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No. 103

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 23, 2001.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, other than majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

PRESIDENT BUSH'S FIRST 180 DAYS

Mr. STEARNS. Mr. Speaker, as we all know, we are in our busiest legislative session in July; and it is important to go back and consider all of the accomplishments we have had in the last 6 months. All of us have worked alongside with the President in tackling some very tough issues, and I think it is important that we remind everybody of the important victories that I think are a great benefit to the American people.

When thinking about the first 180 days of President Bush's service to our

Nation, there are many accomplishments across a broad spectrum, both national and international issues, that I think are clearly evident; and I wish to bring to my colleagues' attention. From education and the environment, to health care and national security, the President has taken an active stance in promoting an agenda that has received both public and bipartisan support.

Mr. Speaker, let me be specific here. For example, the President's budget, with bipartisan support, funds essential priorities, pays down a historic level of debt in this country, while, of course, simultaneously providing tax relief to every taxpayer in every tax bracket.

The President inherited a faltering economy. He signed into law the largest tax cut in 20 years. This was important because it provided a needed boost while simultaneously proposing measures to increase trade and stabilizing energy prices.

President Bush's efforts to expand the quality of health care for all Americans has led to the largest increase in medical research funding, the development of 1,200 new community health care centers for rural and low-income Americans, as well as immediate assistance to seniors in the form of a prescription drug discount card that will reduce their bills by 10 to 15 percent or more.

While working to improve health care for American seniors, the President has also taken action to increase access for disabled Americans for better housing, transportation, greater employment opportunities, and overall access to community life. Moreover, Mr. Speaker, his appointment of a bipartisan commission to improve Social Security reveals his deep concern for working Americans and the effect Social Security will have for them long after retirement.

While working to protect the interests of American citizens at home, the

President has also worked diligently in order to protect American interests throughout our global community. The \$8 billion increase of defense spending that we passed will improve the quality of life for all men and women who have committed their lives to military service. President Bush's commitment to those in the armed services was no more clearly seen than in his efforts to ensure the safe and expedient return of the U.S. crew that was detained in China. That was no small feat, a diplomatic coup; and I think this is a great success that we, as a Nation, can be proud of.

His efforts have also led to the development of a comprehensive review of all areas of the military while also carrying out a successful missile defense test.

President Bush's agenda also focuses on strengthening the ties with the global community. His travels to Europe reflect his efforts to promote key foreign policy tenets that aim to assist developing nations in fighting poverty and improving global health care while also promoting an international awareness for environmental conservation. These can be clearly seen in his efforts for partnership with the African nations on issues ranging from the fight against HIV/AIDS to the greater development of international trade.

Mr. Speaker, his commitment to the international treaty that will reduce the worldwide use of 12 dangerous chemicals exemplifies his concern for the global environment. The President's foreign policy efforts also reflect a sincere commitment to strengthening the young independent democracies of Eastern Europe. Moreover, as the first President to give a radio address in Spanish, the President has also worked to strengthen the alliance of the North American nations through active participation during the Summit of the Americas.

President Bush has successfully strived to replace Washington culture

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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of gridlock with several notable bipartisan accomplishments on very tough issues, ranging from economy to education to defense spending.

Mr. Speaker, I believe his first 180 days have revealed to us an active and committed Presidential agenda that spans both domestic and international concerns while also protecting the interests of America and expanding freedom, trade, prosperity, and hope. I wish to congratulate the President this afternoon.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

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

Stir our spirits, O Lord, that we may praise You with full attention and be whole-hearted in all the tasks You set before us this day.

Over the weekend You have renewed us in faith and love. With others who see Your deeds unfolding in our history and in every act of justice and kindness we have gathered and offered You praise. With family and friends we gathered at table and You renewed us in the bonds that hold us faithful and fill us with gratitude. Bless those who have blessed us. Be close to those most in need of Your compassion and love.

Fear of You, O Lord, is the beginning of wisdom. Make us truly wise. As we begin our works of truth and justice guide us to grow in understanding, for our hearts are fixed on Your faithful promise that You will be with us now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE 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 an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2311. An act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 2311) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUE, Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, and Mr. STEVENS, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, July 20, 2001:

H.R. 2216, making supplemental appropriations for the fiscal year ending September 30, 2001.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 2001.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U. S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 20, 2001 at 3:32 p.m.

That the Senate agreed to conference report H.R. 2216.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

COMMUNICATION FROM THE CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the

Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, July 20, 2001.

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

DEAR MR. SPEAKER: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on July 18, 2001, in accordance with 40 U.S.C. §606.

Sincerely,

DON YOUNG,
Chairman.

There was no objection.

RAILROAD DISASTERS

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

Mr. GIBBONS. Madam Speaker, last weekend downtown Baltimore was shut down due to the derailment of a freight train carrying hazardous chemicals.

Madam Speaker, just imagine what could have happened if that train was carrying high-level, highly radioactive nuclear waste, the world's most toxic, deadliest material known to man. Thousands of people would have been exposed to not only heavy smoke and soot but to invisible radiation that can kill them as well as any livestock or other crops within the area.

This scenario is not science fiction. The CBS news show "60 Minutes" detailed that train accidents due to track failure are happening at a rate of nearly one every 24 hours. That is a train accident once every day.

The Department of Energy wants to ship nuclear waste on our railways, past our schools, past our hospitals, through our neighborhoods and communities, and past schools and farms.

Madam Speaker, our responsibility is to protect the American public, not endanger them. We cannot allow the DOE to threaten the lives of our constituents.

EMBRYONIC STEM CELL RESEARCH

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

Mr. PENCE. Madam Speaker, as the debate over using Federal funds to support embryonic stem cell research goes forwards, I would urge my colleagues in this Chamber to consider the clear words of Pope John Paul II spoken to our President today, who said in Rome, "Experience is already showing how a tragic coarsening of consciences accompanies the assault on innocent life in the womb, leading to the accommodation and acquiescence in the face of other related evils such as euthanasia, infanticide, and, most recently, proposals for the creation for research

purposes of human embryos, destined to destruction in the process.”

The Pope went on to say, “A free and virtuous society which America aspires to be must reject practices that devalue and violate human life at any stage from conception until natural death.”

May we in this Chamber, Madam Speaker, and our President heed the words of this gentle servant of God.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

MOUNT NEBO WILDERNESS BOUNDARY ADJUSTMENT ACT

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 451) to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 451

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 “Mount Nebo Wilderness Boundary Adjustment Act”.

SEC. 2. BOUNDARY ADJUSTMENTS.

(a) **LANDS REMOVED.**—*The boundary of the Mount Nebo Wilderness is adjusted to exclude the following:*

(1) **MONUMENT SPRINGS.**—*The approximately 8.4 acres of land depicted on the Map as “Monument Springs”.*

(2) **GARDNER CANYON.**—*The approximately 177.8 acres of land depicted on the Map as “Gardner Canyon”.*

(3) **BIRCH CREEK.**—*The approximately 5.0 acres of land depicted on the Map as “Birch Creek”.*

(4) **INGRAM CANYON.**—*The approximately 15.4 acres of land depicted on the Map as “Ingram Canyon”.*

(5) **WILLOW NORTH A.**—*The approximately 3.4 acres of land depicted on the Map as “Willow North A”.*

(6) **WILLOW NORTH B.**—*The approximately 6.6 acres of land depicted on the Map as “Willow North B”.*

(7) **WILLOW SOUTH.**—*The approximately 21.5 acres of land depicted on the Map as “Willow South”.*

(8) **MENDENHALL CANYON.**—*The approximately 9.8 acres of land depicted on the Map as “Mendenhall Canyon”.*

(9) **WASH CANYON.**—*The approximately 31.4 acres of land depicted on the Map as “Wash Canyon”.*

(b) **LANDS ADDED.**—*Subject to valid existing rights, the boundary of the Mount Nebo Wilderness is adjusted to include the approximately 293.2 acres of land depicted on the Map for ad-*

dition to the Mount Nebo Wilderness. The Utah Wilderness Act of 1984 (Public Law 94-428) shall apply to the land added to the Mount Nebo Wilderness pursuant to this subsection.

SEC. 3. MAP.

(a) **DEFINITION.**—*For the purpose of this Act, the term “Map” shall mean the map entitled “Mt. Nebo Wilderness Boundary Adjustment”, numbered 531, and dated May 29, 2001.*

(b) **MAP ON FILE.**—*The Map and the final document entitled “Mount Nebo, Proposed Boundary Adjustments, Parcel Descriptions (See Map #531)” and dated June 4, 2001, shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture.*

(c) **CORRECTIONS.**—*The Secretary of Agriculture may make technical corrections to the Map.*

SEC. 4. TECHNICAL BOUNDARY ADJUSTMENT.

