of the Fremont Festival of the Arts for their generous and untiring efforts to ensure continued success.

PAYING TRIBUTE TO THE LANSING BOARD OF WATER & LIGHT

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the proactive efforts of the Lansing Board of Water and Light in Lansing, Michigan, to develop a program aimed at using environmentally friendly energy to generate the electricity it provides in the Lansing metropolitan area.

The Board of Water and Light has launched a Green Wise Electric Power program that encourages customers to voluntarily pay an additional minimal fee to cover the added cost of purchasing electricity from ''clean'' sources. The program allows the municipal utility to buy some or all of its electricity from clean, renewable sources such as wind, water and biomass generation. While the cost of cleaner electricity may be higher than that provided through conventional sources such as coal or natural gas, the environmental advantages make this a highly worthy program.

As America struggles to meet its environmental challenges, the Lansing Board of Water and Light has shown extraordinary vision and commitment to protecting our precious resources while continuing to meet the electric power needs of its customers. They are working hard to achieve that balance between environment and economy which is essential for the future of every community across the nation.

I urge my colleagues in the U.S. House of Representatives to join me in congratulating the Lansing Board of Water and Light and to extend to its board of directors and staff our admiration for their service in the interest of the nation, the State of Michigan, and their own community. We wish them well in their future endeavors.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Ms. CARSON of Indiana. Mr. Speaker, on Tuesday, July 10, I was in my district attending to official business and as a result missed rollcall votes 211, 212 and 213. Had I been present, I would have voted ''yea'' on all three votes.

TRIBUTE TO ELLEN V. FUTTER, NASA PUBLIC SERVICE MEDAL RECIPIENT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. NADLER. Mr. Speaker, I rise to express my pride, and that of New York, that on June 21, 2001, Ellen V. Futter, President of the world-renowned American Museum of Natural History, was awarded NASA's prestigious Public Service Medal by NASA Administrator Daniel S. Goldin. She was presented this medal in recognition of her leadership in advancing the highest quality science education.

Through Ms. Futter's leadership, the American Museum of Natural History is bringing NASA's cutting-edge science to children and families of New York, the nation, and the world through the Rose Center for Earth and Space and the NASA-sponsored National Center for Science Literacy and Education Technology. Her achievements rest on a keen appreciation of the importance of scientific literacy in the 21st century and a unique vision for bridging the gap between science and the public.

With the leadership of Congress, the American Museum of Natural History and NASA have forged a productive scientific and educational partnership that advances their shared goals of advancing science and scientific literacy nationwide. The National Center for Science Literacy, Education, and Technology was conceived by the Museum; approved, advanced, and supported by Congress; and sponsored by NASA. It is a model partnership of which we can all be proud.

Founded in 1869, the American Museum of Natural History is one of the nation's preeminent science and education institutions. Throughout its history, its efforts have been directed to its twin missions: to examine critical scientific issues and increase public knowledge about them. Its rich scientific legacy includes an irreplaceable record of life on Earth in collections of some 32 million natural specimens and cultural artifacts. The Museum's power to interpret wide-ranging scientific discoveries and convey them imaginatively has inspired generations of visitors and educated millions about the marvels of the natural world and the vitality of human cultures.

I congratulate Ellen Futter, the American Museum of Natural History, Daniel Goldin and NASA on their remarkable accomplishments.

TRIBUTE TO KRISTIN ANDERSON OF BROOKLYN, MICHIGAN LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Kristin Anderson, winner of the 2001 LeGrand Smith Congressional Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Congressional Scholarship, Kristin is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Kristin is an exceptional student at Columbia Central High School and possesses an impressive high school record. Kristin has received numerous awards for her excellence in academics, as well as her involvement in soccer and volleyball. She is active in student government, serving as President of the National Honor Society and Secretary of the student body. Kristin's volunteer efforts include helping to organize a local coat drive and working with the Toys for Tots Program.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Kristin Anderson for her selection as a winner of a LeGrand Smith Congressional Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

IN HONOR OF THE LATE JUSTICE STANLEY MOSK

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Ms. PELOSI. Mr. Speaker, I rise to pay my final respects to California Supreme Court Justice Stanley Mosk. It is with great sadness and deep respect that I share with my colleagues the following words on the life of Justice Stanley Mosk.

Justice Mosk was born in San Antonio, Texas, graduated from the University of Chicago Law School, and in 1933 he moved to California. Justice Mosk served for his country in WWII before returning to his family and career as a judge of the Superior Court in Los

Angeles. Justice Mosk was elected Attorney General in 1958 with an overwhelming million vote majority—the largest of any election that year. During his six years as the Chief Law Officer of the State of California he argued before the United States Supreme Court in the Arizona v. California water case and other landmark cases before the California Supreme Court. In 1961 Justice Mosk was credited with persuading the Professional Golf Association to admit African American golfers. In 1964 Justice Mosk was appointed to the California Supreme Court by Governor Pat Brown.

Justice Mosk was an astute, independent thinker whose tenure as a California Supreme Court Justice was both brilliant and controversial. As Mosk's former colleague California Chief Justice Ronald George stated correctly, ''Stanley Mosk was giant in the law''. He revealed that status by writing nearly 1,500 opinions while serving for 37 years, the longest tenure of any California Supreme Court Justice. Stanley Mosk continued his tireless efforts until his last day. Each year in the last decade, Justice Mosk authored more opinions than any other Supreme Court Justice. Although widely considered a liberal, he chose not to abide to any limitations on his opinions. On several occasions, Justice Mosk's decisions stunned the legal and political community.

As Justice, Mosk traveled extensively. He observed the South-West Africa case at the World Court, on behalf of the State Department. He lectured throughout Africa thereafter. Justice Mosk traveled to the Netherlands in 1970 to participate in summer sessions of The Hague Academy of International Law at the Peace Palace. Justice Mosk lectured at Universities throughout the United States as well.

Justice Mosk was valued and respected by his colleagues. He will be remembered as a passionate proponent of the will of the law. Justice Mosk was one of the most influential figures in shaping California law and his death brings a void to the bench that will not easily be filled. Justice Mosk was confirmed for a new twelve-year term in November of 1998. Sadly, he was not able to fulfill the wishes of the California people. The death of Justice Stanley Mosk is a tremendous loss to the California Supreme Court, to California, and to America's judicial system. My thoughts and prayers are with Justice Mosk's wife Kaygey, and his son Richard. We will all miss him greatly.

RICHARD HENRY LEE ''DICK'' KOPPER, 1948–2001, A JOURNALIST, A PRESS SECRETARY AND A FRIEND IS REMEMBERED

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. WAMP. Mr. Speaker, on Monday, July 2, 2001 in the historical federal courthouse where a consummate young reporter named Dick Kopper gained his reputation for accuracy, integrity and style, many of his friends and admirers gathered for his memorial service. They laughed and cried together in his honor and memory.

Prominent citizens from law, government, journalism and academia came to remember the unique life and times of a brilliant journalist, press secretary, friend and associate who loved life and who was loved by all that came to know him well. They remembered a man of unfailing honesty, of incurable curiosity and a keen sense of humor.

For more than 6 years, Dick Kopper served as my Press Secretary, but he was much, much more than that. He was a valuable resource. If I needed to find a quotation from Sir Winston Churchill or President Ronald Reagan—I would simply ask Dick. If I needed sound policy advice on a difficult decision pending before the House—I would ask Dick. Even if I needed to know where a semicolon went instead of a simple comma—I would always ask Dick. His institutional knowledge consistently amazed me.

As I said at the memorial service, if you knew Dick you would know that he loved Episcopal High School, The University of the South, The Chattanooga Times and it's reporters, the Republican Party and this great nation. He read, he wrote and he ran (3 miles or so) virtually every day. He also loved to tell stories, do impersonations and he especially loved to talk politics.

Before joining my Washington staff in 1995, Dick was a reporter for The Chattanooga Times for 23 years. During the time that he covered the federal courts, many of his colleagues fondly remember Dick making his way through the courthouse—extremely tight lipped—so as not to let on to his latest story.

Dick's extensive political knowledge was also useful in the successful 1994 campaign of Senator Fred Thompson—where he served as the Tennessee Press Secretary.

Even at the end, Dick was courageous and unselfish. He knew that his illness was serious but he downplayed its effect on his life. Before going into the hospital, he worked every day and insisted to many people that if the doctors hadn't told him that he was sick, he would not have known it. He was a professional in every sense of the word. Dick's spirit was inspiring and his grace was impeccable.

He was indeed, a unique (and some might say eccentric) person, but in my opinion the world needs more folks like Dick Kopper . . . colorful and full of joy. I will miss my good friend.

IN HONOR OF DR. DOROTHY IRENE HEIGHT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. HOYER. Mr. Speaker, on July 17, the University System of Maryland Board of Regents will honor civil rights pioneer Dorothy Irene Height with the sixth annual USM Regents' Frederick Douglass Award.

Dr. Height, chair and president emerita of the National Council of Negro Women (NCNW) in Washington, D.C., is a legendary figure in the civil rights movement. In 1989, President Reagan acknowledged her achievements by presenting her with the Citizens Medal Award. In 1993, the NAACP awarded her its prestigious Spingarn Medal. That was followed by the Presidential Medal of Freedom Award, bestowed by President Clinton in 1994. Last August, a feature story on Dr. Height in the Cincinnati Enquirer declared that every president since Eisenhower has called on her for advice. In their book, The African American Century, Cornel West and Henry Louis Gates, Jr., cited her as one of the 100 most influential African-Americans of the 20th century.

Dr. Height was born in Richmond, Virginia, in 1912, but grew up near Pittsburgh in a household where volunteerism prevailed. In those days, blacks from the southern states were migrating north to jobs in the steel mills. Height's mother and father, a nurse and building contractor respectively, helped these families settle in, thus instilling in her a sense of responsibility and integrity. Dr. Height earned both bachelor's and master's degrees in educational psychology from New York University in four years and graduated in 1933—the height of the Depression. She then turned her attention to social work in New York City, later working for the Young Women's Christian Association (YWCA). During those years, she also was active in community service and religion, and eventually became one of the first leaders of the United Christian Youth Movement.

From her position in the church and at the YWCA in Harlem, she spanned caps between the city's impoverished ethnic groups and the government, spotlighting the plight of unemployed domestic workers for national figures such as Eleanor Roosevelt and Langston Hughes.

Dr. Height's successes did not escape notice by the leadership of the NCNW. In 1937, she was approached to conduct committee work for the organization, an affiliation of civic, education, labor, community, church, and professional institutions headquartered in Washington. By 1957, she was its president. Under the guidance of educator and NCNW founder Mary McLeod Bethune, she organized voter registration drives in the South, testified repeatedly before Congress on social issues, and worked tirelessly on the more mundane tasks of the civil rights movement, such as jobs programs and food drives. She became an international leader in the burgeoning field of humanitarianism, working closely with Martin Luther King, Jr., Roy Wilkins, and a host of other legendary leaders.

Dr. Height, who has been called the ''grande dame'' of the civil rights movement, has served in the leadership of dozens of organizations devoted to social change, most notably as president of Delta Sigma Theta sorority from 1947 to 1956. In 1986, she founded and organized the Black Family Reunion Celebration, a national coming together of African-American families designed to promote historic strengths and traditional values.

The Frederick Douglass Award will be presented to Dr. Height at Westminster Hall, in Baltimore, adjacent to the University of Maryland School of Law. Those in attendance will include Maryland Governor Parris N. Glendening, USM Board of Regents Chairman Nathan A. Chapman, Leronia A. Josey, member of the USM Board of Regents, Thelma T. Daley, past national president of Delta Sigma Theta sorority, and USM Chancellor Donald N. Langenberg. Frederick Douglass IV, professor at Morgan State University and a direct descendent of Douglass, will provide a dramatic reading from the latter's work. David J. Ramsay, president of the University of Maryland, Baltimore, will welcome the audience.

The Frederick Douglass Award was established in 1995 by the USM Board of Regents to honor individuals ''who have displayed an extraordinary and active commitment to the ideals of freedom, equality, justice, and opportunity exemplified in the life of Frederick Douglass.'' Previous recipients include the Honorable Parren J. Mitchell, a member of Congress for the 7th District of Maryland (1996); Benjamin Quarles, scholar at Morgan State University (1997, posthumously); Samuel Lacy, Jr., sports writer for the Baltimore Afro-American (1998); the Hon. Kweisi Mfume, president of the National Association for the Advancement of Colored People (1999); and Beatrice ''Bea'' Gaddy, advocate for the poor and homeless and a member of the Baltimore City Council (2000).

Statesman, publisher and abolitionist Frederick Douglass was the leading spokesman of American blacks in the 1800s. Born a slave in 1817 in Tuckahoe, MD, he devoted his life to the abolition of slavery and the fight for black rights. Douglass's name at birth was Frederick Augustus Washington Bailey, but he changed it when he fled from his master in Baltimore in 1838. He ended up in New Bedford, Mass., where he attempted to ply his trade as a ship caulker, but settled for collecting garbage and digging cellars. In 1841, at a meeting of the Massachusetts Antislavery Society, Douglass delivered a lecture on freedom that so impressed the society that it hired him to talk publicly about his experiences as a slave. He then began a series of protests against segregation, and published his autobiography, Narrative of the Life of Frederick Douglass, in 1845.

Mr. Speaker, I know the Members of the House take great pride in joining me in congratulating Dr. Dorothy Irene Height on this very special day for her lifelong work. She is truly deserving of the Frederick Douglass Award and I rise to congratulate her on this esteemed award.

TRIBUTE TO JENNIFER ARVER OF BRONSON, MICHIGAN, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Jennifer Arver, winner of the 2001 LeGrand Smith Congressional Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Congressional Scholarship, Jennifer is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Jennifer Arver is an exceptional student at Bronson High School and possesses an impressive high school record. Jennifer has received numerous awards for her involvement in 4–H, as well as high school athletics. She has participated in student government and is a member of the Youth Advisory Council. Jennifer is active in her community, volunteering as a mentor with the Big Brothers Big Sisters Program, and as a member of the Branch County Finance Board.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Jennifer Arver for her selection as a winner of a LeGrand Smith Congressional Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

THE NEW DETROIT SCIENCE CENTER

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Ms. KILPATRICK. Mr. Speaker, I rise today to congratulate The New Detroit Science Center on its grand opening. I am pleased to say that The New Detroit Science Center will be partnering with Marshall Field's in its grand opening festivities which will be attended by Governor and Mrs. John Engler on July 28. The celebration, ''Marshall Field's Weekend of Wonder at The New Detroit Science Center—32 Hours of Exploration,'' will kick off at 10 AM on July 28 and continue around the clock until 6 PM on July 29.