The boundary of the Mount Nebo Wilderness is adjusted to exclude the approximately 21.26 acres of private property located in Andrews Canyon, Utah, and depicted on the Map as “Dale”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Madam Speaker, H.R. 451, the Mount Nebo Wilderness Boundary Adjustment Act, was introduced by the gentleman from Utah (Mr. HANSEN), who also serves as the chairman for the Committee on Resources, to resolve an ongoing dispute over access to several small water systems located in a Forest Service wilderness area in Juab County, Utah.

In 1984, Congress passed the Utah Wilderness Act, which designated 800,000 acres of wilderness on Forest Service lands in Utah. One of those areas was the Mount Nebo wilderness area. Unfortunately, due to a clerical error, several small water systems, springs, pipelines, and collection boxes were erroneously included in the wilderness boundary. These water systems supplied the towns of Nephi and Mona, Utah, with most of its culinary water. Because of the wilderness designation, access to these systems was restricted, even for routine maintenance. Since that time, these systems have deteriorated due to lack of that very needed maintenance.

After years of trying to reach a solution through administrative means, Juab County and the Forest Service concluded that a legislative boundary adjustment was necessary to exclude these water developments and the private inholdings in that area. This bill, Madam Speaker, accomplishes that purpose.

In the Committee on Resources an amendment was accepted which reduced the number of acres impacted by nearly one-third. The committee also removed water language that some found objectionable. The committee made additional adjustments to in-

clude roadless Forest Service lands as wilderness to compensate for the lands removed, resulting in a net increase of 13 acres to the 800,000 acre previously designated wilderness area. The end result is that Nehi City and the Town of Mona will have access to their historic water developments, private inholdings have been removed from the wilderness area, and the Forest Service will have a wilderness area with less human intrusion and fewer access issues.

Madam Speaker, I urge the passage of H.R. 451.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. MCGOVERN. Madam Speaker, H.R. 451 would adjust the boundaries of the Mount Nebo wilderness on the Uinta National Forest in Utah by removing approximately 279 acres and adding approximately 293 acres. The nine parcels to be excluded from wilderness include mines, private property, and water transmission and storage facilities.

Under existing law, water system operator permittees must get permission from the Regional Forester to maintain their systems by motorized access. Complying with stringent guidelines for wilderness management, the Forest Service has not routinely granted these requests. H.R. 451 addresses the difficulties encountered by these operators by “cherry stemming” these areas out of the wilderness.

While amendments in committee significantly improve the bill, it still lacks language that would restrict motorized use in areas removed from wilderness to repairing or maintaining existing facilities operating under current special use permits. Without this language, H.R. 451 could lead to more widespread use of motorized vehicles in and around the wilderness and make boundary management difficult.

We believe changes to wilderness boundaries and management should not be made lightly or done routinely. Wilderness bills are the result of lengthy, carefully crafted negotiations. Areas included and excluded from wilderness are rarely accidental. Legislation that overrides the Wilderness Act undermines the Act and degrades wilderness value. H.R. 451 addresses a unique situation, and we will not object to it. However, we hope it will not serve as precedent for future modifications to congressionally designated wilderness boundaries. We also hope that, rather than moving bills that remove land from the National Wilderness Preservation System, the committee will focus on moving bills that add significant acreage of wilderness to the system.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 451, as amended.

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

A motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN BLM DESIGNATING LANDS IN CARSON CITY, NEVADA

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 271) to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center.

The Clerk read as follows:

H.R. 271

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

SECTION 1. CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA.

(a) CONVEYANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Carson City, Nevada, without consideration, all right, title, and interest of the United States in the property described as Government lot 1 in sec. 8, T. 15 N., R. 20 E., Mount Diablo Meridian, as shown on the Bureau of Land Management official plat approved October 28, 1996, containing 4.48 acres, more or less, and assorted uninhabitable buildings and improvements.

(b) USE.—The conveyance of the property under subsection (a) shall be subject to reversion to the United States if the property is used for a purpose other than the purpose of a senior assisted living center or a related public purpose.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Madam Speaker, I introduced H.R. 271 to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada for use as a senior citizen center.

Madam Speaker, the Carson City Senior Center was established in 1972 to provide a venue where seniors with limited mobility could have access to a senior center, an assisted living center, and an adult day care center in one condensed area. The center has expanded to the point that the land is required to extend it further to accommodate the growing demand for its services.

□ 1415

The land adjacent to the center is former Bureau of Land Management property which has been vacant since 1997 and is completely surrounded by property owned by Carson City. The BLM has moved into a new office and is fully supportive of the land conveyance.

Madam Speaker, H.R. 271 is a non-controversial bill which has strong support from local and State officials, as well as the residents of Carson City, Nevada. I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

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

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

Madam Speaker, H.R. 271 directs the Bureau of Land Management to donate a piece of Federal property in Carson City, Nevada, to the city for use as a senior citizen's assisted living center. The four-acre parcel has been vacant since 1997 when the BLM ceased using it as a vehicle and supply storage facility and is adjacent to an existing senior center.

Carson City applied to acquire the property under the Recreation and Public Purposes Act, but the residential nature of the proposed center does not qualify under the act.

Given the prohibitive expense to the community were they forced to purchase the property, as well as the valuable purpose for which they intend to use the land, this transfer appears to be appropriate. Importantly, the legislation specifies that the property will revert to Federal ownership if it ever ceases to be used as a senior center.

Madam Speaker, we support passage of H.R. 271, and I commend the gentleman from Nevada (Mr. GIBBONS) for his work on this bill.

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

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

Madam Speaker, let me add in final remarks on this bill that Carson City is one of the fastest growing senior populations in the State of Nevada, and they have long outgrown the existing senior center, as we have already talked about.

The land we are discussing here is approximately 4.5 acres. It was formerly used for storage space by the BLM in Nevada, and has been long since vacated. It is conveniently located next to a long-term senior assisted living center that is much needed. The BLM, as I said earlier, is very much in support of this legislation. This is a great opportunity for the Federal Government to build upon their good neighbor status in the Western States by conveying this land to the City of Carson City.

Madam Speaker, I thank the leadership for bringing this bill to a vote

today, the gentleman from Colorado (Mr. HEFLEY), the gentleman from Utah (Mr. HANSEN), and the gentleman from Massachusetts (Mr. MCGOVERN). Also, I thank the staff who has worked hard to get this bill passed, including our staff, Mr. Matt Stroia, who is with us today. I urge an aye vote on the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 271.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FURTHER PROTECTIONS FOR WATERSHED OF LITTLE SANDY RIVER

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 427) to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

The Clerk read as follows:

H.R. 427

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

SECTION 1. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) IN GENERAL.—Public Law 95-200 (16 U.S.C. 482b note; 91 Stat. 1425) is amended by striking section 1 and inserting the following:

“SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

“(a) DEFINITION OF SECRETARY.—In this Act, the term ‘Secretary’ means—

“(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

“(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon, comprising approximately 98,272 acres, as depicted on a map dated May 2000 and entitled ‘Bull Run Watershed Management Unit’.

“(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of—

“(A) the Regional Forester-Pacific Northwest Region of the Forest Service; and

“(B) the Oregon State Director of the Bureau of Land Management.

“(3) BOUNDARY ADJUSTMENTS.—The Secretary may periodically make such minor adjustments in the boundaries of the unit as

are necessary, after consulting with the city and providing for appropriate public notice and hearings.”

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECRETARY.—Public Law 95-200 (16 U.S.C. 482b note; 91 Stat. 1425) is amended by striking “Secretary of Agriculture” each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting “Secretary”.

(2) APPLICABLE LAW.—

(A) IN GENERAL.—Section 2(a) of Public Law 95-200 (16 U.S.C. 482b note; 91 Stat. 1425) is amended by striking “applicable to National Forest System lands” and inserting “applicable to land under the administrative jurisdiction of the Forest Service (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)”.

(B) MANAGEMENT PLANS.—The first sentence of section 2(c) of Public Law 95-200 (16 U.S.C. 482b note; 91 Stat. 1426) is amended—

(i) by striking “subsection (a) and (b)” and inserting “subsections (a) and (b)”; and

(ii) by striking “, through the maintenance” and inserting “(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance”.

SEC. 2. MANAGEMENT.

(a) TIMBER CUTTING RESTRICTIONS.—Section 2(b) of Public Law 95-200 (16 U.S.C. 482b note; 91 Stat. 1426) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the unit, as designated in section 1 and depicted on the map referred to in that section.”

(b) REPEAL OF MANAGEMENT EXCEPTION.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208) is amended by striking section 606 (110 Stat. 3009-543).

(c) REPEAL OF DUPLICATIVE ENACTMENT.—Section 1026 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) WATER RIGHTS.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 3. LAND RECLASSIFICATION.

(a) OREGON AND CALIFORNIA RAILROAD LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall identify any Oregon and California Railroad land that is subject to the distribution provision of title II of the Act of August 28, 1937 (43 U.S.C. 1181f), within the boundary of the special resources management area described in section 1 of Public Law 95-200 (as amended by section 1(a)).

(b) PUBLIC DOMAIN LAND.—

(1) DEFINITION OF PUBLIC DOMAIN LAND.—

(A) IN GENERAL.—In this subsection, the term “public domain land” has the meaning given the term “public land” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) EXCLUSION.—The term “public domain land” does not include any land managed under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) IDENTIFICATION.—Not later than 18 months after the date of enactment of this

Act, the Secretary of the Interior shall identify public domain land within the Medford, Roseburg, Eugene, Salem, and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management in the State of Oregon that—

(A) is approximately equal in acreage and condition as the land identified in subsection (a); but

(B) is not subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(c) MAPS.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register 1 or more maps depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—After providing an opportunity for public comment, the Secretary of the Interior shall administratively reclassify—

(1) the land described in subsection (a), as public domain land (as the term is defined in subsection (b)) that is not subject to the distribution provision of title II of the Act of August 28, 1937 (43 U.S.C. 1181f); and

(2) the land described in subsection (b), as Oregon and California Railroad land that is subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 4. FUNDING FOR ENVIRONMENTAL RESTORATION.

There is authorized to be appropriated to carry out, in accordance with section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1101 note; 112 Stat. 2681-290), watershed restoration that protects or enhances water quality, or relates to the recovery of endangered species or threatened species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), in Clackamas County, Oregon, \$10,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Madam Speaker, H.R. 427 was introduced by the gentleman from Oregon (Mr. BLUMENAUER) and would extend the boundary of the Bull Run Management Unit on U.S. Forest Service land near Portland, Oregon, to include the hydrologic boundary of the Little Sandy Watershed.

The Little Sandy has been identified as a potential source of drinking water by the City of Portland. As part of the Bull Run Management Unit, the Little Sandy would receive permanent management safeguards to protect the area's water supplies. The legislation would generally prohibit the cutting of trees in the Little Sandy.

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

Madam Speaker, I reserve the balance of my time.

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

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

Madam Speaker, H.R. 427 would permanently protect approximately 2,900

acres of the Mount Hood National Forest near Portland, Oregon. By adding the Little Sandy Watershed to the Bull Run Watershed Management Unit, the bill would prevent access and timber harvesting in this important watershed. The Little Sandy Watershed is 25 miles east of Portland and adjacent to the Bull Run Watershed, which is the primary municipal water supply for Portland.

Since 1892, when the area was protected by Presidential proclamation, the area has been protected through various measures. In 1977, the 95,000-acre Bull Run Watershed Management Unit was established by Public Law 95-200 to protect the watershed and plan for municipal water use. In 1993, the Northwest Forest Plan provided additional protection by restricting timber harvests in sensitive areas.

In 1996, Congress passed the Oregon Resources Conservation Act which gave the Little Sandy Watershed temporary protection.

Madam Speaker, this bill affords permanent protection for this significant resource, and I join with my colleague from Nevada in commending the gentleman from Oregon (Mr. BLUMENAUER) for his work on this bill both in the last Congress and this Congress, and urge my colleagues to support the bill.

Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the courtesy of the gentleman from Massachusetts in yielding me time and his support and also thank the gentleman from Nevada (Mr. GIBBONS). I thank the chair of the Committee on Natural Resources, the gentleman from Utah (Mr. HANSEN); the forest subcommittee chairman, the gentleman from Colorado (Mr. MCINNIS); and the ranking member, the gentleman from Washington (Mr. INSLEE), for their support and swift passage of this legislation.

Madam Speaker, we introduced the Little Sandy Protection Act to provide important protections for this sensitive watershed. This Little Sandy Protection Act enjoys broad bipartisan support of the Oregon delegation in both this House and the other body, and is strongly backed by local organizations, including the City of Portland. No resource is more fundamental to the livability of our communities than safe, clean drinking water. This legislation will help protect water quality and quantity for a million residents, not just in the city of Portland but throughout the Portland metropolitan area who drink the Bull Run water today and are counting on it for future generations.

This watershed, which stretches across three congressional districts, provides our region with its cleanest and most reliable source of drinking water. In fact, Portland is one of only two American metropolitan areas that provide fresh, untreated water to citizens due to the high quality of the

fresh water that is available. This legislation helps protect the supply not just of the water, but also being sensitive to the fragile fish habitat that has been a concern for people in our region.

It also recognizes the natural significance of this area. President Teddy Roosevelt signed into law protections for the Bull Run Reserve over 97 years ago, and this measure brings us full circle by extending the boundary of the management unit to include the entire hydrologic boundary of the Little Sandy Watershed, another 2,800 acres. This expansion is critical to secure water quality for potential drinking water for the metropolitan area for years to come.

Madam Speaker, the bill before us is the product of many years of discussion and deliberation amongst all parties concerned, and it is something that I began with former Senator Hatfield when I first joined this body. The bill provides additional protections for endangered salmon, it protects water quality, it maintains the integrity of the ONC county funding, and it authorizes Clackamas County to seek additional watershed restoration projects of \$10 million that relate to the Endangered Species Act and water quality improvement.

Madam Speaker, I strongly urge my colleagues to vote in favor of H.R. 427, the Little Sandy Protection Act. It is the product of years of work, and it will pay dividends for years to come.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 427.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 451, H.R. 271, and H.R. 427, the three bills just considered.

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

There was no objection.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2215) to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2215

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 “21st Century Department of Justice Appropriations Authorization Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002

Sec. 101. Specific sums authorized to be appropriated.

Sec. 102. Appointment of additional assistant United States attorneys; reduction of certain litigation positions.

TITLE II—PERMANENT ENABLING PROVISIONS

Sec. 201. Permanent authority.

Sec. 202. Permanent authority relating to enforcement of laws.

Sec. 203. Notifications and reports to be provided simultaneously to committees.

Sec. 204. Miscellaneous uses of funds; technical amendments.

Sec. 205. Technical and miscellaneous amendments to Department of Justice authorities; authority to transfer property of marginal value; recordkeeping; protection of the Attorney General.

Sec. 206. Oversight; waste, fraud, and abuse of appropriations.

Sec. 207. Enforcement of Federal criminal laws by Attorney General.

Sec. 208. Counterterrorism fund.

TITLE III—MISCELLANEOUS

Sec. 301. Repealers.

Sec. 302. Technical amendments to title 18 of the United States Code.

Sec. 303. Required submission of proposed authorization of appropriations for the Department of Justice for fiscal year 2003.

Sec. 304. Review of the Department of Justice.

Sec. 305. Study of untested rape examination kits.

Sec. 306. Report on DCS1000 (“Carnivore”).

Sec. 307. Study of allocation of litigating attorneys.

TITLE IV—VIOLENCE AGAINST WOMEN

Sec. 401. Short title.

Sec. 402. Establishment of Violence Against Women Office.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002

SEC. 101. SPECIFIC SUMS AUTHORIZED TO BE APPROPRIATED.

There are authorized to be appropriated for fiscal year 2002, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$93,433,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$178,499,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$55,000,000, which shall include for each such fiscal year, not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$566,822,000, which shall include for each such fiscal year—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals; and

(B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$140,973,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,346,289,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$3,507,109,000, which shall include for each such fiscal year—

(A) not to exceed \$1,250,000 for construction, to remain available until expended; and

(B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$626,439,000, which shall include for each such fiscal year not to exceed \$6,621,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,662,710,000.

(10) FEDERAL PRISONER DETENTION.—For the support of United States prisoners in non-Federal institutions, as authorized by section 4013(a) of title 18 of the United States Code: \$724,682,000, to remain available until expended.

(11) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,480,929,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(12) IMMIGRATION AND NATURALIZATION SERVICE.—For the Immigration and Naturalization Service: \$3,516,411,000, which shall include—

(A) not to exceed \$2,737,341,000 for salaries and expenses of enforcement and border affairs (i.e., the Border Patrol, deportation, intelligence, investigations, and inspection programs, and the detention program);

(B) not to exceed \$650,660,000 for salaries and expenses of citizenship and benefits (i.e., programs not included under subparagraph (A));

(C) for each such fiscal year, not to exceed \$128,410,000 for construction, to remain available until expended; and

(D) not to exceed \$50,000 to meet unforeseen emergencies of a confidential character.

(13) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$156,145,000 to remain available until expended, which shall include for each such fiscal year not to exceed \$6,000,000 for construction of protected witness safesites.

(14) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$338,106,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(15) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,130,000.

(16) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,269,000.