The Detroit Science Center was founded by Detroit businessman and philanthropist Dexter Ferry nearly 30 years ago. In 1998, plans were made to transform the Detroit Science Center into a leading center for science education. The Center broke ground on its expansion and renovation in 1999. The New Detroit Science Center will serve as a vehicle to educate our children and their families in the areas of science and technology. Detroit is known as a technological hub, and this new Center will involve our children and expose them to the resources that surround them.

This Center will serve as a tremendous resource for teachers, children, and families across the State of Michigan. Its exciting programs, which include an IMAX theater, five hands-on laboratories, the DaimlerChrysler Science Stage and Sparks Theater, the Ford Learning Center, and the Digital Dome Planetarium, will create an interest in science, engineering, and technology. The New Detroit Science Center will open up a whole new world of opportunities for the children of Detroit.

I am especially pleased that so many of our community members and businesses have contributed their time and funds to this project. This commitment to our children by the community is vital. I know that the benefits of bringing such a center to our children will prove to be immeasurable.

I invite all of my colleagues to come and bring their families to visit Detroit's newest star, The New Detroit Science Center.

TRIBUTE MR. ELIO RODONI

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. HONDA. Mr. Speaker, I rise today to honor Mr. Elio Rodoni, who has been named Santa Cruz County Farm Bureau's 2001 Farmer of the Year.

Mr. Rodoni, is the son of Andreina and the late Dante Rodoni, and the younger brother of Mario Rodoni. Mr. Rodoni's sister Jeanne passed away two years ago. Mr. Elio Rodoni celebrates this great honor with his many friends, colleagues, and family. Mr. Rodoni and his wife Joy have three children, Catherine, Stephen, and Robert. Both of Mr. Rodoni's sons farm in the Watsonville and Moss Landing areas.

Mr. Speaker, it is a pleasure to honor Mr. Rodoni, who has been a member of the Farm Bureau for over 35 years. Mr. Rodoni grew up on a Brussel sprout farm on the coast just north of Santa Cruz, in the 15th Congressional District. He always helped on the farm, and knew early on that he wanted to be a farmer. The skills that Mr. Rodoni developed as a child, combined with the knowledge he gained from his involvement with Future Farmers of America while he was a student at Santa Cruz High School, led the way to Mr. Rodoni's successful career as a farmer. Mr. Rodoni, who began working fulltime as a farmer immediately after graduating from high school, purchased an interest in a Brussel sprout farm in 1960. He later ran this farm with the help of his partners, brother Mario and his late sister's husband Mac Morelli.

Mr. Rodoni has served as a dedicated and innovative member of the Santa Cruz County Community, and the entire farming community. As a member of the Future Farmers of America, he helped with displays at county fairs, served as a delegate to the California State Convention, and was chapter president during his senior year at Santa Cruz High School. For most of his life, Mr. Rodoni has dedicated his time and energy to his farms. He was one of the first farmers to utilize mechanical harvesting, and has always understood the importance of diversity in his crops. He is a hardworking farmer, and knowledgeable businessman.

Mr. Speaker, it is an honor to pay tribute to the Mr. Elio Rodoni for his contributions to the farming community and the 15th Congressional District. I commend and congratulate him on this important occasion.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. PUTNAM. Mr. Speaker, I was absent the week of June 25, 2001, attending to my wife Melissa during the birth of our first child, Abigail Anna Putnam. Had I been present this is how I would have voted on the following roll call votes.

June 25, 2001:

On Roll Call 186—I would have voted Yea in support of H Res 160 calling on the Government of the People's Republic of China to

immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, and calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release.

On Roll Call 187—I would have voted Yea in support of H Res 99 expressing the sense of the House of Representatives that Lebanon, Syria, and Iran should call upon Hezbollah to allow representatives of the International Committee of the Red Cross to visit four abducted Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

On Roll Call 188—I would have voted Yea in support of H Con Res 161 honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996.

June 26, 2001:

On Roll Call 189—I would have voted Yea on Approving the Journal.

On Roll Call 190—I would have voted Yea on the motion to consider H Res 178.

On Roll Call 191—I would have voted Yea on agreeing to H Res 178 providing for the consideration of HR 2299, Transportation and Related Agencies Appropriations Act for FY 2002.

On Roll Call 192—I would have voted Yea on agreeing to H Res 166 recognizing disaster relief Assistance Provided to Houston, TX after Tropical Storm Allison.

On Roll Call 193—I would have voted Yea on the Sabo amendment to HR 2299.

On Roll Call 194—I would have voted Yea in support of HR 2299, the Transportation and Related Agencies Appropriations Act for FY 2002.

On Roll Call 195—I would have voted Yea on agreeing to the approval of the Journal.

On Roll Call 196—I would have voted Yea on agreeing to H Res 180, providing for consideration of HR 2311; Energy and Water Development Appropriations Act for FY 2002.

On Roll Call 197—I would have voted Yea on H Res 172 honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters.

On Roll Call 198—I would have voted Yea on HR 2213 to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education.

June 28, 2001:

On Roll Call 199—I would have voted Nay on the Tancredo amendment to HR 2311.

On Roll Call 200—I would have voted Nay on the Tancredo amendment to HR 2311.

On Roll Call 201—I would have voted Nay on the Hinchey amendment to HR 2311.

On Roll Call 202—I would have voted Nay on the Kucinich amendment to HR 2311.

On Roll Call 203—I would have voted Nay on the Bonior amendment to HR 2311.

On Roll Call 204—I would have voted Nay on the Berkley amendment to HR 2311.

On Roll Call 205—I would have voted Yea on the Davis amendment to HR 2311.

On Roll Call 206—I would have voted Yea on final passage of HR 2311, the Energy and Water Development Appropriations Act for FY 2002.

On Roll Call 207—I would have voted Yea on H Res 183, providing for consideration of HR 2330; Agriculture Appropriations Act for F.Y. 2002.

On Roll Call 208—I would have voted Yea on the Brown of Ohio amendment to HR 2330.

On Roll Call 209—I would have voted Yea on the Brown of Ohio amendment to HR 2330.

On Roll Call 210—I would have voted Yea on the Engel amendment to HR 2330.

HONORING WAYNE SCOTT ON HIS RETIREMENT AS EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. TURNER. Mr. Speaker, I rise to pay tribute and to express the thanks of Texans to our friend Wayne Scott on the occasion of his retirement as Executive Director of the Texas Department of Criminal Justice. His leadership of the fastest growing agency in the State of Texas during years of difficult transitions have earned him the respect and admiration of all Texans.

Wayne began his professional journey in 1972 as a correctional officer at the Huntsville unit of the Texas Department of Corrections. While working there, Wayne Scott received his Bachelor of Business Administration from Sam Houston State University in 1973. Making his way into the system, he became warden of the facility in 1984. In the following years, Wayne served as regional director, deputy director for operations, and institutional division director. In 1996, Wayne Scott was promoted to Executive Director of the Texas Department of Criminal Justice, the largest agency in the state of Texas. It can be said that Wayne began at the bottom of the ladder and climbed to the top through a firm commitment to hard work, a willingness to make the tough decisions, and a constant pursuit of the highest ethical standards for both himself and the department.

With the responsibility of more than 40,000 employees and more than 150,000 felony offenders, Wayne Scott has been recognized by his fellow criminal justice professionals in the American Correctional Association, the Southern States Correctional Association, and the Association of State Correctional Administrators as an outstanding correctional administrator.

Under Wayne's leadership, the Texas Department of Criminal Justice confinement facilities were accredited by the American Correctional Association. The agency also received Awards of Excellence in community service for its partnership with Habitat for Humanity, and for the nation's largest correctional employee training facility, the Edmundo Mireles Criminal Justice Training Academy. While Executive Director, Wayne developed the Advisory Council on Ethics in order to aid the agency in the awareness of ethical issues and assure the execution of ethical behavior.

Not only has Wayne Scott been a hard working administrator, but he has also been a leader in innovations for rehabilitation of prison inmates. In 1996, he started the Inner Change Freedom Initiative, which was the first faith-based pre-release program in a penal institution in the United States. Also, under Scott's leadership, the Texas Department of Criminal Justice has worked to modify the agency's mission statement to assure justice for victims.

Wayne Scott has served the State of Texas for more than 28 years in the criminal justice field. His leadership in the fastest period of growth in the Texas Department of Criminal Justice have made him well-known in the field of criminal justice not just in Texas, but across the country. The Texas Department of Criminal Justice—and indeed, the entire state of Texas—has been the beneficiary of his service, dedication, and leadership over the last three decades.

TRIBUTE TO EMILY STACK OF HILLSDALE, MICHIGAN, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Emily Stack, winner of the 2001 LeGrand Smith Congressional Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Congressional Scholarship, Emily is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Emily Stack is an exceptional student at Lenawee Christian High School and possesses an impressive high school record. Emily has received numerous awards for her academic achievement, as well as receiving state recognition for her excellent oratory skills. She is active in student government, serving as President of her class for two years. Emily has volunteered her time to various community service projects, such as Big Brothers Big Sisters and Project Build.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Emily Stack for her selection as a winner of a LeGrand Smith Congressional Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

IN TRIBUTE TO PERSIS ''PERKY'' HORNER HYDE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor Persis ''Perky'' Horner Hyde who passed away on June 15, 2000 of breast cancer. During her lifetime, Mrs. Hyde was an active community member and a dedicated mother and wife. She is survived by her husband of 52 years, Harold ''Hal'' Hyde, four children, one brother, and three grandchildren.

Mrs. Hyde, a 50-year resident of Watsonville, was born in San Francisco on October 2, 1924. She received her education at the University of California at Berkeley, and later became a devoted mother and active community volunteer. She was a leader and board member of many local nonprofit, church, and civic groups which include, but are not limited to, the Girl Scouts, the Santa Cruz Symphony Guild, the Cabrillo College Foundation, and the Pajaro Arts Council. Although she devoted much time and effort to numerous organizations, one of her most cherished causes was the Cabrillo Advancement Program. Mrs. Hyde, and her husband, offered $1000 scholarships to local county schools to encourage kids to stay in school.

During her lifetime, Mrs. Hyde was honored with various awards commemorating her service to the community. In 1977, the Watsonville Chamber of Commerce named her Woman of the Year, and in 2000, Mrs. Hyde was honored by the Watsonville Soroptimists Club with the Women of Distinction Award. Most recently, the United Methodist Church honored Mrs. Hyde for her dedication and continuous service. Although service in local organizations and her family took up much of her time, she still managed to travel, which she enjoyed and often encouraged her children to do; her travels took her to Sweden, Germany, Africa, and South America.

Mr. Speaker, I applaud Mrs. Hyde's achievements and accomplishments. The service of local members of this community are an asset to this nation and I commend Mrs. Hyde for her lifelong dedication to her community and her family. Mrs. Hyde's service is admirable and her character and dedication have made lasting impacts on our community and the people with whom she has worked. I join the County of Santa Cruz, and friends and family in honoring this truly commendable woman and all of her lifelong achievements.

A TRIBUTE TO CAROLINE R. JONES, A WOMAN OF MANY FIRSTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Caroline R. Jones for her tremendous contributions during her shortened life.

Born and raised in Benton Harbor, Michigan, as Caroline Richardson, the eldest daughter in a family of ten children, she graduated from the University of Michigan with a degree in English and science.

Caroline traveled to New York City in 1963 to look for teaching positions. She ended up taking a job as a secretary at J. Walter Thompson, at the time the world's largest advertising firm. She soon switched career paths after she was moved to the creative department. It was there that she was selected for a junior copywriter program. With this selection, Caroline became the first African American trained as a copywriter in the firm's 140 year history.

Caroline's success did not end at J. Walter Thompson. She worked at a number of leading general market and black-owned agencies as both a copywriter and as a creative director. Caroline later became the first black woman elected vice president of a major advertising firm. Caroline also helped to found the Black Creative Group as well as Mingo-Jones Advertising, where she served as executive vice president as well as creative director. During her time at Mingo-Jones, Jones created the ''We Do Chicken Right'' campaign for Kentucky Fried Chicken.

Jones started her own firm in the 1980s, Creative Resources Management, as well as many shops under her name. She was also the successful television and radio host of two programs, ''In the Black: Keys to Success'' and ''Focus on the Black Woman.''

Mr. Speaker, Caroline Richardson Jones devoted her life to eliminating the barriers of sex and racial discrimination in the advertising arena. Only 59 at her death on June 28 from cancer, she will always be remembered for her tireless efforts in promoting the agenda of Annual Legislative Weekend sponsored by the Congressional Black Caucus. As such, she and her family are more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in remembering and honoring the life of this remarkable woman.

TRIBUTE TO THE 12TH GREAT DOMINICAN PARADE AND CARNIVAL OF THE BRONX

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. SERRANO. Mr. Speaker, once again it is an honor for me to recognize the Great Dominican Parade and Festival of the Bronx on its twelfth year of celebrating Dominican culture in my South Bronx Congressional District. This year's festivities will take place on July 15, 2001.

Under its Founder and President, Felipe Febles the parade has grown in size and splendor. It now brings together an increasing number of participants from all five New York City boroughs and beyond. I also would like to recognize all the people who, under the leadership of Director Rosa Ayala, are making sure that this year's events will be successful as in the past.

On Sunday, July 15, thousands of members and friends of the Dominican community will march from Mt. Eden and 172nd Street to East 161st Street and the Grand Concourse in celebration of their Dominican heritage and their achievements in this nation. Among other accomplishments, Dominicans have been instrumental in transforming New York City into a great bilingual city. Moreover, the parade has served as a national landmark in which people from all ethnic groups unite to commemorate our Nation's glorious immigrant history.

Mr. Speaker, the Board of Directors of the Dominican Parade of the Bronx has chosen me to be their ''International Godfather'' and I have gladly and humbly accepted that honor.

As one who has participated in the parade in the past, I can attest that the excitement it generates brings the entire City together. It is a celebration and an affirmation of life. It feels wonderful to enable so many people to have this experience—one that will change the lives of many of them.

The event will feature a wide variety of entertainment for all age groups. This year's festival includes the performance of Merengue and Salsa bands, crafts exhibitions, and food typical of the Dominican Republic.

Mr. Speaker, it is with enthusiasm that I ask my colleagues to join me in paying tribute to this wonderful celebration of Dominican culture, which has brought much pride to the Bronx community.

IN RECOGNITION OF MT. ROSE CHURCH OF GOD IN CHRIST

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to recognize the 11th Annual Founder's Day celebration of the Mt. Rose Church of God In Christ and the ground breaking ceremony of their new facility.

The Mt. Rose Church of God was founded in 1944 and is located in Barrett Station, Texas. Though located in Barrett Station, the ministry performed at Mt. Rose Church of God In Christ is felt throughout the greater Houston area. The goal of Mt. Rose Church of God In Christ is to create ''The City of Refuge.'' A place where the vision of salvation, deliverance, Christian maturity, and support are shared; a place where the doors are always open to those enduring hardships.

The prayerful and Spirit-filled members of Mt. Rose Church of God In Christ have come to the aid of the community in need time and time again. Through their compassionate offerings, these leaders have enhanced the lives of the entire community. Their actions provide a flicker of hope to individuals who were otherwise in despair.

Mr. Speaker, I commend the members of Mt. Rose Church of God In Christ and in particular Pastor Elder Ron Eagleton, whose passionate and dedicated leadership has borne the commitment to service that is so much a part of this congregation.

The 11th Annual Founder's Day Celebration on Sunday, July 15, 2001, is especially significant because it also marks the ground breaking of the new 43,000 square foot facility to be completed next year. The new sanctuary will seat 1,100 people and the facility will house the more than 20 ministries of Mt. Rose Church of God In Christ. In addition, it will also include a gymnasium for recreational activities.

Mr. Speaker, as Mt. Rose Church of God In Christ continues to grow in size and members, I applaud their efforts to embrace the community of Harris County. Their work sets an example for the entire community to follow.

MEDICARE EDUCATION AND REGULATORY FAIRNESS ACT OF 2001

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I'd like to preface my comments by saying that Medicare is a wonderful program. Since the enactment of Medicare in 1965, seniors and disabled individuals have had better access to physicians

and more access to life-saving treatments. And in comparison to managed care, Medicare is also extremely cost-effective. It's an under-appreciated fact that Medicare is administrated for just two cents on the dollar, while managed care is typically administrated at a rate twelve times greater.

Still, it's absolutely amazing how much bureaucratic red tape you can generate for two cents on the dollar. This is 500 sheets of paper. If you write double-sided, it's 1000 pages. Now, if you imagine 110 of these stacks piled on top of each other, you begin to have an idea of how complicated Medicare is. 110,000 pages of regulations—that's over three times the length of the U.S. tax code.

Every month, physicians receive pages upon pages from their Medicare carriers describing ever-changing policies and regulations. Keeping track of everything is frankly impossible. Yet, if a physician doesn't follow one of the rules, no matter how unintentionally, he or she can be subjected to the draconian process of a Medicare audit. Currently, when carriers identify an alleged physician billing error, they can ''extrapolate'' the single identified error to the physician's other claims. This would be like the IRS identifying an error on your most recent tax return, and then assuming that you made that error on every tax return you ever filed.

The ''Medicare Education and Regulatory Fairness Act of 2001'' is a common-sense piece of legislation that addresses this injustice, as well as many others. This act will guarantee that physicians receive the same due process that we guarantee all our citizens. If this alone were the only virtue of this bill, it would still be worth passing. But there is a larger significance here that extends beyond physicians, and it can be summarized with a simple equation: Less time spent on paperwork means more time spent on patient care. Therefore, as much as physicians Will benefit from this legislation, let us always keep in mind that the true beneficiaries are the patients.

INTRODUCTION OF LEGISLATION TO ALLOW FEDERAL CIVILIAN EMPLOYEES TO RETAIN FREQUENT FLYER MILES THEY RECEIVE WHILE TRAVELING ON OFFICIAL GOVERNMENT BUSINESS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. BURTON. Mr. Speaker, today I am introducing a bill that would assist federal departments and agencies in their efforts to recruit and retain employees. This bill would allow federal civilian employees to keep frequent flyer miles and other promotional benefits they receive while traveling on official government business. Unlike private-sector employees, federal workers are currently prohibited by law from keeping these benefits for personal use.

The existing law, enacted in 1994, intended to save the government money. However, the law has been difficult to implement because the airlines regard frequent flyer miles as belonging to the individual traveler and are generally unwilling to create separate official and personal frequent flyer accounts for the same individual. Overall, the burdens and costs of administering this program have limited its benefits to the government.

The private sector commonly allows its employees to keep the frequent flyer miles they receive while on business travel, giving private companies, including government contractors, a competitive edge over federal agencies in attracting and retaining skilled employees. Changing this policy would help level the playing field.

However, in order for federal employees to keep these benefits, the bill would require that they be obtained under the same terms as provided to the general public and must be at no additional cost to the government. Frequent flyer miles that are accrued during employees' official travel will also help compensate employees for the sacrifices and frustrations often associated with air travel. Similar to private-sector employees, federal employees must often travel on their personal time to meet work schedules.

This is just one small step to help counteract the effects of the expected retirements in the federal workforce in the coming years, and it would help the government compete for top-quality employees.

I urge my colleagues to cosponsor this legislation.

HONORING THE CITY OF TRINIDAD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. McINNIS. Mr. Speaker. It gives me great pleasure to recognize the city of Trinidad, Colorado as the city celebrates its 125th anniversary.

Throughout Trinidad's town history, the city has been a melting pot for various cultures. In its defining years, Trinidad was a bustling city founded on coal mining and cattle ranching. Trinidad was also a stopping point for the railroad as it progressed westward. Today, it is a city of rich historical significance and livelihood located on the western slope of Colorado.

The 125th anniversary of Trinidad presents a wonderful opportunity for many residents to recall the valuable memories that have shaped this dynamic community. For others, it highlights historical notes that illuminate an era when Bat Masterson was the town marshal in the 1880's and when Trinidad was frequented by such famous western legends as Kit Carson, Wyatt Earp, Doc Holliday and Billy the Kid.

Mr. Speaker, I would especially like to commend the men and women who have impacted the city of Trinidad and made it the delightful place it is today. For example, Felipe Baca was an early businessman who built and resided in the notorious Baca Mansion. Sister Blandina was a pioneer for the Catholic nuns in the territory and Father Charles M. Pinfo was the first Jesuit pastor of Holy Trinity Catholic Church, erected in 1886. These are just a few of the many personalities that have molded not only the city of Trinidad, but also the western territory in general.

Mr. Speaker, as the members of this historic community reminisce of days gone by and anticipate those yet to come, I am proud to honor and congratulate the residents of Trinidad on their anniversary. It is truly a remarkable accomplishment to celebrate 125 years of prosperity and good fortune.

RECOGNITION OF EXTRUDE HONE CORPORATION

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Ms. HART. Mr. Speaker, I submit the following Wall Street Journal article printed on Friday, July 6th. The story discusses the importance of small manufacturers in our economy, and specifically talks about the success of Extrude Hone Corp. in Irwin, PA. This company is located in my district and produces a special abrasive putty to smooth metal products. Along with thousands of other successful small businesses in western Pennsylvania, Extrude Hone Corp. represents the hard work and entrepreneurial spirit that helps to sustain and drive the American economy.

[From the Wall Street Journal, July 6, 2001]

BY RESISTING LAYOFFS, SMALL MANUFACTURERS HELP PROTECT ECONOMY

(By Clare Ansberry)

IRWIN, PA.—Extrude Hone Corp. is one of the reasons that the bottom hasn't fallen out of the U.S. economy.

Quietly, but profitably, the company is going about its business: making machines that use a special abrasive putty to smooth out rough edges on aircraft engines, fuel-injection systems, artificial knee joints and heart valves. By itself, Extrude Hone, which has a work force of less than 200 locally and 400 world-wide, hardly registers beyond its rural hometown near Pittsburgh and the large community of its customers. But its broader significance lies in the fact that it's far from alone.

Extrude Hone is just one of about 4,000 manufacturers in this southwest corner of Pennsylvania, nearly all with fewer than 500 workers. As a group, they employ about 170,000 people, and their payrolls total $7.1 billion annually. Most are too small to show up on Wall Street's radar screen. But these stealth manufacturers, principally durable-goods makers, have an outsized impact on the nation's economy, and many of them are showing surprising strength.

LAYOFFS VS. HIRING

Though there have been some recent signs of a pickup, the durable-goods sector, which produces big-ticket items designed for repeated use, has borne the brunt of the manufacturing slump that began in the second half of 2000. Many of the sector's publicly traded giants, such as General Electric Co., Eaton Corp. and International Paper Co., have responded by announcing major layoffs.

But despite all that, about 60% of southwestern Pennsylvania's durable-goods manufacturers plan to add workers this quarter, according to a recent survey by staffing agency Manpower Inc.

Why? Larry Rhoades, Extrude Hone's chief executive, can cite several reasons. So can Kurt Lesker III, whose family-owned company makes vacuum systems, or Robert Moscardini of U.S. Tool & Die Inc., who has nearly tripled his work force to 110 people since 1994 and whose board wants him to increase it to as many as 500.

All three businesses have been understaffed in recent years and have had to invest heavily in recruiting and training. Mr.

Moscardini figures U.S. Tool & Die spent 3,000 hours training workers last year, even paying an outside welding company to help it in the effort. ''You figure every hour is worth $60 to $100,'' he says, ''That's a big investment. You don't just let those people go.''

EIGHT GREAT YEARS

Nor are many small to midsize manufacturers elsewhere in the nation rushing to cut back. Though some have had no choice but to lay off employees, even many of those whose business has softened are holding on to their workers, both out of loyalty to their communities and employees and out of fear that they will be left without much-needed talent when the economy strengthens. And, without public shareholders breathing down their necks demanding that they maximize returns, they have the flexibility to eschew layoffs in favor of longer-range business goals.

''They're not crying the blues because they had eight great years,'' says Dean Garritson of the National Association of Manufacturers, a trade group based in Washington. Most such businesses keep overhead low, and their owners can still afford to put ''dollars into the company,'' he says. ''They're less apt to let people go, and that creates a stabilizing force.''

UPBEAT IN A SLOWDOWN

And a significant one. Those largely anonymous businesses account for about 9.8 million, or more than half, of the nation's manufacturing jobs. And their seeming resistance to layoffs helps explain why consumers, who are also employees, have remained relatively upbeat, despite the current slowdown.

Jerry Letendre owns Diamond Casting Corp. in Hollis, N.H., where he and his 50 employees pour molten aluminum into shapes for high-tech pumps. Last year, his profits dropped 50% and sales fell 30%. But rather than make big layoffs, he decided to hold off buying a new computerized milling machine and dug deeper into his own pockets to rebuild inventory and introduce new products. Twenty-five percent of his products were introduced in the past 10 months.

''During good times you conduct yourself so you can comfortably sustain not-so-good times like now,'' Mr. Letendre says. And, he adds, ''I don't have Wall Street calling me asking, 'What have you done for me this week?' ''

Here in southwest Pennsylvania, industrial stalwarts such as U.S. Steel Corp., Alcoa Inc. and Westinghouse Electric Corp. drove the economy, spawning thousands of smaller operations that were formed solely to supply and serve them. Many of those operations dried up over the decades as Westinghouse left town and steel's presence here shrank. The small manufacturers that have survived the shakeout have done so by keeping in step with the market and adopting new technologies in order to cut costs.

Extrude Hone is one of them. Mr. Rhoades's father started the business 35 years ago in the back of a tire shop. The company's purpose was to polish rough edges and holes in metal parts. Though that sounds like a minor adjustment, such fine-tuning can greatly enhance a product's performance. Having a smooth hole, rather than a jagged one, in a fuel-injection system, for example, even when the hole is only twice the diameter of a hair, can increase the flow of fuel by 20%. That means improved fuel economy and lower emissions. When it comes to heart valves and knee joints, the difference means better blood flow and less chance of contamination. When it comes to aircraft engines, it means more power.

And if the customer doesn't want to do that kind of work itself, Extrude Hone will finish the parts for it in one of its several shops around the world, from Ireland to Japan. It also sells the proprietary putty used in its machines.

EXPLOITING ADVANTAGES

The fact that Extrude Hone is growing makes it an anomaly among the nation's machine-tool producers, whose overall sales have slumped since the late 1990s. In a recent speech before a business group in Birmingham, England, where the decline of heavy industry has paralleled that of Pittsburgh's, Mr. Rhoades shared his company's survival strategy with an audience eager to know how his manufacturing business had weathered the U.S. steel industry's diminished local presence.

The key, Mr. Rhoades said, was exploiting the advantages inherent in being a small manufacturer. Having relatively few employees, he said, helps his company to remain flexible and stay close to the factory floor and customers. Making things more economically, precisely or consistently isn't enough, he told the group. A small manufacturer, he said, has to make something distinctive and difficult for its customers to do without, and that requires investing in new designs and processes.

Mr. Rhoades spends about 15% of his company's sales on research and development, a surprisingly high percentage for a machine-tool maker. Many small and private companies are conservative and cautious about spending, in part because they don't have public investors to help them raise cash. That's where being private has its limitations, he says. The upside, he says, is that he is freer to focus on the long term, rather than on quarterly results.

Mr. Rhoades's newest and most promising technology, invented at the Massachusetts Institute of Technology, is a process for custom-making hundreds of different parts using a single machine. Rather than stamping a piece out of metal, the new process uses a computer scan of a part to create a copy of it, building it up layer by layer from a mixture of powdered metal and glue, which is then fused in a furnace.

Mr. Rhoades says the process eventually could be used by airlines or by auto shops that want to make replacement parts on site, rather than waiting for them to be delivered.

And that's why he's hiring. He needs metallurgists and people with computer and software skills, many of whom as recently as two years ago wouldn't have considered working for a machine-tool maker. ''It just got to an unhealthy point where people were being drawn out of the work force and into dot-coms when they could make a bigger economic contribution'' by working in mainstream manufacturing, he says.

Manufacturers create a local multiplier effect. They go through a lot of nuts, bolts, grease and paper clips, often relying on other local businesses and keeping their dollars in the community. They use the local delivery service, the local trucking company. Home sales here rose 41% in May, and while there's no direct correlation between robust real-estate sales and an uninterrupted flow of coated metal, it can't hurt either.

Last year, U.S. Tool & Die spent $467,853 buying office supplies, gloves, cleaning materials, fasteners, bolts, grinding wheels, sanding belts and lifting devices such as slings from local suppliers. Steel to make its products comes from nearby Allegheny Ludlum Corp.

U.S. Tool & Die has survived by evolving. Formed about 50 years ago, it was engaged in the most basic aspect of manufacturing: making parts under contract for customers in the steel industry. In the mid-1970s, it began making racks to store spent nuclear fuel. It didn't change its business, remaining a contract manufacturer, but it changed markets completely. Now, it has contracts all over the world.

While U.S. Tool & Die's Mr. Moscardini credits the company's strong sales to dominating a particular niche, others seem to be doing well, too. ''People I associated with in metal working and manufacturing, everyone seems healthy. We probably have 15 to 20 machine shops supporting us with subcontract work, and these guys are all busy.''