(17) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,949,000 for expenses authorized by section 524 of title 28, United States Code.

(18) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$10,862,000.

(19) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,718,000.

(20) JOINT AUTOMATED BOOKING SYSTEM.—For expenses necessary for the operation of the Joint Automated Booking System: \$15,957,000.

(21) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$104,606,000.

(22) RADIATION EXPOSURE COMPENSATION.—For administrative expenses in accordance with the Radiation Exposure Compensation Act: \$1,996,000.

(23) COUNTERTERRORISM FUND.—For the Counterterrorism Fund for necessary expenses, as determined by the Attorney General: \$4,989,000.

(24) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: \$116,369,000.

SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS; REDUCTION OF CERTAIN LITIGATION POSITIONS.

(a) APPOINTMENTS.—Not later than September 30, 2003, the Attorney General shall exercise authority under section 542 of title 28, United States Code, to appoint 200 assistant United States attorneys in addition to the number of assistant United States attorneys serving on the date of the enactment of this Act.

(b) SELECTION OF APPOINTEES.—Individuals first appointed under subsection (a) may be appointed from among attorneys who are incumbents of 200 full-time litigation positions in divisions of the Department of Justice and whose official duty station is at the seat of Government.

(c) TERMINATION OF POSITIONS.—Each of the 200 litigation positions that become vacant by reason of an appointment made in accordance with subsections (a) and (b) shall be terminated at the time the vacancy arises.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE II—PERMANENT ENABLING PROVISIONS

SEC. 201. PERMANENT AUTHORITY.

(a) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

“§ 530C. Authority to use available funds

“(a) IN GENERAL.—Except to the extent provided otherwise by law, the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof) may, in the reasonable discretion of the Attorney General, be carried out through any means, including—

“(1) through the Department’s own personnel, acting within, from, or through the Department itself;

“(2) by sending or receiving details of personnel to other branches or agencies of the Federal Government, on a reimbursable, partially-reimbursable, or nonreimbursable basis;

“(3) through reimbursable agreements with other Federal agencies for work, materials, or equipment;

“(4) through contracts, grants, or cooperative agreements with non-Federal parties; and

“(5) as provided in subsection (b), in section 524, and in any other provision of law consistent herewith, including, without limitation, section 102(b) of Public Law 102-395 (106 Stat. 1838), as incorporated by section 815(d) of Public Law 104-132 (110 Stat. 1315).

“(b) PERMITTED USES.—

“(1) GENERAL PERMITTED USES.—Funds available to the Attorney General (i.e., all

funds available to carry out the activities described in subsection (a)) may be used, without limitation, for the following:

“(A) The purchase, lease, maintenance, and operation of passenger motor vehicles, or police-type motor vehicles for law enforcement purposes, without regard to general purchase price limitation for the then-current fiscal year.

“(B) The purchase of insurance for motor vehicles, boats, and aircraft operated in official Government business in foreign countries.

“(C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.

“(D) Official reception and representation expenses (i.e., official expenses of a social nature intended in whole or in predominant part to promote goodwill toward the Department or its missions, but excluding expenses of public tours of facilities of the Department of Justice), in accordance with distributions and procedures established, and rules issued, by the Attorney General, and expenses of public tours of facilities of the Department of Justice.

“(E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.

“(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

“(G) In accordance with procedures established and rules issued by the Attorney General—

“(i) attendance at meetings and seminars;

“(ii) conferences and training; and

“(iii) advances of public moneys under section 3324 of title 31: *Provided*, That travel advances of such moneys to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.

“(H) Contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

“(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and rules issued by the Attorney General.

“(J) Expenses or allowances for uniforms as authorized by section 5901 of title 5, but without regard to the general purchase price limitation for the then-current fiscal year.

“(K) Expenses of—

“(i) primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents; and

“(ii) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.

“(2) SPECIFIC PERMITTED USES.—

“(A) AIRCRAFT AND BOATS.—Funds available to the Attorney General for United

States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

“(B) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, for the Federal Prison System, for the Office of the Inspector General, and for the Immigration and Naturalization Service may be used for—

“(i) the purchase of ammunition and firearms; and

“(ii) participation in firearms competitions.

“(C) CONSTRUCTION.—Funds available to the Attorney General for construction may be used for expenses of planning, designing, acquiring, building, constructing, activating, renovating, converting, expanding, extending, remodeling, equipping, repairing, or maintaining buildings or facilities, including the expenses of acquisition of sites therefor, and all necessary expenses incident or related thereto; but the foregoing shall not be construed to mean that funds generally available for salaries and expenses are not also available for certain incidental or minor construction, activation, remodeling, maintenance, and other related construction costs.

“(3) FEES AND EXPENSES OF WITNESSES.—Funds available to the Attorney General for fees and expenses of witnesses may be used for—

“(A) expenses, mileage, compensation, protection, and per diem in lieu of subsistence, of witnesses (including advances of public money) and as authorized by section 1821 or other law, except that no witness may be paid more than 1 attendance fee for any 1 calendar day;

“(B) fees and expenses of neutrals in alternative dispute resolution proceedings, where the Department of Justice is a party; and

“(C) construction of protected witness safesites.

“(4) FEDERAL BUREAU OF INVESTIGATION.—Funds available to the Attorney General for the Federal Bureau of Investigation for the detection, investigation, and prosecution of crimes against the United States may be used for the conduct of all its authorized activities.

“(5) IMMIGRATION AND NATURALIZATION SERVICE.—Funds available to the Attorney General for the Immigration and Naturalization Service may be used for—

“(A) acquisition of land as sites for enforcement fences, and construction incident to such fences;

“(B) cash advances to aliens for meals and lodging en route;

“(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

“(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

“(6) FEDERAL PRISON SYSTEM.—Funds available to the Attorney General for the Federal Prison System may be used for—

“(A) inmate medical services and inmate legal services, within the Federal prison system;

“(B) the purchase and exchange of farm products and livestock;

“(C) the acquisition of land as provided in section 4010 of title 18; and

“(D) the construction of buildings and facilities for penal and correctional institutions (including prison camps), by contract or force account, including the payment of United States prisoners for their work performed in any such construction; except that no funds may be used to distribute or make available to a prisoner any commercially published information or material that is sexually explicit or features nudity.

“(7) DETENTION TRUSTEE.—Funds available to the Attorney General for the Detention Trustee may be used for all the activities of such Trustee in the exercise of all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service and to the detention of aliens in the custody of the Immigration and Naturalization Service, including the overseeing of construction of detention facilities or for housing related to such detention, the management of funds appropriated to the Department for the exercise of detention functions, and the direction of the United States Marshals Service and the Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department of Justice.

“(C) RELATED PROVISIONS.—

“(1) LIMITATION OF COMPENSATION OF INDIVIDUALS EMPLOYED AS ATTORNEYS.—No funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

“(2) REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.—Funds available to the Attorney General that are paid as reimbursement to a governmental unit of the Department of Justice, to another Federal entity, or to a unit of State or local government, may be used under authorities available to the unit or entity receiving such reimbursement.”

(b) CONFORMING AMENDMENT.—The table of sections of chapter 31 of title 28, United States Code, is amended by adding at the end the following:

“530C. Authority to use available funds.”

SEC. 202. PERMANENT AUTHORITY RELATING TO ENFORCEMENT OF LAWS.

(a) IN GENERAL.—Chapter 31 of title 28, United States Code (as amended by section 201), is amended by adding at the end the following:

“§ 530D. Report on enforcement of laws

“(a) REPORT.—

“(1) IN GENERAL.—The Attorney General shall submit to the Congress a report of any instance in which the Attorney General or any officer of the Department of Justice—

“(A) establishes or implements a formal or informal policy to refrain—

“(i) from enforcing, applying, or administering any provision of any Federal statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer on the grounds that such provision is unconstitutional; or

“(ii) within any judicial jurisdiction of or within the United States, from adhering to, enforcing, applying, or complying with, any standing rule of decision (binding upon courts of, or inferior to those of, that juris-

dition) established by a final decision of any court of, or superior to those of, that jurisdiction, respecting the interpretation, construction, or application of the Constitution or of any statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer;

“(B) determines—

“(i) to contest affirmatively, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law; or

“(ii) to refrain from defending or asserting, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law, or not to appeal or request review of any judicial, administrative, or other determination adversely affecting the constitutionality of any such provision; or

“(C) approves (other than in circumstances in which a report is submitted to the Joint Committee on Taxation, pursuant to section 6405 of the Internal Revenue Code of 1986) the settlement or compromise (other than in bankruptcy) of any claim, suit, or other action—

“(i) against the United States (including any agency or instrumentality thereof) for a sum that exceeds, or is likely to exceed, \$2,000,000; or

“(ii) by the United States (including any agency or instrumentality thereof) pursuant to an agreement, consent decree, or order (or pursuant to any modification of an agreement, consent decree, or order) that provides injunctive or other nonmonetary relief that exceeds, or is likely to exceed, 3 years in duration.