John Ross, executive vice president of manufacturing at Kurt J. Lesker Co., says that customers in semiconductor and automotive businesses, which delayed spending, are now starting to buy again. ''I get the impression we're not going to stay in this downturn for an extended period of time,'' he says.

Last year, Lesker, which has 200 employees and $40 million a year in sales, expanded its work force by 15%. This year, Mr. Ross says, it plans to expand another 7%. He says Lesker's biggest problem is a shortage of skilled workers, such as welders and machinists.

A few years ago, Mr. Ross got together with some other area manufacturers to discuss the problem. With the help of Duquesne University in Pittsburgh and a local foundation, they developed a training program aimed at people who had planned to go to college and indicated an interest in a career but had ended up in dead-end jobs. So far, Lesker has hired about 15 graduates of the program, which is called Manufacturing 2000, including Dan McKenzie.

MORE EARNING POWER

Mr. McKenzie, 27, had just finished a stint with the Marine Corps and was working in a pizza shop. He saw the program's ad for free training and jumped on it. Now, he works for Lesker as a machinist and has taken some college courses toward an industrial-engineering degree. As a result, Mr. McKenzie, who made $8.50 an hour delivering pizza, has seen his earning power increase substantially. The average annual wage in the manufacturing sector here is $42,000. The sector, which employs about 15% of the region's workers, accounts for 20% of the region's wages, according to Barry Maciak of Duquesne's Institute for Economic Transformation.

Local companies paid $1,250 for each Manufacturing 2000 graduate and considered it a bargain. ''We don't have the resources to train and recruit that larger companies have,'' says Lesker's Mr. Ross. Once it gets people, the company is loath to lose them.

Moreover, the average age of machinists, welders and tool grinders is 43, and welders rarely wait until they are 65 to retire because their work is so physically demanding. So, the company has to think about the future.

But Lesker also feels a loyalty to its work force, a luxury many public companies can't afford. Kurt Lesker III, Lesker's president, remembers sales plummeting after the fall of the Berlin Wall dried up the company's defense-related business. ''We went through several years of break even. We could have laid off. We decided to keep everyone because it had to get better,'' he says. ''If it was a public company, I would have been fired.''

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 211, Encouraging Corporations to Contribute to Faith-Based Organizations. Had I been present I would have voted ''yea''. I was also unavoidably detained for rollcall No. 212, Expressing the Sense of Congress in support of Victims of Torture. Had I been present I would have voted ''yea''. I was also unavoidably detained for rollcall No. 213, Authorization of the Use of the Rotunda for Presenting Congressional Gold Medals to the Navajo Code Talkers. Had I been present I would have voted ''yea''.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mrs. CLAYTON. Mr. Speaker, on Tuesday morning June 26, 2001, I was unavoidably detained and as a result missed one rollcall vote. Had I been present, I would have voted ''yea'' on rollcall No. 195, on approval to the House Journal of Tuesday, June 26, 2001.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mrs. CLAYTON. Mr. Speaker, on Thursday morning June 28, 2001, I was unavoidably detained and as a result missed one rollcall vote. Had I been present, I would have voted ''nay'' on rollcall No. 199, on agreeing to the Tancredo of Colorado Amendment on H.R. 2311.

HONORING FRITZ BRENNECKE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. McINNIS. Mr. Speaker, It is with great pleasure that I take this opportunity to recognize a courageous man for his dedicated years of service to the United States during some of the most horrific times of World War II. I am proud to honor Mr. Fritz Brennecke—a devoted veteran—for his enduring flights over war-stricken Europe as he aided in the effort to ensure Allied victory during the war.

As Mr. Brennecke was harnessed in his waist gunner position aboard a B–24, he fought valiantly against German fighter planes that were attempting to hinder the bombing runs. The waist gunner position, appropriately named for its location behind the wings of the B–24 at the waist of the airship, was capable of defending the aircraft by firing out either side of the fighting bomber. Amidst flak bombs and insistent attacks, it was not unusual for a mission to return to base with only three or four planes out of the original group with nearly seven planes. Throughout his noble service to the United States, Fritz participated in missions attacking Grottaglie, Italy, Ploesti and other German strongholds.

In 1945, the bombing runs subsided and offered the distinguished war veteran an opportunity to return home. Upon returning to Colorado, Fritz completed his formal education at the University of Denver and eventually retired to Montrose after establishing a career in livestock and produce.

Mr. Speaker, while Fritze Brennecke considers the real heroes of World War II to be those who were never able to return home, his recognition with two Presidential Citations and an Air Medal with five oak clusters testify to his selfless service to America and to his 50 combat flights. These are distinctions one earns for going above and beyond the call of duty.

I am proud to honor Fritz with this Congressional Tribute as he is truly an American hero who exemplifies the spirit of patriotism. He is one individual who added to the collective effort to perpetuate peace and reconciliation following World War II. I commend his notable service and his efforts on the behalf of this country and wish him all of the best in the years to come.

EUROPEAN UNION OPPOSES BEIJING'S OLYMPIC BID—CONGRESS REMAINS SILENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. LANTOS. Mr Speaker, on July 5th the 626-member European Parliament meeting in Strasbourg, France, adopted a resolution opposing China's bid to host the 2008 Summer Olympics. In finding that China ''clearly fails to uphold universal human, civil and political rights, including freedom of religion,'' the European Parliament urges that the International Olympic Committee (IOC) ''reconsider Beijing's candidacy,'' only when China has made ''fundamental change in their policy on human rights, and the promotion of democracy and the rule of law.''

Last March, with an overwhelming bipartisan vote, the House Committee on International Relations expressed itself against China holding the Olympics by approving H. Con. Res. 73. Now the 626 Members of the European Parliament have voted and approved a similar resolution, yet we in the U.S. House of Representatives have not been given the opportunity to speak as a whole on this critical moral issue. I implore the Speaker and the Majority Leader—stop bottling up this legislation.

Mr Speaker, I ask that the entire text of the resolution concerning Beijing's application to host the 2008 Olympic Games, as adopted by the European Parliament on July 5th, be placed in the CONGRESSIONAL RECORD. I urge my colleagues to review this resolution and consider our obligation to join our European colleagues in speaking out on China's Olympic bid in the few hours that remain before the IOC vote on Friday in Moscow. Religion is persecuted, political freedom does not exist, media freedom does not exist, our airplane is forced down, our servicemen and women are held in captivity for 11 days; yet this body is not allowed to vote on whether the Olympics should be held in Beijing.

EUROPEAN PARLIAMENT RESOLUTION ON BEIJING'S BID TO HOST THE 2008 OLYMPIC GAMES

The European Parliament resolution on Beijing's bid to host the 2008 Olympic Games The European Parliament, having regard to its previous resolutions on the situation in the People's Republic of China (PRC), having regard to the conclusions of the General Affairs Council of 19 March 2001, in which the Council expressed its concern at the serious human rights violations in the PRC, recalling the city of Beijing's bid to host the 2008 Olympic Games, recalling that the Charter of the Olympic Games states that Olympism has as a goal 'to place sport at the service of the harmonious development of humankind, with the object of creating a peaceful society with the preservation of human dignity'.

A. Whereas the repression of freedom of opinion and freedom to hold demonstrations in favour of democracy that has been practised for decades, is continuing in the PRC, despite international protests.

B. Having regard to the repression of religious, ethnic and other minorities, in particular Tibetans, Uighurs and Mongolians and the Falun Gong movement.

C. Having regard to the frequent imposition of capital punishment, leading to over a thousand reported executions in China every year, as well as the widespread use of torture on the part of the Chinese police and military forces.

D. Recalling that the PRC has still not ratified the International Covenant on Civil and Political Rights.

E. Whereas the Chinese authorities have taken no significant initiatives on respect for human rights, despite the ongoing political dialogue between the EU and the PRC.

F. Concerned with regard to environmental and animal welfare issues in the PRC.

G. Stressing that the plans relating to Beijing's bid to host the 2008 Olympic Games would involve the destruction of a large part of the old city and the obligatory transfer of the inhabitants to the surrounding areas.

H. Recalling that the International Olympic Committee is due to designate, on 13 July 2001 in Moscow, the city that will host the 2008 Olympic Games.

1. Invites the International Olympic Committee to establish guidelines to include respect for human rights and democratic principles to be applied as a general rule to host countries of Olympic Games.

2. Regrets that the PRC clearly fails to uphold universal human, civil and political rights, including freedom of religion and therefore believes that this negative record and the repression in Tibet as well as in Ouighouristan and in South Mongolia, make it inappropriate to award the 2008 Olympic Games to Beijing.

3. Urges the International Olympic Committee in any case to make a thorough environmental impact assessment with regard in particular to the recurrent water shortages, the impact of mass tourism and the social repercussions in the region surrounding Beijing.

4. Invites the International Olympic Committee to reconsider Beijing's candidacy when the authorities of the PRC have made a fundamental change in their policy on human rights, and the promotion of democracy and the rule of law.

5. Instructs its President to forward this resolution to the Council, the Commission,

the Presidents of the parliaments of the Member States, and to the International Olympic Committee.

CAMPAIGN FINANCE REFORM

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. MORAN of Kansas. Mr. Speaker, the House this week begins debate on campaign finance reform. This debate is important for a number of reasons. We need to end the practice of unlimited soft money contributions from corporations and labor unions. We need to improve disclosure requirements so that ordinary citizens know who is paying for campaigns. Most importantly, we need to restore people's confidence that their elected officials are looking out for their interests.

In previous debates on campaign finance reform, I have supported a ban of soft money. These unregulated, unlimited contributions have cast a shadow of impropriety over electioneering efforts by both political parties. Soft money circumvents current campaign finance laws which prohibit corporate contributions to federal campaigns and limit how much an individual can contribute. Banning soft money would eliminate the largest source of questionable campaign money in elections and would help repair Congress's tarnished public image.

Another key principle of campaign finance reform is improved disclosure. Voters have a right to know who is contributing to campaigns, how much and when. They also have a right to know who is paying for advertising and other political activities on behalf of or in opposition to candidates. Armed with this information, voters are more than capable of judging who is representing them and who is representing special interest contributors. Reform legislation should strengthen disclosure requirements and improve electronic access to campaign finance information.

While I strongly support reforming our campaign finance laws, I do not support taxpayer financing of federal elections. Nor do I support proposals that infringe on the free speech rights of individuals or groups. The freedom to support or oppose candidates is fundamental to the American system of government. Public financing forces citizens to support with their tax dollars candidates they oppose at the ballot box. Similarly, it is wrong to prohibit citizens from using their own resources to advocate the election or defeat of a candidate. We need to ensure that we do not use the banner of reform to silence the voices of those who oppose us.

I will work to pass and send to President Bush a campaign finance reform bill that accomplishes true reform while protecting the rights of all citizens to participate in our democracy.

INDIAN MINORITIES SEEKING THEIR OWN STATES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. TOWNS. Mr. Speaker, I was interested in a Washington Post article on Sunday, July 8 which reported that all across India, minorities are demanding their own states. For example, the article reports that the Bodos, who live in the northeast part of India, are demanding a separate state of Bodoland.

This demand underlines the fact that India is not one country any more than the Soviet Union was. Much of India's instability can be traced to the fact that it is a multinational state thrown together by the British for their administrative convenience, a vestige of the colonial era. The Soviet experience showed how difficult it is to keep such a multinational state together.

Unfortunately, instead of listening to the demands of the people, India has responded by stepping up the oppression of its minorities. Instead of listening to the people, the Indian government has killed more than 250,000 Sikhs since 1984, over 75,000 Muslims in Kashmir since 1988, over 200,000 Christians in Nagaland since 1947, and tens of thousands of other minorities. India was caught by the Movement Against State Repression admitting that it held over 52,000 Sikh political prisoners under the so-called ''Terrorist and Disruptive Activities Act,'' known as TADA, which is one of the most repressive laws in the world. TADA expired in 1995. India also holds political prisoners of other minorities, according to Amnesty International. In 1994 the State Department reported that the Indian government paid more than 41,000 cash bounties to police officers for killing Sikhs.

Recently in a village in Kashmir, Indian soldiers were caught red-handed in the act of trying to set fire to a Sikh temple, known as a Gurdwara, and some Sikh homes. This appears to have been aimed at setting the Sikh and Muslim residents against each other. Village residents, both Sikh and Muslim, came out and intervened to stop the soldiers from carrying out this nefarious plan.

Unfortunately, this is only one recent chapter in an ongoing saga of repression of minorities and denial of basic human rights in ''the world's largest democracy.'' In India, minorities have seen the destruction of the Muslims' most revered mosque to build a Hindu temple, the burning death of a missionary and his two sons while they slept in their jeep followed by an effort to expel his widow from the country, church burnings, the murder of priests, the rape of nuns, attacks on schools and prayer halls, the massacre of 35 Sikhs in the village of Chithisinghpora, a recent attack on a train carrying Sikh religious pilgrims, troops attacking a crowd of religious pilgrims with lathis, police breaking up a religious festival with gunfire, and many other such intolerant acts.

In November 1994 the Indian newspaper Hitavada reported that the Indian government paid Surendra Nath, then the governor of Punjab, the equivalent of $1.5 billion to generate terrorist activity in Punjab and in Kashmir. In India, half the population lives below the international poverty line. About 40 percent lives on less than $2 per day. Yet they could find $1.5 billion to pay a government official to generate and support terrorism. We have programs in our government that don't cost $1.5 billion. This is not a small amount of money.

Mr. Speaker, India has been caught red-handed engaging in domestic terrorism against its minorities. This is why they are seeking their own states. This is why there are 17 freedom movements within India's artificial, colonial-era borders. The minorities are looking for any means of protection against the brutal Indian state.

America is the beacon of freedom, and as an old song from the 70s said, ''you can't be a beacon if your light don't shine.'' We must do what we can to shine the light of freedom on all the people of south Asia. We can do this by maintaining the existing sanctions against India, by stopping our aid to India until it stops denying basic human rights that are the cornerstone of real democracies, and by supporting self-determination for the peoples of South Asia in the form of a free and fair plebiscite on their political status. By these measures, we can help bring freedom, security, stability, and prosperity to the subcontinent and bring America new allies and new influence in this dangerous region.

HONORING NANCY MACCONELL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor a great wife, mother, sister, aunt, grandmother, great grandmother and friend. Eighty years ago this Saturday, July 14th, Nancy Leigh MacConell, was born in Globe, Arizona, eldest daughter of Elijah and Alta Phillips.

Nancy is also a treasure to one and all. She has brought great joy to all her family including her beloved sisters Joan and Sidney and her late husband Michale MacConell, Jr.

Nancy is the mother of three; Suzanne Du Pree, Michele King and Michale, the grandmother of ten and the great grandmother of thirteen. And all firmly believe she has the patience of Job and is the greatest mom there ever was.