“(2) SUBMISSION OF REPORT TO THE CONGRESS.—For the purposes of paragraph (1), a report shall be considered to be submitted to the Congress if the report is submitted to—

“(A) the majority leader and minority leader of the Senate;

“(B) the Speaker, majority leader, and minority leader of the House of Representatives;

“(C) the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives and the chairman and ranking minority member of the Committee on the Judiciary of the Senate; and

“(D) the Senate Legal Counsel and the General Counsel of the House of Representatives.

“(b) DEADLINE.—A report shall be submitted—

“(1) under subsection (a)(1)(A), not later than 30 days after the establishment or implementation of each policy;

“(2) under subsection (a)(1)(B), within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but in no event later than 30 days after the making of each determination; and

“(3) under subsection (a)(1)(C), not later than 30 days after the conclusion of each fiscal-year quarter, with respect to all approvals occurring in such quarter.

“(c) CONTENTS.—A report required by subsection (a) shall—

“(1) specify the date of the establishment or implementation of the policy described in subsection (a)(1)(A), of the making of the determination described in subsection (a)(1)(B), or of each approval described in subsection (a)(1)(C);

“(2) include a complete and detailed statement of the relevant issues and background (including a complete and detailed state-

ment of the reasons for the policy or determination, and the identity of the officer responsible for establishing or implementing such policy, making such determination, or approving such settlement or compromise), except that—

“(A) such details may be omitted as may be absolutely necessary to prevent improper disclosure of national-security- or classified information, or of any information subject to the deliberative-process-, executive-, attorney-work-product-, or attorney-client privileges, if the fact of each such omission (and the precise ground or grounds thereof) is clearly noted in the statement: Provided, That this subparagraph shall not be construed to deny to the Congress (including any House, Committee, or agency thereof) any such omitted details (or related information) that it lawfully may seek, subsequent to the submission of the report; and

“(B) the requirements of this paragraph shall be deemed satisfied—

“(i) in the case of an approval described in subsection (a)(1)(C)(i), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the legal and factual basis or bases for the settlement or compromise (if not apparent on the face of documents provided); and

“(ii) in the case of an approval described in subsection (a)(1)(C)(ii), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the injunctive or other nonmonetary relief (if not apparent on the face of documents provided); and

“(3) in the case of a determination described in subsection (a)(1)(B) or an approval described in subsection (a)(1)(C), indicate the nature, tribunal, identifying information, and status of the proceeding, suit, or action.

“(d) DECLARATION.—In the case of a determination described in subsection (a)(1)(B), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any position expressed as to the constitutionality of the provision involved is the position of the executive branch of the Federal Government (or, as applicable, of the President or of any executive agency or military department).

“(e) APPLICABILITY TO THE PRESIDENT AND TO EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department of Justice shall apply to the President and the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code), that establishes or implements a policy described in subsection (a)(1)(A) or is authorized to conduct litigation, and to the officers of such executive agency.”

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 31 of title 28, United States Code (as amended by section 201), is amended by adding at the end the following:

“530D. Report on enforcement of laws.”

(2) Section 712 of Public Law 95-521 (92 Stat. 1883) is amended by striking subsection (b).

(3) Not later than 30 days after the date of the enactment of this Act, the President shall advise the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) of the enactment of this section.

(4)(A) Not later than 90 days after the date of the enactment of this Act, the Attorney

General (and, as applicable, the President and the head of any executive agency or military department described in subsection (e) of section 530D of title 28, United States Code, as added by subsection (a)) shall submit to Congress a report (in accordance with subsections (a), (c), and (e) of such section) on—

(i) all policies described in subsection (a)(1)(A) of such section that were established or implemented before the date of the enactment of this Act and were in effect on such date; and

(ii) all determinations described in subsection (a)(1)(B) of such section that were made before the date of the enactment of this Act and were in effect on such date.

(B) If a determination described in subparagraph (A)(ii) relates to any judicial, administrative, or other proceeding that is pending in the 90-day period beginning on the date of the enactment of this Act, with respect to any such determination, then the report required by this paragraph shall be submitted within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but not later than 30 days after the date of the enactment of this Act.

SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED SIMULTANEOUSLY TO COMMITTEES.

If the Attorney General or any officer of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof) is required by any Act (which shall be understood to include any request or direction contained in any report of a committee of the Congress relating to an appropriations Act or in any statement of managers accompanying any conference report agreed to by the Congress) to provide a notice or report to any committee or subcommittee of the Congress (other than both the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate), then such Act shall be deemed to require that a copy of such notice or report be provided simultaneously to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL AMENDMENTS.

(a) BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 504(a) by striking “502” and inserting “501(b)”;

(2) in section 506(a)(1) by striking “participating”;

(3) in section 510—

(A) in subsection (a)(3) by striking “502” inserting “501(b)”;

(B) by adding at the end the following:

“(d) No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide any security enhancements or any equipment to any non-governmental entity that is not engaged in law enforcement or law enforcement support, criminal or juvenile justice, or delinquency prevention.”; and

(4) in section 511 by striking “503” inserting “501(b)”.

(b) ATTORNEYS SPECIALLY RETAINED BY THE ATTORNEY GENERAL.—The 3d sentence of section 515(b) of title 28, United States Code, is amended by striking “at not more than \$12,000”.

SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS TO DEPARTMENT OF JUSTICE AUTHORITIES; AUTHORITY TO TRANSFER PROPERTY OF MARGINAL VALUE; RECORDKEEPING; PROTECTION OF THE ATTORNEY GENERAL.

(a) Section 524 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting “to the Attorney General” after “available”;

(2) in paragraph (c)(1)—

(A) by striking the semicolon at the end of the 1st subparagraph (I) and inserting a period;

(B) by striking the 2d subparagraph (I);

(C) by striking “(A)(iv), (B), (F), (G), and (H)” in the 1st sentence following the 2d subparagraph (I) and inserting “(B), (F), and (G)”;

(D) by striking “fund” in the 3d sentence following the 2d subparagraph (I) and inserting “Fund”;

(3) in paragraph (c)(2)—

(A) by striking “for information” each place it appears; and

(B) by striking “\$250,000” the 2d and 3d places it appears and inserting “\$500,000”;

(4) in paragraph (c)(3) by striking “(F)” and inserting “(G)”;

(5) in paragraph (c)(5) by striking “Fund which” and inserting “Fund, that”;

(6) in subsection (c)(8)(A) by striking “(A)(iv), (B), (F), (G), and (H)” and inserting “(B), (F), and (G)”;

(7) in subsection (c)(9)(B)—

(A) by striking “year 1997” and inserting “years 2002 and 2003”; and

(B) by striking “Such transfer shall not” and inserting “Each such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred, but no such transfer shall”.

(b) Section 522 of title 28, United States Code, is amended by inserting “(a)” before “The”, and by inserting at the end the following:

“(b) With respect to any data, records, or other information acquired, collected, classified, preserved, or published by the Attorney General for any statistical, research, or other aggregate reporting purpose beginning not later than 1 year after the date of enactment of 21st Century Department of Justice Appropriations Authorization Act and continuing thereafter, and notwithstanding any other provision of law, the same criteria shall be used (and shall be required to be used, as applicable) to classify or categorize offenders and victims (in the criminal context), and to classify or categorize actors and acted upon (in the noncriminal context).”

(c) Section 534(a)(3) of title 28, United States Code, is amended by adding “and” after the semicolon.

(d) Section 509(3) of title 28, United States Code, is amended by striking the 2d period.

(e) Section 533(2) of title 28, United States Code, is amended by inserting “or the person of the Attorney General” after “President”.

SEC. 206. OVERSIGHT; WASTE, FRAUD, AND ABUSE OF APPROPRIATIONS.