I rise today to celebrate and honor Nancy MacConell's 80th birthday and wish her as much and love and joy in the next 80.

SUPPORTING A COMMEMORATIVE STAMP FOR THE HONORABLE ADAM CLAYTON POWELL, JR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. RANGEL. Mr. Speaker, I rise to urge my colleagues to support House Concurrent Resolution 182, which recommends a long overdue commemorative stamp for a lawmaker, civil rights advocate and American statesman whose achievements continue to resonate.

Congressman Adam Clayton Powell, Jr. remains one of the greatest and most effective legislators in the history of the U.S. Congress. When he was first elected to Congress in 1945, he was one of only two African-American members, and became the first of his race to chair the powerful Committee on Education and Labor from 1961 to 1967.

As Chairman, he spearheaded the legislation that authorized the Medicare, Medicaid, Head Start and school lunch progams, increased the minimum wage and established student loan programs. Chairman Powell also pushed through the landmark Civil Rights Act

of 1964, finally codifying his famous ''Powell Amendment''; a rider that would deny federal dollars to institutions who practice racial discrimination, which he had introduced repeatedly for years.

Congressman Powell was a pioneer among lawmakers whose legacy continues to inspire countless generations of Americans of all backgrounds, colors, creeds and religions to take part in this grand experiment we call ''representative government''.

I respectfully urge my colleagues to join me and cosponsor H. Con. Res. 182 to celebrate a lawmaker whose accomplishments are among the greatest examples of perseverance and triumph in our democratic system.

IN RECOGNITION OF EDUCATOR LARRY RATTO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. STARK. Mr. Speaker, I would like to pay tribute to a legendary educator in my congressional district who retired on June 30, 2001 after an illustrious thirty-six year career filled with memorable contributions to the Hayward, California school district.

A native of Alameda, California, Larry began his career in 1965, when he worked as a history/government teacher and counselor at Mt. Eden High School. Four years later, he became an administrator at Tennyson High School where he took the reins and lead with vigor and creativity.

He stood on hot coals more than once for a good five to ten minutes during pep talks to student leaders at their annual weekend retreat.

Many recall the time in 1970 when Larry rode a galloping horse between the Tennyson High School buildings to chase down a truant student—a legendary story that people still talk about three decades later.

In 1971, Larry became vice principal at Hayward High School and five years later he led as principal of Sunset High School until it closed in 1990. He returned to the 1,900-student Hayward High School as principal, the last position he held before his retirement.

''You got to have some pizzazz,'' Larry said, while wrapping up his final days as a public school administrator. ''You are competing with the MTV culture.'' Larry describes his career as ''fun.'' He said, ''There were days when it was not fun and hours that I thought, ''Why am I doing this?''

Having once considered being a lawyer, Larry enjoyed the excitement of a high school principal's life, that every day was different. He is proud of Hayward High School and its wide class offerings and plethora of extracurricular student activities.

Parents, teachers, students, administrators and community leaders express great admiration for Larry Ratto's three decades of outstanding leadership in education as well as his exemplary involvement in community activities. I ask my colleagues to join me in paying tribute to this colorful, legendary educator, and community leader.

IN HONOR OF THE REOPENING OF THE LESBIAN, GAY, BISEXUAL & TRANSGENDER COMMUNITY CENTER

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. NADLER. Mr. Speaker, I rise today to recognize the reopening of the newly renovated and recently renamed Lesbian, Gay, Bisexual & Transgender Community Center located in New York City. The stated mission of the Center is to provide a home for the birth, nurture and celebration of lesbian, gay, bisexual, and transgender organizations, institutions and culture. For nearly two decades the Center has successfully fulfilled that mission by providing groups and individuals a safe space in which to achieve their fullest potential. The newly renovated space at 208 West 13th Street in Manhattan, will be a permanent home for the local LGBT community, fostering creativity, compassion, and activism.

The Lesbian, Gay, Bisexual & Transgender Community Center has long been a beacon of hope for many in the community, serving thousands upon thousands of residents from all walks of life and from every corner of the world. The Center is not only a host to a wide variety of civic, athletic, health, and cultural groups, but it also provides an array of its own programming. Programs such as Project Connect, CenterBridge, Center Kids, the Pat Parker/Vito Russo Center Library, and the National Museum and Archive of Lesbian and Gay History add to the expansive fabric that binds New York's LGBT Community.

Mr. Speaker, I salute The Lesbian, Gay, Bisexual & Transgender Community Center in its ongoing effort to better enrich the LGBT Community and society as a whole. I am eminently proud to represent such a living landmark. I urge my colleagues to join me in wishing them well and all the hope for the future in their new spectacular facility.

HONORING SUPERINTENDENT GEORGE KELEDJIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Central Unified School District Superintendent George Keledjian. After many years of dedicated service to the district and the community, Mr. Keledjian has announced his plans to retire.

George Keledjian has an extensive educational background and a remarkable life story. After completing high school in Cyprus, Keledjian attended the Teacher's Training Institute where he decided education would be his focal point. While teaching high school in Lebanon, he earned the equivalent of three dollars a month. After five years of teaching in Lebanon, he boarded a ship for Pasadena, CA. Keledjian then attended Point Loma Nazarene College. After four years of schooling he received his Bachelor's and Master's degrees, both in Education. He began working towards his Ph.D., but due to a serious car accident he was unable to obtain his degree. After many years teaching at a junior high school in Southern California, George Keledjian came to Fresno, CA in 1966. He became Principal at Madison Elementary School in 1971. In 1984, he accepted the position of Superintendent of Central Unified School District.

In his 35 years with the district, Keledjian has overseen the building of five new schools and the renovation of many others. Performance on standardized test scores has increased to above state and county averages. Under George Keledjian's management, the district's General Fund remains financially solvent. He has also led many Central Unified schools to recognition for various awards. Two schools were recognized as California State Distinguished Schools; one school was recognized as a Bonner Foundation Virtues and Character School; two schools were recognized as 2000 Governor's Reading Award Recipients; and Central Unified's Future Farmers of America program is recognized nationally.

Mr. Speaker, I want to pay tribute to George Keledjian for his accomplishments and his years of service to Central Unified School District. I urge my colleagues to join me in wishing George Keledjian a happy retirement.

ADAK ISLAND TRANSFER LEGISLATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation which will facilitate and promote the successful commercial reuse of the former Naval Air Facility on Adak Island, Alaska. At the same time, this legislation will allow the Aleut people of Alaska to reclaim the island and to make use of its modern developments and important location.

The legislation I introduce today ratifies an agreement between The Aleut Corporation, an Alaska Native Regional Corporation, the Department of the Interior, and the Department of the Navy. ''The Agreement Concerning the Conveyance of Property at the Adak Naval Complex, Adak,'' Alaska was signed last September and is the result of more than four years of discussions and negotiations among the three parties.

The bill and the Agreement also further the conservation of important wildlife habitat. A portion of Adak is within the Aleutian Islands subunit of the Alaska Maritime National Wildlife Refuge. The Agreement facilitates the Department of the Interior's continued management and protection of the Refuge lands on Adak and even adds some of the Navy lands to the Refuge. Moreover, in exchange for the developed Navy lands, which are not suitable for the Refuge, but are commercially useful, The Aleut Corporation will convey environmentally sensitive lands it holds elsewhere in the Refuge to the Department of the Interior.

For many years the Navy was an important constituent in Alaska's Aleutian Chain. Its presence was first established during World War II with the selection and development of the island because of its combination of ability to support a major airfield and its natural and protected deep water port. The Navy's presence there contributed greatly to the defense

of our Pacific coast during World War II and throughout the Cold War. Through the Navy's presence, Adak became the largest development in the Aleutians as well as Alaska's sixth largest community. With the end of The Cold War our defense needs changed, however, and Adak was selected for closure during the last base closure round.

Those very same features that made Adak strategically important for defense purposes also make it important for commercial purposes. Adak is a natural stepping stone to Asia and is at the crossroads of air and sea trade between North America, Europe, and Asia. With the ability to use Adak commercially, the Aleut people, through The Aleut Corporation can establish it as an important intercontinental location with enterprise enough to provide year round jobs for the Aleut people. These goals are consistent with the promises and the Alaska Native Claims Settlement Act, the legislation that created the corporation.

This rebirth of Adak is already well underway. The Aleut people assumed responsibility for the operation of the Island from the Navy last October and there are a number of new commercial enterprises and endeavors. At the same time a new community has begun to take shape. Just last month the new City of Adak was established as a result of a public referendum and is in the process of taking over responsibility for the many public facilities.

The Agreement resolves a number of important issues related to the transfer of this former military base and the establishment of the new community on Adak, including responsibility for environmental remediation, institutional controls, indemnification, required public access, and reservation of lands for government use.

This legislation furthers this country's objectives of conversion of closed defense facilities into successful commercial reuse, it benefits the Aleut people and restores them to their ancestral lands and it benefits the National Wildlife Refuge System. I believe everyone will agree that such legislation is important and worthy of our support.

PRESCRIPTION DRUG BENEFIT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Ms. McCOLLUM. Mr. Speaker, it is far past the time for us to address the intolerable discrimination in drug pricing and provide a comprehensive prescription drug benefit now. These drug re-importation amendments fail to address the real issue of the lack of affordable prescription drugs and in turn provide no real relief.

Seniors should be able to buy American prescription drugs for the same price in Rochester as you can in Rio, in Mankato as you can in Mexico City, at their own pharmacies. We pass ''buy America'' legislation in this body all the time; yet here we are asking American Seniors to buy American alright, just not in America—go to Canada, or Mexico, or the Islands—just not at their local pharmacy.

Congress should pass legislation now to prevent drug companies from discriminating against U.S. Seniors, allowing them to get their drugs at the same prices as their counterparts in other countries. I urge Congressional leaders to bring to the floor the Prescription Drug Fairness for Seniors Act (H.R. 1400), which I am a cosponsor of, to directly tackle the issue of price discrimination. It's time to stop the current price discrimination and provide a comprehensive prescription drug benefit for all Seniors. Not debate re-importation amendments that only provide bandaids and not real answers.

HONORING THE 125TH ANNIVERSARY OF THE VILLAGE OF BALDWIN, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 125th anniversary of the Village of Baldwin, Illinois.

The Village of Baldwin originally was settled about one mile north of it's present location. The early settlers were the Henderson, Allen and Preston families. In 1874, the Mobile and Ohio Railroad built a railroad line at it's present location. Later, a grain elevator was built along the railroad and the village started to develop. In 1876, villagers circulated a petition requesting the official incorporation of the Village of Baldwin. On July 12, 1876, at a special term of the County Court, this petition was presented to Presiding Judge John H. Lindsey and County Clerk, John T. McBride. The petition, signed by fifty legal voters, requested that the organization of the Village of Baldwin located in the County of Randolph be approved.

County Judge Lindsey approved the petition and ordered an election be held on Tuesday July 11, 1876 at the office of RH Preston Esq. for the purposes of voting for or against the organization of the Village under the general laws of the State of Illinois. William L. Wilson and James C. Holbrook, Justices of the Peace of Randolph County, canvassed the election returns, finding that all votes cast were unanimously for the organization of the Village. Judge Lindsey ordered that on August 8, 1876 at the office of RH Preston Esq., an election be held for six Village trustees and one Village Clerk. The first Village Board that was elected then was S.H. Johnson, J.E. Davis, W.T. Thompson, James R. Holden, W.M. Wilson and S.B. Adams. The elected Village Clerk was S.D. Lindsey. On August 11, 1876, the Board of Trustees held it's first meeting. S.B. Adams was chosen as the President of the Board and W.S. Johns was appointed Village Constable and S.D. Lindsey was appointed Village Treasurer.

The Village of Baldwin prospered as a small trading Village throughout the years. The main business being a grain elevator, of which there has been one in Baldwin since it's incorporation. At present, the elevator is owned and operated by Gateway FS. In 1932, Highway 154 was built through Baldwin to provide all-weather transportation to neighboring towns and communities. In September of 1940, the Mobile and Ohio Railroad was purchased by the Gulf, Mobile and Northern Railroad and renamed the Gulf, Mobile and Ohio. Later it merged with the Illinois Central Railroad and today it is part of the Canadian National System. Passenger and freight service was provided on the railroad until October 1958, when passenger service was discontinued in the 1980's. The present rail system supplies services to the Baldwin Power plant, Fairmont Minerals, the Kaskaskia Regional Port District and Gateway FS.

In the Village of Baldwin the educational system consisted of a three-year high school, a public grade school and a Lutheran grade school. The high school was discontinued in the mid 1940's and the school district became part of the Red Bud School District. In 1959, the public grade school closed and children were sent to Red Bud schools. The Lutheran grade school also closed in the mid 1970's and children attend either Prairie or Red Bud. Baldwin is also the home to many churches. Both the St. John's Lutheran Church and the Baldwin Community Presbyterian Church have organizations to promote the welfare of their members. The Village also has many varied civic organizations which include the American Legion Nicholas Laufer Post 619, the Baldwin Athletic Club, the Baldwin Community Development Association, the Baldwin Homecoming Committee and the 125th Anniversary Committee.

In 1964, the Village installed both water and sewer systems. The water plant received severe damage from the 1993 flood and the plant needed to be moved out of the flood plain. After deliberation by the Board, it was determined that the Village became part of the newly formed rural water system. In early last year, the Village water system became part of the Egyptian Water Company, which purchases water from the City of Sparta. The Village sanitary sewer system was upgraded in 1987 and with federal and state assistance, their water system is about to be improved.

In 1999, the old school building, which previously served as the Village Hall, was razed. With assistance from local political leaders, funds were made available for a new Community Center. Both State Senator David Luechtefeld and State Representative Dan Reitz helped to secure the new Center. This center, when completed, will be used for all community functions and also serve as a meeting room for the Village Board. Offices for the Village President and Village Clerk will also be included in this facility. Today, the Village of Baldwin is presided over by Jeffrey S. Rowold, Village President, Wesley G. Stellhorn-Village Clerk, Eileen Mehring-Village Treasurer, Craig Hartman, James Mueller, Darrell Mueth, Tammy Prost, Gary Schoenbeck and Cheryl Sellers all Village Trustees.

Mr. Speaker, I ask my colleagues to join me in honoring the 125th Anniversary of the Village of Baldwin and to salute it's past, present and future residents.

HONORING ALLEN RAMSEY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. HILLEARY. Mister Speaker, I rise today to commend Mr. Allen Ramsey of Sullivan County, Tennessee for his meritorious service

to the people of Tennessee and to wish him good luck representing the State of Tennessee at the National Auctioneer Association meeting.

Allen Ramsey exemplifies the best of our great state. He works hard and gives his all to everything he does. Like many native Tennesseans, Allen grew up on a farm, and has become a farmer himself. In addition to raising cattle and tobacco on his farm, Allen has become a very accomplished auctioneer.

Last December, Allen Ramsey was recognized as the ''Tennessee Grand Champion Auctioneer.'' He competed against seventeen other entries and was among five finalists before winning the coveted title of ''Tennessee Grand Champion Auctioneer.''

Mr. Speaker, next week, Allen will represent Tennessee at the National Auctioneer Association meeting in Boise, Idaho. I congratulate Allen on being named ''Tennessee Grand Champion'' and wish him the best of luck when he travels to Boise to represent our great state.

COMMERCIAL DRIVER'S LICENSE DEVOLUTION ACT OF 2001

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. COBLE. Mr. Speaker, today I am introducing the ''Commercial Driver's License Devolution Act of 2001.'' This legislation will give states the option to establish their own commercial driver's license (CDL) requirements for intrastate drivers.

As many in this House already know, I have always been a strong advocate for taking power out of Washington and returning it to the states. I do not believe that our traditional, one-size-fits-all approach to governing is effective, efficient or economical for the American taxpayer.

The legislation which I propose today would return power to the states by giving states the option (and I emphasize option) to license intrastate drivers of commercial motor vehicles based upon testing standards determined by the individual states. As you know, the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) required states to establish a new and uniform program of testing and licensure for all operators of commercial vehicles both intra- and interstate. The principal objectives of this Act have been met and would not be harmed by this legislation.

The CMVSA is good law, and its provisions were necessary and timely for improving standards of performance for long-haul truck drivers. The CMVSA, however, was also imposed upon intrastate commerce where the operation of trucks may be a small but necessary part of an individual's job. We imposed our will on thousands of small businesses not involved in long-haul trucking and somehow expected them to adjust to any circumstance that might arise. Under these conditions, I believe it should be within a state's discretion to determine what kind of commercial vehicle licensure and testing is required for commerce solely within its borders.

I again want to emphasize that it would be entirely up to each state whether it chooses to reassume authority over licensing and testing of intrastate drivers. A state that chooses to exercise this option would in no way diminish the role of the CDL in the long-haul trucking industry. Additionally, this legislation effectively precludes two or more states from using this option as the basis for an interstate compact. I am confident that those states taking advantage of this option will develop testing standards that maintain the same level of safety offered by the federal program. After all, the primary mission of all state DOTs is to ensure the safety of those travelling on their roads.

This legislation is extremely important to our nation's small businesses, and I urge the House to adopt this measure.

RECOGNIZING THE CONTRIBUTIONS OF FUJIFILM TO THE SMITHSONIAN INSTITUTION

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. GRAHAM. Mr. Speaker, I rise today to congratulate Fujifilm for recently receiving the Smithsonian Institution's 2001 Corporate Leadership Award for its role as lead sponsor of Mei Xiang and Tian Tian, the new giant panda pair at the Smithsonian's National Zoo. The award recognizes the gift made on behalf of Fujifilm's 8,000 U.S. associates at 47 separate facilities.

Additionally, I would like to commend Fujifilm for the significant contribution that organization has made to the Smithsonian's National Zoo in donating $7.8 million, the largest donation in the Zoo's distinguished history. Fujifilm's generous gift and lead sponsorship of the project to bring a new giant panda pair to the Zoo and to construct the Fujifilm Giant Panda Conservation Habitat which will serve as the new, permanent home for the pandas.

Mei Xiang and Tian Tian have quickly become national treasures. Their arrival at the Zoo, as well as the extensive giant panda education and research activities, initiated through their sponsorship, have been beneficial to the visiting public. Fujifilm hopes that its involvement will create a gateway that will help people better understand the broader issues of species conservation worldwide. Additionally, many items from Fujifilm's wide range of state-of-the-art imaging, data storage and information products will be used by Zoo researchers as they conduct their projects in the study of the giant pandas.

Mr. Speaker, I urge my colleagues to join me in lauding the outstanding corporate citizenship of Fujifilm and its leadership in conservation efforts. Additionally, I would hope that the members of this body will join me in thanking Fujifilm's 8,000 U.S. associates for their valuable gift to the National Zoo, its visitors, and its researchers.

PERSONAL EXPLANATION

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, on rollcall Nos. 211, 212 and 213 I was unavoidably detained by airline delays.

Had I been present, I would have voted ''yea'' on each rollcall.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 12, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 13

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposals related to energy efficiency, including S.352, the Energy Emergency Response Act of 2001; Title XIII of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; Sections 602-606 of S. 388, the National Energy Security Act of 2001; S. 95, the Federal Energy Bank Act; and S.J. Res. 15, providing for congressional disapproval of the rule submitted by the Department of Energy relating to the postponement of the effective date of energy conservation standards for central air conditioners.

SD–366

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on installation programs, military construction programs, and family housing programs.

SR–232A

JULY 16

1 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine security risks for the E-consumer.

SR–253

JULY 17

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposals related to reducing the demand for petroleum products in the light duty vehicle sector, including Titles III and XII of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; Title VII of S. 388, The National Energy Security Act of 2001; S. 883, the Energy Independence Act of 2001; S. 1053, Hydrogen Future Act of 2001; and S. 1006, Renewable Fuels for Energy Security Act of 2001.

SD–366

Commerce, Science, and Transportation

To hold hearings to examine media concentration.

SR–253

10 a.m.

Judiciary

To hold hearings on executive branch nominations.

SD–226

2:30 p.m.

Judiciary

Immigration Subcommittee

To hold hearings on S. 121, to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children.

SD–226

JULY 18

9:30 a.m.

Governmental Affairs

To hold hearings on S. 1008, to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, and to establish the National Office of Climate Change Response within the Executive Office of the President.

SD–342

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine NAFTA trucks.

SR–253

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on active and reserve military and civilian personnel programs.

SR–222

Energy and Natural Resources

To hold hearings on proposals related to energy and scientific research, development, technology deployment, education, and training, including Sections 107, 114, 115, 607, Title II, and Subtitle B of Title IV of S. 388, the National Energy Security Act of 2001; Titles VIII, XI, and Division E of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; Sections 111, 121, 122, 123, 125, 127, 204, 205, Title IV and Title V of S. 472, the Nuclear Energy Electricity Supply Assurance Act of 2001; S. 90, the Department of Energy Nanoscale Science and Engineering Research Act; S. 193, the Department of Energy Advanced Scientific Computing Act; S. 242, the Department of Energy University Nuclear Science and Engineering Act; S. 259, the National Laboratories Partnership Improvement Act of 2001; and S. 636, a bills to direct the Secretary of Energy to establish a decommissioning pilot program to decommission and decontaminate the Sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

SD–366

Indian Affairs

To hold oversight hearings on tribal good governance practices and economic development.

Room to be announced

10 a.m.

Judiciary

To hold hearings to examine reforming the Federal Bureau of Investigation management reform issues.

SD–226

Health, Education, Labor, and Pensions

Employment, Safety and Training Subcommittee

To hold hearings to examine the protection of workers from ergonomic hazards.

SD–430

2 p.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine past and current U.S. efforts to convince offshore tax havens to cooperate with U.S. efforts to stop tax evasion, the role of the Organization of Economic Cooperation and Development tax haven project in light of U.S. objectives, and the current status of U.S. support for the project, in particular for the core element requiring information exchange.

SD–628

2:30 p.m.

Intelligence

To hold closed hearings on intelligence matters.

SH–219

JULY 19

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposals related to removing barriers to distributed generation, renewable energy and other advanced technologies in electricity generation and transmission, including Sections 301 and Title VI of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; Sections 110, 111, 112, 710, and 711 of S. 388, the National Energy Security Act of 2001; S. 933, the Combined Heat and Power Advancement Act of 2001; hydroelectric relicensing procedures of the Federal Energy Regulatory Commission, including Title VII of S. 388, Title VII of S. 597; and S. 71, the Hydroelectric Licensing Process Improvement Act of 2001.

SD–366

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 976, to provide authorization and funding for the enhancement of ecosystems, water supply, and water quality of the State of California.

SD–366

JULY 24

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposals related to global climate change and measures to mitigate greenhouse gas emissions, including S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; S. 388, the National Energy Security Act of 2001; and S. 820, the Forest Resources for the Environment and the Economy Act.

SD–366

10 a.m.
Indian Affairs
To hold hearings on S. 266, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.
SR–485

2:30 p.m.
Veterans' Affairs
To hold hearings to examine prescription drug issues in the Department of Veterans' Affairs.
SR–418

JULY 25

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Indian Gaming Regulatory Act.
SH–216

JULY 31

10 a.m.
Indian Affairs
To hold hearings on the implementation of the Indian Health Care Improvement Act.
SR–485

AUGUST 2

10 a.m.
Indian Affairs
To hold hearings on S. 212, to amend the Indian Health Care Improvement Act to revise and extend such Act.
SR–485

Daily Digest

HIGHLIGHTS

The House passed H.R. 2330, Agriculture, Rural Development Food and Drug Administration, and Related Agencies Appropriations Act, 2002.

House Committee ordered reported the Community Solutions Act.

Senate

Chamber Action

Routine Proceedings, pages S7437–S7537

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 1162–1167, and S. Res. 126–128. **Pages S7494–95**

Measures Passed:

Commending Gary Sisco: Senate agreed to S. Res. 127, commending Gary Sisco for his service as Secretary of the Senate. **Page S7483–84**

Congressional Gold Medal Ceremony: Senate agreed to H. Con. Res. 174, 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. **Page S7534**

Interior Appropriations Act: Senate began consideration of H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto: **Pages S7441–83, S7484–90**

Adopted:

Byrd Amendment No. 877, to make a technical correction. **Page S7458**

Durbin Amendment No. 879, to prohibit the use of funds for the conduct of preleasing, leasing, and related activities within national monuments established under the Act of June 8, 1906. (By 42 yeas to 57 nays (Vote No. 229, Senate earlier failed to table the amendment.) **Pages S7459–74**

Pending:

Byrd Amendment No. 880, to make a technical correction. **Page S7459**

Nelson (FL) Amendment No. 893, to prohibit the use of funds to execute a final lease agreement for oil and gas development in the area of the Gulf of Mexico known as ''Lease Sale 181''. **Pages S7474–83, S7484–90**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, July 12, 2001, that the vote in relation to Nelson (FL) Amendment No. 893 (listed above) occur immediately following the cloture vote scheduled on the motion to proceed to consideration of H.R. 333, Bankruptcy Reform. **Page S7534**

Bankruptcy Reform/Interior Appropriations' Nelson (FL) Amendment—Agreement: A unanimous-consent agreement was reached providing that the previously ordered debate with respect to the Nelson (FL) Amendment No. 893 to H.R. 2217, Interior Appropriations, occur immediately following the vote on cloture on the motion to proceed to H.R. 333, Bankruptcy Reform; the offering of the substitute amendment; and cloture being filed on that amendment, as under the previous order. Further, that no amendments be in order to the substitute amendment to H.R. 333, prior to the cloture vote on the substitute amendment. **Page S7534**

Nomination—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nomination of John D. Graham, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, with a vote to occur thereon. **Page S7535**

Nominations Confirmed: Senate confirmed the following nominations:

Kay Coles James, of Virginia, to be Director of the Office of Personnel Management.

Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2005.

Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues.

Charles J. Swindells, of Oregon, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa.

Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador to the Kingdom of Morocco.

Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan.

William S. Farish, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Robert D. Blackwill, of Kansas, to be Ambassador to India.

Anthony Horace Gioia, of New York, to be Ambassador to the Republic of Malta.

Howard H. Leach, of California, to be Ambassador to France.

William A. Eaton, of Virginia, to be Assistant Secretary of State (Administration), vice Patrick Francis Kennedy.

Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Russian Federation.

Clark T. Randt, Jr., of Connecticut, to be Ambassador to the People's Republic of China.

C. David Welch, of Virginia, to be Ambassador to the Arab Republic of Egypt.

Douglas Alan Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic.

Daniel C. Kurtzer, of Maryland, to be Ambassador to Israel.

A routine list in the Foreign Service.

Pages S7534–35, S7537

Nominations Received: Senate received the following nominations:

Received on Tuesday, July 10, 2001:

James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

Michael J. Melloy, of Iowa, to be United States Circuit Judge for the Eighth Circuit.

Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi. **Page S7537**

Executive Communications: **Pages S7492–94**

Message From the House: **Page S7492**

Executive Reports of Committees: **Page S7494**

Statements on Introduced Bills: **Pages S7496–S7518**

Additional Cosponsors: **Pages S7495–96**

Amendments Submitted: **Pages S7520–26**

Additional Statements: **Page S7492**

Text of H.R. 2216, as Previously Passed: **Pages S7527–34**

Authority for Committees: **Pages S7526–27**

Record Votes: One record vote was taken today. (Total—229) **Page S7474**

Adjournment: Senate met at 10 a.m., and adjourned at 8:23 p.m., until 9 a.m., on Thursday, July 12, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7535.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DISTRICT OF COLUMBIA

Committee on Appropriations: Subcommittee on District of Columbia concluded hearings on proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, after receiving testimony from Mayor Anthony Williams, Alice M. Rivlin, Chairman, Financial Responsibility and Management Assistance Authority, Linda W. Cropp, Chairman, City Council, and Natwar M. Gandhi, Chief Financial Officer, all of the Government of the District of Columbia.

ANDEAN COUNTERDRUG INITIATIVE

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings to examine the Administration's proposed foreign operations budget request for additional funds for the Andean Regional Initiative and implementation of Plan Columbia as part of the United States counter drug strategy, after receiving testimony from Rand Beers, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Michael Deal, Deputy Assistant Administrator, Bureau for Latin America and the Caribbean, U.S. Agency for International Development; and Jose Miguel Vivanco, Human Rights Watch, Washington, D.C.