(a) Section 529 of title 28, United States Code, is amended by inserting “(a)” before “Beginning”, and by adding at the end the following:

“(b) Notwithstanding any provision of law limiting the amount of management or administrative expenses, the Attorney General shall, not later than May 2, 2003, and of every year thereafter, prepare and provide to the Committees on the Judiciary and Appropriations of each House of the Congress using funds available for the underlying programs—

“(1) a report identifying and describing every grant, cooperative agreement, or pro-

grammatic services contract that was made, entered into, awarded, or extended, in the immediately preceding fiscal year, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services), and including, without limitation, for each such grant, cooperative agreement, or contract: the term, the dollar amount or value, a complete and detailed description of its specific purpose or purposes, the names of all parties, the names of each unsuccessful applicant or bidder (and a complete and detailed description of the specific purpose or purposes proposed of the application or bid), except that such description may be summary with respect to each application or bid having a total value of less than \$350,000; and

“(2) a report identifying and reviewing every grant, cooperative agreement, or programmatic services contract made, entered into, awarded, or extended after October 1, 2002, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services) that was closed out or that otherwise ended in the immediately preceding fiscal year (or even if not yet closed out, was terminated or otherwise ended in the fiscal year that ended 2 years before the end of such immediately preceding fiscal year), and including, without limitation, for each such grant, cooperative agreement, or contract: a complete and detailed description of how the appropriated funds involved actually were spent, complete and detailed statistics relating to its performance, its specific purpose or purposes, and its effectiveness, and a written declaration by each non-Federal grantee and each non-Federal party to such agreement or to such contract, that—

“(A) the appropriated funds were spent for such purpose or purposes, and only such purpose or purposes;

“(B) the terms of the grant, cooperative agreement, or contract were complied with; and

“(C) all documentation necessary for conducting a full and proper audit under generally accepted accounting principles, and any (additional) documentation that may have been required under the grant, cooperative agreement, or contract, have been kept in orderly fashion and will be preserved for not less than 3 years from the date of such close out, termination, or end; except that the requirement of this paragraph shall be deemed satisfied with respect to any such description, statistics, or declaration if such non-Federal grantee or such non-Federal party shall have failed to provide the same to the Attorney General, and the Attorney General notes the fact of such failure and the name of such grantee or such party in the report.”

(b) Section 1913 of title 18, United States Code, is amended by striking “to favor” and inserting “a jurisdiction, or an official of any government, to favor, adopt,” by inserting “, law, ratification, policy,” after “legislation” every place it appears, by striking “by Congress” the 2d place it appears, by inserting “or such official” before “, through the proper”, by inserting “, measure,” before “or resolution”, by striking “Members of Congress on the request of any Member” and inserting “any such Member or official, at his request,” by striking “for legislation” and inserting “for any legislation”, and by moving “, being an officer or employee of the United States or of any department or agency thereof,” to immediately after “; and”.

(c) Section 1516(a) of title 18, United States Code, is amended by inserting “, entity, or program” after “person”, and by inserting “grant, or cooperative agreement,” after “subcontract,”.

(d) Section 112 of title I of section 101(b) of division A of Public Law 105-277 (112 Stat. 2681-67) is amended by striking "fiscal year" and all that follows through "Justice—", and inserting "any fiscal year the Attorney General—".

(e) Section 2320(f) of title 18, United States Code, is amended—

(1) by striking "title 18" each place it appears and inserting "this title"; and

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by inserting "(1)" after "(f)"; and

(4) by adding at the end the following:

"(2) The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:

"(A) The number of infringement cases involving specific types of works, such as audiovisual works, sound recordings, business software, video games, books, and other types of works.

"(B) The number of infringement cases involving an online element.

"(C) The number and dollar amounts of fines assessed in specific categories of dollar amounts, such as up to \$500, from \$500 to \$1,000, from \$1,000 to \$5,000, from \$5,000 to \$10,000, and categories above \$10,000.

"(D) The amount of restitution awarded.

"(E) Whether the sentences imposed were served."

SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY ATTORNEY GENERAL.

Section 535 of title 28, United States Code, is amended in subsections (a) and (b), by replacing "title 18" with "Federal criminal law", and in subsection (b), by replacing "or complaint" with "matter, or complaint witnessed, discovered, or", and by inserting "or the witness, discoverer, or recipient, as appropriate," after "agency,".

SEC. 208. COUNTERTERRORISM FUND.

(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—The amendment made by subsection (a) shall not affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. REPEALERS.

(a) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—Chapter 319 of title 18, United States Code, is amended by striking section 4353.

(b) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES MARSHALS

SERVICE.—Section 561 of title 28, United States Code, is amended by striking subsection (i).

(c) REPEAL OF VIOLENT CRIME REDUCTION TRUST FUND.—

(1) REPEALER.—Section 310001 of Public Law 103-322 is repealed.

(2) CONFORMING AMENDMENTS.—

(A) TITLE 31 OF THE UNITED STATES CODE.—Title 31 of the United States Code is amended—

(i) in section 1321(a) by striking paragraph (91), and

(ii) in section 1105(a) by striking paragraph (30).

(B) AVAILABILITY OF FUNDS.—(i) Section 210603 of the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. 922 note) is amended by striking subsection (a).

(ii) Section 13(a) of Public Law 91-383 (16 U.S.C. 1a-7a(a)) is amended by striking "out of the Violent Crime Reduction Trust Fund,".

(iii) Section 6(h)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460-8(h)(1)) is amended by striking ", and from amounts appropriated out of the Violent Crime Reduction Trust Fund,".

(iv) Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ", of which" and all that follows through "2000".

(v) Sections 808 and 823 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1310, 1317) are repealed.

(vi) The Drug-Free Prisons and Jails Act of 1998 (42 U.S.C. 3751 note) is amended by striking section 118.

(vii) Section 401(e) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2).

SEC. 302. TECHNICAL AMENDMENTS TO TITLE 18 OF THE UNITED STATES CODE.

Title 18 of the United States Code is amended—

(1) in section 4041 by striking "at a salary of \$10,000 a year";

(2) in section 4013—

(A) in subsection (a)—

(i) by replacing "the support of United States prisoners" with "Federal prisoner detention";

(ii) in paragraph (2) by adding "and" after "hire";

(iii) in paragraph (3) by replacing "entities; and" with "entities."; and

(iv) in paragraph (4) by inserting "The Attorney General, in support of Federal prisoner detainees in non-Federal institutions, is authorized to make payments, from funds appropriated for State and local law enforcement assistance, for" before "entering"; and

(B) by redesignating—

(i) subsections (b) and (c) as subsections (c) and (d); and

(ii) paragraph (a)(4) as subsection (b), and subparagraphs (A), (B), and (C), of such paragraph (a)(4) as paragraphs (1), (2), and (3) of such subsection (b); and

(3) in section 209(a)—

(A) by striking "or makes" and inserting "makes"; and

(B) by striking "supplements the salary of, any" and inserting "supplements, the salary of any".

SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE FOR FISCAL YEAR 2003.

When the President submits to the Congress the budget of the United States Government for fiscal year 2003, the President shall simultaneously submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate such proposed legislation authorizing appropriations for the Depart-

ment of Justice for fiscal year 2003 as the President may judge necessary and expedient.

SEC. 304. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF DEPUTY INSPECTOR GENERAL FOR THE FEDERAL BUREAU OF INVESTIGATION.—The Inspector General of the Department of Justice shall appoint a Deputy Inspector General for the Federal Bureau of Investigation who shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2004.

(b) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Congress a plan for oversight of the Federal Bureau of Investigation. The Inspector General shall consider the following activities for inclusion in such plan:

(1) FINANCIAL SYSTEMS.—Auditing the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation.

(2) PROGRAMS AND PROCESSES.—Auditing and evaluating programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action.

(3) INTERNAL AFFAIRS OFFICES.—Reviewing the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility.

(4) PERSONNEL.—Investigating allegations of serious misconduct by personnel of the Federal Bureau of Investigation.

(5) OTHER PROGRAMS AND OPERATIONS.—Reviewing matters relating to any other program or operation of the Federal Bureau of Investigation that the Inspector General determines requires review.

(6) RESOURCES.—Identifying resources needed by the Inspector General to implement such plan.

(c) REVIEW OF ATTORNEY GENERAL ORDER.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall—

(1) review Attorney General Order 1931-94 (signed November 8, 1994); and

(2) submit to the Congress a report stating whether the Attorney General intends to rescind, to modify, or to take no action affecting such order.

SEC. 305. STUDY OF UNTESTED RAPE EXAMINATION KITS.

The Attorney General shall conduct a study to assess and report to Congress the number of untested rape examination kits that currently exist nationwide and shall submit to the Congress a report containing a summary of the results of such study. For the purpose of carrying out such study, the Attorney General shall attempt to collect information from all law enforcement jurisdictions in the United States.

SEC. 306. REPORT ON DCS 1000 ("CARNIVORE").