GENOMIC RESEARCH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine recent scientific advances in genomic research, the development of therapies to treat various illnesses, genetic diseases and birth defects, and finishing the human genome sequence, after receiving testimony from Francis S. Collins, Director, National Human Genome Research Institute,

National Institutes of Health, Department of Health and Human Services; Philip Needlemen, Pharmacia Corporation, Peapack, New Jersey; Stephen S. Rich, Wake Forest University School of Medicine, Winston-Salem, North Carolina, on behalf of the Juvenile Diabetes Research Foundation International; Jeffrey C. Murray, University of Iowa Department of Pediatrics, Iowa City; and Ben Affleck, Los Angeles, California, and Brad Margus, Deerfield Beach, Florida, both on behalf of the A–T Children's Project.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Jessie Hill Roberson, of Alabama, to be Assistant Secretary of Energy for Environmental Management, and Douglas Jay Feith, of Maryland, to be Under Secretary for Policy, Stephen A. Cambone, of Virginia, to be Deputy Under Secretary for Policy, Michael W. Wynne, of Florida, to be Deputy Under Secretary for Acquisition and Technology, Diane K. Morales, of Texas, to be Deputy Under Secretary for Logistics and Materiel Readiness, Jack Dyer Crouch II, of Missouri, to be Assistant Secretary for International Security Policy, Peter W. Rodman, of the District of Columbia, to be Assistant Secretary for International Security Affairs, Thomas P. Christie, of Virginia, to be Director of Operational Test and Evaluation, Susan Morrisey Livingstone, of Montana, to be Under Secretary, Alberto Jose Mora, of Virginia, to be General Counsel, and William A. Navas, Jr., of Virginia, John J. Young, Jr., of Virginia, and Dionel M. Aviles, of Maryland, each to be an Assistant Secretary, all of the Department of the Navy, Steven John Morello, Sr., of Michigan, to be General Counsel, and Reginald Jude Brown, of Virginia, to be an Assistant Secretary, both of the Department of the Army, and Michael Montelongo, of Georgia, to be an Assistant Secretary of the Air Force, all of the Department of Defense.

CLOSED MEETING

Committee on Armed Services: Committee met in closed session with Jack Straw, British Secretary of State for Foreign and Commonwealth Affairs.

AUTHORIZATION—DEFENSE READINESS

Committee on Armed Services: Subcommittee on Readiness and Management Support 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 readiness of United States military forces and the fiscal year 2002 budget amendment, after receiving testimony from Gen. John M. Keane, USA, Vice Chief of Staff, United States Army; Adm. William J. Fallon, USN, Vice Chief of Naval Operations; Gen. John W. Handy, Vice Chief of Staff, United States Air Force; and Gen. Michael J. Williams, USMC, Assistant Commandant of the United States Marine Corps.

AUTHORIZATION—DEFENSE NATIONAL SECURITY SPACE/STRATEGIC PROGRAMS

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 budget request for national security space programs, policies, operations, and strategic systems and programs, after receiving testimony from Gen. Ralph E. Eberhart, USAF, Commander-in-Chief, North American Aerospace Defense Command and United States Space Command; Adm. Richard W. Mies, USN, Commander-in-Chief, United States Strategic Command; Maj. Gen. Franklin J. Blaisdell, USAF, Director, Nuclear and Counterproliferation, Office of the Deputy Chief of Staff for Air and Space Operations, United States Air Force; and Rear Adm. Dennis M. Dwyer, USN, Director, Strategic Systems Program Office, United States Navy.

INTERNET PRIVACY

Committee on Commerce, Science, and Transportation: Committee held hearings to examine existing laws protecting Internet privacy both in the United States and abroad, focusing on the impact privacy legislation may have on the information market, receiving testimony from Marc Rotenberg, Electronic Privacy Information Center, and Paul Misener, Amazon.com, both of Washington, D.C.; Fred H. Cate, Indiana University School of Law Information Law and Commerce Institute, Bloomington; Paul M. Schwartz, Brooklyn Law School, Brooklyn, New York; Hans Peter Brondmo, Netcentives, Inc., San Francisco, California; Les Seagraves, EarthLink, Inc., Atlanta, Georgia; Jason Catlett, Junkbusters Corporation, Green Brook, New Jersey; and Ira Rubinstein, Microsoft Corporation, Redmond, Washington.

Hearings recessed subject to call.

TAX INCENTIVES IN ENERGY POLICY

Committee on Finance: Committee resumed hearings to examine the role of tax incentives in energy policy and the balance between energy, environment and transportation tax policies against revenue constraints, focusing on energy supply and demand, or production and consumption, receiving testimony from Jay E. Hakes, Jimmy Carter Presidential Library, Atlanta, Georgia, former Administrator, Energy Information Administration, Department of Energy; David S. Hall, Berry Petroleum Company,

Taft, California, on behalf of the Independent Petroleum Association of America and the National Stripper Well Association; Ronald W. Williams, Gary-Williams Energy Corporation, Denver, Colorado; Daniel M. Kammen, University of California Energy and Resources Group, Berkeley; and Virinder Singh, Renewable Energy Policy Project, Washington, D.C.

Hearings recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Peter R. Chaveas, of Pennsylvania, to be Ambassador to the Republic of Sierra Leone, Aubrey Hooks, of Virginia, to be Ambassador to the Democratic Republic of the Congo, Donald J. McConnell, of Ohio, to be Ambassador to the State of Eritrea, Nancy J. Powell, of Iowa, to be Ambassador to the Republic of Ghana, and George McDade Staples, of Kentucky, to be Ambassador to the Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador to the Republic of Equatorial Guinea, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Governmental Affairs: Committee ordered favorably reported the nominations of Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority, and Kay Coles James, of Virginia, to be Director, Office of Personnel Management.

E-GOVERNMENT ACT

Committee on Governmental Affairs: Committee concluded hearings on S. 803, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, after receiving testimony from Senator Burns; Sean O'Keefe, Deputy Director, Office of Management and Budget; Greg Woods, Chief Operating Officer, Student Financial Assistance, Department of Education; Anne K. Altman, IBM Corporation, Bethesda, Maryland; Costis Toregas, Public Technology, Inc., and Patricia McGinnis, Council for Excellence in Government, both of Washington, D.C.; Aldona Valicenti, National Association of State Chief Information Officers, Frankfurt, Kentucky; Sharon A. Hogan, University of Illinois Library, Chicago, on behalf of the American Library Association, America Research Libraries, and American Association of Law Libraries; Barry Ingram, EDS Global Government Industry Group, Arlington, Virginia, on behalf of the Information Technology Association of America; Joseph R. Wright, Terremark Worldwide, Inc., New York, New York, former Director, Office of Management and Budget.

MENTAL HEALTH TREATMENT

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on S. 543, 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, after receiving testimony from Senators Wellstone and Domenici; William E. Flynn III, Associate Director for Retirement and Insurance, Office of Personnel Management; Henry Harbin, Magellan Health Services, Columbia, Maryland; Darrel A. Regier, American Psychiatric Institute for Research and Education, Washington, D.C.; and Lisa R. yuCohen, Bordentown, New Jersey.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Roger L. Gregory, of Virginia, to be United States Circuit Judge for the Fourth Circuit, Richard F. Cebull and Sam E. Haddon, each to be a United States District Judge for the District of Montana, and Eileen J. O'Connor, of Maryland, to be an Assistant Attorney General for the Tax Division, all of the Department of Justice, after the nominees testified and answered questions in their own behalf. Mr. Gregory was introduced by Senators Warner and Allen, and Representative Scott, Mr. Cebull and Mr. Haddon were introduced by Senators Baucus and Burns, and Ms. O'Connor was introduced by Representative Morella.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Wednesday, July 18.

House of Representatives

Chamber Action

Bills Introduced: 35 public bills, H.R. 2456–2479; and 1 resolution, H. Res. 187, were introduced.

Pages H3959–60

Reports Filed: Reports were filed as follows:

H.R. 100, to establish and expand programs relating to science, mathematics, engineering, and technology education, amended (H. Rept. 107–133, Pt. 1);

H.R. 1858, to make improvements in mathematics and science education, amended (H. Rept. 107–134, Pt. 1);

H. Res. 188, providing for consideration of H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform (H. Rept. 107–135); and

H. Res. 189, providing for consideration of H.J. Res. 36, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (H. Rept. 107–136). **Page H3959**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Cooksey to act as Speaker pro tempore for today.

Page H3867

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Tommy Nelson, Pastor, Denton Bible Church of Denton, Texas. **Page H3867**

Journal: Agreed to the Speaker's approval of the Journal of Tuesday, July 10 by a yea-and-nay vote of 366 yeas to 42 nays with 2 voting "present", Roll No. 214. **Pages H3867, H3873–74**

Motion to Adjourn: Rejected the McNulty motion to adjourn by a recorded vote of 11 ayes to 405 noes, Roll No. 215. **Page H3874**

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations: The House passed H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002 by a yea-and-nay vote of 414 yeas to 16 nays, Roll No. 221. The House also considered the bill on June 28. **Pages H3874–H3927**

Agreed To:

Pelosi amendment that makes available Foods for Peace commodities valued at $25 million to developing nations to assist in mitigating the effects of HIV and AIDS in communities and households, particularly those caring for orphaned children;

Pages H3878–79

Hinchey amendment that prohibits the elimination of two river navigator positions for the Hudson River and Upper Susquehanna/Lackawanna Rivers; **Pages H3879–80**

Lucas amendment No. 16 printed in the Congressional Record of June 27 that makes available $5 million for the repair of aging watershed dams;

Pages H3889–90

Gutknecht amendment that allows individuals to import a prescription drug that appears to be FDA approved and manufactured pursuant to the Federal Food, Drug, and Cosmetic Act and does not appear to be a narcotic (agreed to by a recorded vote of 324 ayes to 101 noes, Roll No. 217);

Pages H3890–97, H3904–05

Traficant amendment No. 1 printed in the Congressional Record of June 25 that prohibits funding to any person or entity that has been convicted of violating the Buy American Act; **Page H3907**

Stupak amendment that increases funding for the Nutrition Program for Seniors by $10 million with offsets from Agriculture Buildings and Facilities Rental Payments; **Pages H3909–11**

Kaptur amendment that reallocates FDA funding of $2.9 million from activities related to the Medicine Equity and Safety Act to FDA food safety programs for foodborne threats such as Bovine Spongiform Encephalopathy (BSE) or "mad cow" disease; **Page H3918**

Brown of Ohio amendment that reallocates FDA funding of $1 million to the Office of Generic Drugs to evaluate and review potential patent abuse; and **Pages H3918–21**

Olver amendment that struck Section 726 that prohibited funding to implement the Kyoto Protocol. **Pages H3922–24**

Rejected:

Sanders amendment No. 20 printed in the Congressional Record of June 27 that sought to prohibit the FDA from enforcing laws that ban the re-importation of drugs originally manufactured in the United States by anyone other than the manufacturer (rejected by a recorded vote of 159 ayes to 267 noes, Roll No. 216); **Pages H3880–89, H3904**

Kucinich amendment No. 13 printed in the Congressional Record of June 27 that sought to delay FDA approval of transgenic or genetically engineered fish for one year (rejected by a recorded vote of 145 ayes to 279 noes, Roll No. 218);

Pages H3897–S3901, H3905–06

Weiner amendment No. 25 printed in the Congressional Record of June 27 that sought to prohibit wool or mohair subsidies (rejected by a recorded vote of 155 ayes to 272 noes, Roll No. 219); and **Pages H3911–15, H3925**

Royce amendment No. 19 printed in the Congressional Record of June 27 that sought to prohibit any new market access program allocations (rejected by a recorded vote of 85 ayes to 341 noes, Roll No. 220). **Pages H3915–17, H3926**

Withdrawn:

Kaptur amendment No. 12 printed in the Congressional Record of June 27 was offered but subsequently withdrawn that sought to make $500,000 available from extension activities funding to support the National 4–H Program Centennial Initiative; **Pages H3877–78**

Mink en bloc amendment Nos. 17 and 18 printed in the Congressional Record of June 27 was offered but subsequently withdrawn that sought to make available funding for the Hawaii Agriculture Research Center and the Oceanic Institute of Hawaii to expand new crops and products and to continue the comprehensive research program on the aquaculture industry; **Page H3890**

Clayton amendment No. 5 printed in the Congressional Record of June 27 was offered but subsequently withdrawn that sought to make available additional funding for outreach programs for small, socially disadvantaged farmers and for capacity building initiatives for the 1890 land-grant colleges; **Pages H3901–03**

Baca amendment was offered but subsequently withdrawn that sought to make available $16 million for an education grants program for Hispanic Serving Institutions; **Pages H3903–04**

Blumenauer amendment was offered but subsequently withdrawn that sought to require USDA reports on Federal funds used to provide price supports and the effects of import quotas and tariffs applied to protect agricultural commodities; **Pages H3906–07**

Smith of Michigan amendment No. 21 printed in the Congressional Record of June 27 was offered but subsequently withdrawn that sought to include the 2001 crop year in Agricultural Market Transition Act provisions; **Pages H3907–08**

Kaptur amendment No. 11 printed in the Congressional Record of June 27 was offered but subsequently withdrawn that sought to make available $500 million for research, technical assistance loans, and grant programs on the development of biofuels including ethanol, biodiesel, and other forms of biomass-derived fuels; **Pages H3717–18**

Points of Order Sustained:

Against Smith of Michigan amendment No. 30 printed in the Congressional Record of June 27 that sought to prohibit marketing loan and related payments to be exceeded; and **Pages H3908–09**

Against Allen amendment No. 4 printed in the Congressional Record of June 27 that sought to require that new drug applications include a statement specifying the total cost of research and development. **Pages H3921–22**

The House agreed to H. Res. 183, the rule that provided for consideration of the bill was agreed to on June 28.

Committee Resignation: Read a letter from Representative Portman wherein he submitted his resignation from the Committee on Standards of Official Conduct. **Page H3927**

Committee Election: The House agreed to H. Res. 187 electing Representative Hulshof to the Committee on Standards of Official Conduct. **Page H3927**

Congressional-Executive Commission on the People's Republic of China: The Chair announced the Speaker's appointment of Representatives Levin, Kaptur, Pelosi, and Davis of Florida to the Congressional-Executive Commission on the People's Republic of China. **Page H3927**

Recess: The House recessed at 11:31 p.m. and reconvened at 1:23 a.m. on Thursday, July 12. **Page H3957**

Senate Messages: Messages received from the Senate today appear on page H3867.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H3961–62.

Quorum Call—Votes: Two yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages H3873–74, H3874, H3904, H3905, H3905–06, H3925, H3926, and H3926–27. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:25 a.m. on Thursday, July 12.

Committee Meetings

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government approved for full Committee action the Treasury, Postal Service and General Government appropriations for fiscal year 2002.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Held a hearing on the Fiscal Year 2002 National Defense Authorization

Budget request. Testimony was heard from the following officials of the Department of the Air Force: James G. Roche, Secretary; and Gen. Michael E. Ryan, USAF, Chief of Staff.

Hearings continue tomorrow.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Military Installation and Facilities held a hearing on the Fiscal Year 2002 National Defense Authorization Budget request. Testimony was heard from the following officials of the Department of Defense: Raymond F. DuBois, Jr., Deputy Under Secretary (Installations and Environment); Maj. Gen. Robert L. Van Antwerp, Jr., USA, Assistant Chief of Staff, Installations Management, Department of the Army; Rear Adm. David D. Pruett, USN, Director, Civil Engineering Readiness Division, Office of the Chief of Naval Operations, Department of the Navy; Maj. Gen, Earnest O. Robbins II, USAF, The Civil Engineer, Department of the Air Force; and Lt. Gen. Gary S. McKissock, USMC, Deputy Commandant for Installations and Logistics, Headquarters, U.S. Marine Corps.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Military Readiness held a hearing on the Fiscal Year 2002 National Defense Authorization Budget request. Testimony was heard from the following officials of the Department of Defense: Bruce Dauer, Director, Programs and Budget; Maj. Gen. Jerry L. Sinn, Deputy Assistant Secretary (Budget), Department of the Army; Rear Adm. Albert T. Church, USN, Director, Office of Budget/Fiscal Management, Department of the Navy; Maj. Gen. Larry W. Northington, USAF, Director, Financial Management and Budget, Department of the Air Force; and William J. Wallenhorst, USMC, Director, Fiscal Division, Programs and Resources, Headquarters, U.S. Marine Corps.

DOD BUDGET PRIORITIES

Committee on the Budget: Held a hearing on the Department of Defense Budget Priorities for Fiscal Year 2002. Testimony was heard from Paul D. Wolfowitz, Deputy Secretary, Department of Defense.

INTERNET EQUITY AND EDUCATION ACT

Committee on Education and the Workforce: Subcommittee on 21st Century approved for full Committee action, as amended, H.R. 1992, Internet Equity and Education Act of 2001.

HEALTH INSURANCE—POTENTIAL FOR DISCRIMINATION

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on ''The Potential for Discrimination in Health Insurance Based on Predictive Genetic Tests.'' Testimony was heard from Representatives Slaughter and Morella; and public witnesses.

ENERGY ADVANCEMENT AND CONSERVATION ACT

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality began markup of the Energy Advancement and Conservation Act of 2001.

Will continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action the following measures: H.R. 2441, to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center; H.R. 1340, Biomedical Research Assistance Voluntary Option Act; H.R. 717, amended, Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001; H.R. 943, amended, Flu Vaccine Availability Act of 2001; H. Con. Res. 61, expressing support for a National Reflex Sympathetic Dystrophy Awareness Month; H. Con. Res. 36, amended, urging increased Federal funding for juvenile (Type 1) diabetes research; H. Con. Res. 25, amended, expressing the sense of the Congress regarding tuberous sclerosis; and H. Con. Res. 84, supporting the goals of Red Ribbon Week in promoting drug-free communities.

CBO REPORT; SECONDARY MORTGAGE ENTERPRISES REGULATORY IMPROVEMENT ACT

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing on the following: the CBO Report entitled ''Federal Subsidies and the Housing GSEs;'' and H.R. 1409, Secondary Mortgage Market Enterprises Regulatory Improvement Act. Testimony was heard from public witnesses.

EXPORT ADMINISTRATION ACT

Committee on International Relations: Held a hearing on Export Administration Act: The Case for Its Renewal (Part III). Testimony was heard from Senator Enzi; John Bolton, Under Secretary, Arms Control and International Security, Department of State; David Tarbell, Deputy Under Secretary, Technology Security Policy, Department of Defense; and public witnesses.

THE BALKANS

Committee on International Relations: Subcommittee on Europe held a hearing on The Balkans: What Has Been Accomplished; What is the Agenda for the Next Five Years? Testimony was heard from A. Elizabeth Jones, Assistant Secretary, Bureau of European Affairs, Department of State; Daniel P. Serwer, Director, Balkans Initiative, U.S. Institute of Peace; and a public witness.

RELIGIOUS DISCRIMINATION—WESTERN EUROPE

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Religious Discrimination in Western Europe. Testimony was heard from Lorne W. Craner, Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, Department of State; and public witnesses.

TECHNOLOGY, EDUCATION, AND COPYRIGHT HARMONIZATION ACT

Committee on the Judiciary: Subcommittee on Courts, The Internet, and Intellectual Property approved for full Committee action S. 487, Technology, Education, and Copyright Harmonization Act of 2001.

OVERSIGHT—LAW ENFORCEMENT AND COMMUNITY EFFORTS—CRIMES AGAINST SENIORS

Committee on the Judiciary: Subcommittee on Crime held an oversight hearing on Law Enforcement and Community Efforts-To Address Crimes Against Seniors. Testimony was heard from Frank Donaghue, Chief Deputy Attorney General, and Director, Bureau of Consumer Protection, Office of the Attorney General, State of Pennsylvania; Michele J. Bruno, State Director, Triad Program, Office of the Attorney General, State of Virginia; Joseph Pollock, Sheriff, Burnet, Texas; and Susan Reed, District Attorney, Bexar County, San Antonio, Texas.

ENERGY SECURITY ACT

Committee on Resources: Held a hearing on H.R. 2436, Energy Security Act. Testimony was heard from Gale A. Norton, Secretary of the Interior; J. Bennett Johnston, former Senator, State of Louisiana; and public witnesses.

CONSTITUTIONAL AMENDMENT—PROHIBIT FLAG DESECRATION

Committee on Rules: Granted, by voice vote, a modified closed rule providing two hours of debate in the House on H.J. Res. 36, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order an amendment in the nature of a substitute, if offered by Representative Conyers or his designee, which shall be separately debatable for one hour equally divided between the proponent and an opponent. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representative Watt of North Carolina.

BIPARTISAN CAMPAIGN REFORM ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 2356, Bipartisan Campaign Reform Act of 2001, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration. The rule waives all points of order against consideration of the bill. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. The rule provides that after passage of H.R. 2356, it shall be in order to consider in the House S. 27 and waives all points of order against the Senate bill and against its consideration. The rule makes in order a motion to strike all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 2356 as passed by the House. The rule waives all points of order against the motion to strike and insert. Finally, the rule provides that, if the motion to strike and insert is adopted and the Senate bill, as amended, is passed, it shall be in order to move that the House insist on its amendment and request a conference with the Senate thereon. Testimony was heard from Chairman Ney and Representatives Burton of Indiana, Gekas, Shays, Rohrabacher, Bartlett, English, Brady of Texas, Hayes, Flake, Hart, Issa, Platts, Hoyer, Obey, Clement, Slaughter, Price of North Carolina, Faleomavaega, Nadler, Hastings of Florida, Hilliard, Stupak, Bentsen, Jackson-Lee of Texas, and Moore.

CENTERS FOR MEDICARE AND MEDICAID SERVICES—REGULATORY MORASS

Committee on Small Business: Held a hearing on "The Regulatory Morass at the Centers for Medicare and

Medicaid Services: A Prescription for Bad Medicine.'' Testimony was heard from Representatives Toomey and Berkley; and public witnesses.

OVERSIGHT—GAO REPORT ON FAA RULEMAKING PROCESS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on the GAO Report on the FAA Rulemaking Process. Testimony was heard from Gerald L. Dillingham, Director, Physical Infrastructure Issues, GAO; Margaret Gilligan, Deputy Associate Administrator, Regulation and Certification, FAA, Department of Transportation; and public witnesses.

GREAT LAKES LEGACY ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on H.R. 1070, Great Lakes Legacy Act of 2001. Testimony was heard from Representative Kirk; and public witnesses.

COMMUNITY SOLUTIONS ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 7, Community Solutions Act of 2001.

ADMINISTRATION's BUDGET PROPOSALS

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on the Administration's Budget Proposals. Testimony was heard from Dennis P. Williams, Acting Assistant Secretary, Management and Budget, Department of Health and Human Services.

HANSSEN CASE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on the Hanssen case. The Committee was briefed by departmental officials.

COMMITTEE MEETINGS FOR THURSDAY, JULY 12, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings on the nomination of James R. Moseley, of Indiana, to be Deputy Secretary of Agriculture; and the nomination of Joseph J. Jen, of California, to be Under Secretary of Agriculture for Research, Education, and Economics, to be followed by hearings to examine the context, framework, and content of the comprehensive federal Farm Bill reauthorization and new agriculture policy that can provide a more sustainable and predictable long-term economic safety net, 8:30 a.m., SR–332.

Committee on Appropriations: Subcommittee on Energy and Water Development, business meeting to mark up H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, 9 a.m., S–128, Capitol.

Subcommittee on Transportation, business meeting to mark up H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, 10 a.m., SD–116.

Full Committee, business meeting to mark up H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002; H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002; and proposed legislation making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, 2 p.m., S–128, Capitol.

Committee on Armed Services: to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on ballistic missile defense policies and programs, 9:30 a.m., SH–216.

Subcommittee on Emerging Threats and Capabilities, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Cooperative Threat Reduction, chemical weapons demilitarization, Defense Threat Reduction Agency, nonproliferation research and engineering, and related programs, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold hearings on the nomination of Mark B. McClellan, of California, to be a Member of the Council of Economic Advisers; and the nomination of Sheila C. Bair, of Kansas, to be Assistant Secretary of the Treasury for Financial Institutions; and to hold a business meeting to consider the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System; the nomination of Donald E. Powell, of Texas, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation; the nomination of Angela Antonelli, of Virginia, to be Chief Financial Officer, and the nomination of Ronald Rosenfeld, of Maryland, to be President, Government National Mortgage Association, both of the Department of Housing and Urban Development; and the nomination of Jennifer L. Dorn, of Nebraska, to be Federal Transit Administrator, Department of Transportation, 10 a.m., SD–538.

Committee on the Budget: to hold hearings to examine the current economic and budget situation, 10 a.m., SD–608.

Committee on Energy and Natural Resources: business meeting to consider the nomination of Patricia Lynn Scarlett, of California, to be Assistant Secretary for Policy, Management and Budget, the nomination of William Gerry Myers III, of Idaho, to be Solicitor, the nomination of Bennett William Raley, of Colorado, to be Assistant Secretary for Water and Science, the nomination of Frances P. Mainella, of Florida, to be Director of the National Park Service, the nomination of John W. Keys III,

of Utah, to be Commissioner of Reclamation, all of the Department of the Interior; the nomination of Vicky A. Bailey, of Indiana, to be Assistant Secretary of Energy for International Affairs and Domestic Policy; a proposed revision of the statement for completion by presidential nominees; and the appointment of subcommittee membership, 9:15 a.m., SD–366.

Full Committee, to hold hearings on provisions to protect energy supply and security (Title I of S. 388, The National Energy Security Act of 2001); oil and gas production (Title III and Title V of S. 388; Title X of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001); drilling moratoriums on the Outer Continental Shelf (S. 901, the Coastal States Protection Act; S. 1086, the COAST Anti-Drilling Act; S. 771, to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf of the State of Florida); energy regulatory reviews and studies (Title III of S. 597); S. 900, the Consumer Energy Commission Act of 2001; and provisions to promote nuclear power (sections 126 and 128–130 of Title I, and Titles II and III of S. 472, the Nuclear Energy Electricity Supply Assurance Act of 2001; S. 919, to require the Secretary of Energy to study the feasibility of developing commercial nuclear energy production facilities at existing Department of Energy sites; and S. 1147, to amend Title X and Title XI of the Energy Policy Act of 1992, 9:30 a.m., SD–366.

Committee on Foreign Relations: business meeting to consider S. 1021, to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; S. 180, to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; S. 494, to provide for a transition to democracy and to promote economic recovery in Zimbabwe; S. Con. Res. 28, calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; S. Con. Res. 34, congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; S. Con. Res. 53, encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa; S. Res. 122, relating to the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia; and pending nominations, 4 p.m., S–116, Capitol.

Committee on Indian Affairs: to hold hearings to examine the goals and priorities of the member tribes of the Montana Wyoming Tribal Leaders Council for the 107th session of the Congress, 10 a.m., SR–485.

Committee on the Judiciary: business meeting to consider the nomination of Robert D. McCallum, Jr., of Georgia, and Ralph F. Boyd, Jr., of Massachusetts, each to be an Assistant Attorney General, Department of Justice; S. 407, to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions; S. 778, 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. 754, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; S. Res. 16, designating August 16, 2001, as "National Airborne Day"; and S. Con. Res. 16, expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom, 10 a.m., SD–226.

House

Committee on Armed Services, to continue hearings on the Fiscal Year 2002 National Defense Authorization Budget request, 9:30 a.m., 2118 Rayburn.

Subcommittee on Procurement and the Subcommittee on Research and Development, joint hearing on the Fiscal Year 2002 National Defense Authorization Budget request, 2 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, to continue markup of the Energy Advancement and Conservation Act of 2001, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 1701, Consumer Rental Purchase Agreement Act, 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Internet Gambling, 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on Emerging Threats: Methamphetamines, 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on African Crisis Response Initiative: A Security Building Block, 10 a.m., 2200 Rayburn.

Subcommittee on Western Hemisphere, hearing on the Importance of the Free Trade Area of the Americans (FTAA) to U.S. Foreign Policy, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing and markup of H.R. 2175, Born-Alive Infants Protection Act of 2001, 1 p.m., 2226 Rayburn.

Subcommittee on Courts, the Internet and Intellectual Property, oversight hearing on the Whois Database: Privacy and Intellectual Property Issues, 11 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans and the Subcommittee on Research and the Subcommittee on Environment, Technology and Standards of the Committee on Science, joint hearing on ocean exploration, and the development and implementation of coastal and ocean observing systems, 1 p.m., 2318 Rayburn.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on Life in the Universe, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, oversight hearing

on the Household Goods Moving Industry, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, to consider pending business, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the following measures: H.J. Res. 50, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China; H.J. Res. 55, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; and H.R. 1954, ILSA Extension Act of 2001, 1:45 p.m., 1100 Longworth.

Subcommittee on Oversight, hearing on Taxpayer Advocate Report and Low-Income Taxpayer Clinics, 4 p.m., 1100 Longworth.

Next Meeting of the SENATE

9 a.m., Thursday, July 12

Senate Chamber

Program for Thursday: Senate will resume consideration of the motion to proceed to consideration of H.R. 333, Bankruptcy Reform, with a vote on the motion to close further debate on the motion to proceed to occur following a three hour period for debate; following which, Senate will continue consideration of H.R. 2217, Interior Appropriations, with a vote in relation to the Nelson (FL) Amendment No. 893 to occur thereon.

At 11:30 a.m., Senate will swear in Jeri Thomson as the new Secretary of the Senate.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 12

House Chamber

Program for Thursday: Consideration of a motion to go to conference and instruct conferees on H.R. 2216, Supplemental Appropriations Act for Fiscal Year 2001; and

Consideration of H.R. 2356, Bipartisan Campaign Reform Act of 2001 (structured rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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Watts, J.C., Jr., Okla., E1304
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