Not later than 30 days after the end of fiscal years 2001 and 2002, the Attorney General and the Director of the Federal Bureau of Investigation shall provide to the Judiciary Committees of the House of Representatives and Senate a report detailing—

(1) the number of times DCS 1000 (or any similar system or device) was used for surveillance during the preceding fiscal year;

(2) the Department of Justice official or officials who approved each use of DCS 1000 (or any similar system or device);

(3) the criteria used by the Department of Justice officials to review requests to use DCS 1000 (or any similar system or device);

(4) a complete description of the process used to submit, review, and approve requests

to use DCS 1000 (or any similar system or device);

(5) the specific statutory authority relied on to use DCS 1000 (or any similar system or device);

(6) the court that authorized each use of DCS 1000 (or any similar system or device);

(7) the number of orders, warrants, or subpoenas applied for, to authorize the use of DCS 1000 (or any similar system or device);

(8) the fact that the order, warrant, or subpoena was granted as applied for, was modified, or was denied;

(9) the offense specified in the order, warrant, subpoena, or application;

(10) the nature of the facilities from which, or the place where the contents of, electronic communications were to be disclosed; and

(11) any information gathered or accessed that was not authorized by the court to be gathered or accessed.

SEC. 307. STUDY OF ALLOCATION OF LITIGATING ATTORNEYS.

Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit a report to the chairman and ranking minority member of the Committees on the Judiciary of the House of Representatives and Committee on the Judiciary of the Senate, detailing the distribution or allocation of appropriated funds, attorneys and other personnel, per-attorney workloads, and number of cases opened and closed, for each Office of United States Attorney and each division of the Department of Justice except the Justice Management Division.

TITLE IV—VIOLENCE AGAINST WOMEN

SEC. 401. SHORT TITLE.

This title may be cited as the "Violence Against Women Office Act".

SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2002(d)(3)—

(A) by striking "section 2005" and inserting "section 2008"; and

(B) by striking "section 2006" and inserting "section 2009";

(2) by redesignating sections 2002 through 2006 as sections 2005 through 2009, respectively; and

(3) by inserting after section 2001 the following:

"SEC. 2002. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.

"(a) OFFICE.—There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Violence Against Women Office (in this part referred to as the 'Office').

"(b) DIRECTOR.—The Office shall be headed by a Director (in this part referred to as the 'Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney General through the Assistant Attorney General, and shall make reports to the Deputy Attorney General as the Director deems necessary to fulfill the mission of the Office. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this part.

"SEC. 2003. DUTIES AND FUNCTIONS OF DIRECTOR OF VIOLENCE AGAINST WOMEN OFFICE.

"(a) IN GENERAL.—The Director shall have the following duties:

"(1) Serving as special counsel to the Attorney General on the subject of violence against women.

"(2) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.

"(3) Providing information to the President, the Congress, the judiciary, State and local governments, and the general public on matters relating to violence against women.

"(4) Serving, at the request of the Attorney General or Assistant Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.

"(5) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.

"(6) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103-322) and the amendments made by that Act, and other functions of the Department of Justice on matters relating to violence against women, including with respect to those functions—

"(A) the development of policy, protocols, and guidelines;

"(B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and

"(C) the award and termination of grants, cooperative agreements, and contracts.

"(7) Providing technical assistance, coordination, and support to—

"(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;

"(B) other Federal, State, and tribal agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and

"(C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.

"(8) Exercising such other powers and functions as may be vested in the Director pursuant to this part or by delegation of the Attorney General or Assistant Attorney General.

"(9) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

"SEC. 2004. STAFF OF VIOLENCE AGAINST WOMEN OFFICE.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the Director's responsibilities under this part."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous

material on H.R. 2215, the bill currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act which authorizes appropriation for the Department of Justice and its components for fiscal year 2002, establishes permanent enabling authorities for the Department, makes several minor and technical improvements to various statutes affecting the Department, requires certain reports be made to Congress, and establishes a permanent Violence Against Women's Office within the Office of Justice Programs at the Department.

This bill was favorably reported by the Committee on the Judiciary on June 20 by voice vote. The legislation is cosponsored by the committee's ranking minority member, the gentleman from Michigan (Mr. CONYERS) and enjoys broad, bipartisan support.

Madam Speaker, the Department of Justice and its various components wields tremendous power and influence. It has an annual budget exceeding \$24 billion and has in excess of 125,000 employees. The Department has ultimate responsibility for the enforcement of all Federal criminal laws, including those regarding terrorism. It enforces our Nation's antitrust laws, civil rights laws, immigration and naturalization laws, environmental statutes, tax laws, and numerous other Federal statutes. The lawyers at the Department of Justice represent the government in most types of actions, civil and criminal. And it provides legal advice to the President of the United States and the departments and agencies of the Federal Government. In short, the vast majority of legal questions in litigations addressed by the Federal Government are reviewed and handled by the Department of Justice.

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This great power and responsibility can be a tremendous force for good throughout the Nation and the world. Also, abuse, misuse, and neglect of this power can have detrimental effects that reverberate throughout this country. The Department of Justice is unlike any other department or agency of the Federal Government because its job is providing justice to all. Thus it must be held to the highest standards. Because of its importance, Congress should be fully engaged in oversight of the Department. Unfortunately, Congress has not done a good job of oversight of the Department in the past and needs to do much better.

Further, Congress has neglected its basic responsibility for the last 20 years by failing to authorize the programs within the Department of Justice. It is shameful that the last bill

authorizing appropriations for the Department was signed into law by President Carter on November 30, 1979. The last serious effort to authorize the Department was undertaken by my predecessor, the gentleman from Illinois (Mr. HYDE), during the 105th Congress, but the other body failed to act on that legislation. Congress must do a much better job in overseeing the many departments and agencies that make up the Federal Government, and today this House will take a giant leap forward in that effort by authorizing the DOJ and its components.

One reason the Department needs increased oversight is its size. In 1993, the budget authority for the Department was \$11.3 billion. Today, it exceeds \$24 billion. In 1993, the Department had 90,600 authorized positions. Today it has 35,000 more. In 1993, the Immigration and Naturalization Service had over \$1.5 billion in budget authority and over 18,000 authorized positions. Today the INS has over \$5 billion in budget authority and 33,500 authorized positions.

I doubt that many Members or their constituents would argue that the increased funding and staffing at the INS has improved its operations appreciably. I would feel the opposite. Another area of exponential growth at the Department has been its grant-making authority. In 1993, the Office of Justice Programs distributed almost \$1 billion in grants. In fiscal year 2001, the Department will distribute more than \$5 billion. This growth of budget authority and responsibility cries out for congressional oversight. This bill takes us in that direction.

Title I of the bill authorizes appropriations for the major components of the Justice Department for fiscal year 2002. While President Bush's budget provides a breather from the hefty increases the Department has seen over the last decade, this budget still includes promising initiatives, such as new funding for the INS to help secure our borders, new funding for the FBI to combat terrorism and cybercrime, and new funding for the DEA to improve its efforts to fight the scourge of drugs and violence. The authorization mirrors the President's request except in two areas. First, the committee increased the President's request for the DOJ Inspector General by \$10 million. This is necessary because the committee is concerned about the severe downsizing of that office and the need for oversight, particularly of the FBI, at the Department.

H.R. 2215 does not contain an authorization for appropriations for several unauthorized grant programs. The Committee on the Judiciary will review each of these expired programs and authorize them as needed. The committee has already done this for the Juvenile Justice Block Grants program which I am hopeful that the House will consider in the coming weeks.

Madam Speaker, title III contains an important provision establishing with-

in the office of DOJ Inspector General a deputy IG for FBI oversight whose sole job will be to coordinate and be responsible for overseeing the programs and operations of the Bureau. This position is necessary because of the recent spy scandal, the FBI's failure to comply with the document disclosure agreement in the McVeigh case, and now the revelation about missing firearms and computers at our Nation's number one law enforcement agency. These problems cry out for attention, and I believe there needs to be one person in the IG's office whose sole focus is to review FBI operations.

As I have already mentioned, the bill increases the authorization for the office of Inspector General by \$10 million above the President's proposed budget. This office has been severely downsized over the last several years from approximately 460 to 360 full-time equivalents. I believe that Congress has been penny-wise and pound foolish in this regard. We should spend a little bit more time, effort, and money on oversight and a little less on other bloated DOJ programs. I would urge the conferees in the DOJ appropriation bill to adequately fund the new responsibilities that have been given to the IG.

H.R. 2215 requires the IG to submit an oversight plan for the FBI to the Congress and requires the Attorney General to review Attorney General Reno's order numbered 1931-94. Coincidentally, Attorney General Ashcroft overturned this order on July 11, a day after the report to H.R. 2215 was filed in the House. Now the DOJ Inspector General has full authority over both the FBI and DEA. Passage of this bill will help the new Director and the Attorney General make needed improvements to this prestigious agency.

The bill also authorizes a Violence Against Women Office within the Justice Department. This provision was offered in committee by the gentleman from Wisconsin (Ms. BALDWIN). The VAWO would be headed by a director who is appointed by the President and confirmed by the Senate.

In addition, title IV enumerates duties and responsibilities of the Director and requires the Attorney General to ensure the VAWO is adequately staffed. Since its adoption in committee, this provision has been changed to ensure that it may utilize the existing bureaucracy that already exists at the Office of Justice Programs. As originally drafted, the VAWO would have had to establish its own grant making office and administrative offices. The director of VAWO will report to the Assistant Attorney General but may report to the Deputy Attorney General on such matters as she deems appropriate. I appreciate the work of the gentleman from Wisconsin (Ms. BALDWIN) and her willingness to ensure that this office works properly within the existing bureaucracy at the Department.

Finally, Madam Speaker, I would like to highlight one other provision of this bill. It contains an important pro-

vision that directs the Department of Justice to submit all reports it is required to submit, including reprogramming notices and transfer requests, to the Committee on the Judiciary in addition to any other committee. This will clearly help the Committee on the Judiciary conduct oversight of the Department. This provision is necessary because several years ago, the Committee on Appropriations slipped an amendment into their bill denying the House and Senate Judiciary Committees the ability to receive reprogramming and transfer notices, notices which were routinely sent to the committees from 1979 through 1996. This has diminished our ability to conduct oversight over the Department, and I believe has hurt the Department of Justice. It takes more than just the Committee on Appropriations to conduct oversight over the DOJ. The Committee on the Judiciary has a large role to play, and it should not be denied needed information by another committee.

Madam Speaker, H.R. 2215 is a giant step in the right direction, but more needs to be done. We do not tackle every problem facing the Department by this legislation. However, we do address several, and I am sure we will address more next year during the fiscal year 2003 process. The Committee on the Judiciary will continue to review the programs and operations of the Department of Justice and will hold it to the highest standards of professionalism and integrity. Congress ratifies that process by its action here today.

I particularly want to acknowledge the work of the members of the committee, particularly the gentleman from Michigan (Mr. CONYERS) and his staff who have sat through numerous sessions with majority staff and Department of Justice officials. We all should be proud of this comprehensive bill.

I urge all Members to support this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this legislation, H.R. 2215, and thank the chairman and the ranking member of the Committee on the Judiciary for doing an act, if you will, that has not been done in more than 20 years, and, that is, authorizing the Department of Justice. I rise in support of this bill and commend the chairman and the ranking member for not only defending the Committee on the Judiciary's jurisdiction but also for working in a bipartisan manner.

The committee has not authorized the Department of Justice in more than 20 years, instead permitting the appropriators to decide the DOJ programs that should be authorized and for how much. Needless to say, this puts a serious cramp in the committee's critical oversight duties and as

well the vision for the laws that guide America and the concept that we are a Nation of laws as well as a Nation of people.

To remedy this, the chairman worked with the Democratic staff and the Justice Department to draft H.R. 2215. Aside from fixing errors in the law, H.R. 2215 is the voice of the committee in progress, I would say, on how the Justice Department should be funded. For example, this bill tracks our request that the Civil Rights Division receive \$101.8 million for fiscal year 2002. There are many issues, of course, that are of interest to us dealing with those, and I will discuss those issues as I proceed in this discussion.

Among the things they will fund will be FACE enforcement that is extremely important, that is, legislation that adheres to the rules and the guidance of our civil rights. The bill also creates a separate and statutory office for the administration of the Violence Against Women Act. The new Violence Against Women Act will raise the profile of VAWA issues and make it easier to distribute grants to combat domestic and other forms of violence against women. In particular, this was an effort by the Democrats on the Committee on the Judiciary, and we worked in a bipartisan way to secure this. I am interested, however, in making sure that we include in this office the oversight of violence against college students, women on college campuses, which has been a rising statistic. We should ensure that date rape that occurs mostly on college campuses is part of the efforts of this office and of course the Violence Against Women Act.

That being said, the bill, of course, has many good points to it, but it is not perfect. For instance, it does not touch on an all-important DOJ grant program such as COPS, but it is a useful starting point and a precursor to what I hope will be more active committee involvement in the running of the Justice Department. There are many of our Members who wholeheartedly endorse the COPS program and as we move through the appropriations process we are hoping that authorizers and appropriators will see the benefit of funding the COPS program and working with it in a strong and productive manner.

I would say the chairman and the ranking member of the House Committee on the Judiciary have contacted Senate Judiciary Chairman LEAHY and Senator HATCH about this bill, and I believe there may be a reasonable opportunity to pass this legislation in the other body. We want this to be a unanimous effort of both bodies to be able to authorize the DOJ for the first time in 20 years.

Let me emphasize the importance of the full funding of the Office of Civil Rights of the Department of Justice. Over the years, those who have had diminished civil rights in this country starting with the civil rights move-

ment and before *Brown v. Topeka* Board of Education through the Supreme Court decisions have worked their way through the Department of Justice. As we saw the accommodations of this country be desegregated in the schools, the Department of Justice was a fixture in helping to ensure the civil rights of all Americans. It is crucial that the Civil Rights Division is funded in this time because of the very important issues covering racial profiling and voter rights enforcement. Needless to say, the issues that occurred in Florida are symptomatic of what is occurring across the country as we have had hearings to emphasize that our electoral system, our voting system, is in fact broken. In most instances in minority and poor communities, there is poor equipment, there is poor education, there are untrained workers across the Nation, and we need to ensure that the Office of Civil Rights is involved in voting rights enforcement and, as well, the fixing of the election system in America.

Let me also add an additional insight, even though I know it is covered by the oversight committees dealing with the United States military. I have had conversations with military personnel on bases who have argued that they have not gotten information, outreach information about voter registration, absentee balloting, and so we are leaving the men and women who offer their lives every day on our behalf out of the realm of expressing their desires in a democratic process. We must ensure that the U.S. military, as well, is covered by any laws and any remedies that we have in changing the voter laws of this Nation to ensure there is no discrimination and, as well, that there is outreach and that every single vote is counted. The full funding of the Civil Rights Division does that.

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Let me also applaud and suggest that we are, if you will, gratified for the enhanced funding of the Inspector General's Office. The Inspector General's Office does many things. The \$10 million I believe we have authorized will help it do its job better. In particular, as we look at our responsibilities of oversight over the FBI, the terrible issues dealing with the spy case, lost weapons, lost files, requires great insight into these agencies to make them what they should be.

I am pleased that we are still remembering the importance of the Community Relations Office. Having come from Texas and being aware of some of the strife that we face in our communities, and when I say from Texas, I am particularly pointing to the tragedy of the James Byrd crisis and killing that we had more than 2 years ago, I am pleased that that office is still functioning, and would hope that, through the appropriations process, it can have a higher funding.

Looking at the juvenile justice area, I have noted that the statistics show

that juvenile crime has gone down. It is crucial that we not only authorize the program dealing with juvenile justice, in particular the Office of Juvenile Delinquency Programs to be a preventive arm in our system of justice, but that we ensure that it reaches out to the hamlets and cities and counties around the Nation. Our children are our most important asset, and I believe that it is extremely important that we fund those programs.

Might I add that I secured an amendment to the Commerce-State-Justice appropriations bill that would not eliminate the opportunity for our communities to promote voluntary trigger locks to ensure that we have added gun safety and protect our young people, and I am gratified that we do not have an authorizing bill that would prohibit such.

Let me conclude, Madam Speaker, by indicating the areas of disappointment that I have. Yes, we have made improvements in the INS; and we realize there is need for greater improvement. For example, we need to restructure the INS so there is a balance between enforcement and service.

As we have heard the discussions of the administration over the last couple of weeks, we have heard a promotion of amnesty for certain groups of individuals. I believe that the Committee on the Judiciary should take the leadership in working with various aspects of our caucuses and both bodies to ensure a consensus immigration policy that provides access to legalization to many, many groups, and not just one particular group. For those of us who have fought for amnesty for hard-working, tax-paying immigrants, we know that it is bad to deny them health care, it is bad to deny them education, and it certainly is bad to isolate immigrants from one group to the next. So I am disappointed we were not able to include in this authorization \$3 million for legal services for individuals who are seeking access to legalization, who have no access to the services of lawyers to be able to pursue their legal rights in the right way.

If this country is a country of immigrants and a country of laws, I think it is extremely important that we provide that.

I also believe we have individuals seeking asylum on the basis of persecution, and we therefore should have alternatives to detention. These are not individuals accused of violent crimes but have come here because of persecution, slavery, abuse in their nation, and we are incarcerating them like they are common criminals.

I believe, however, as we move toward making sure that the Department of Justice is the kind of agency we all would like, we can do so in a bipartisan manner; and these issues that I have raised can be worked out on the Committee on the Judiciary, House and Senate, and as we proceed through this Congressional session. Therefore, I would ask that my colleagues would enthusiastically support H.R. 2215.

I rise in support of this bill and commend the Chairman not only for defending the Judiciary Committee's jurisdiction but also for his bipartisanship. The Committee has not authorized the Department of Justice in more than 20 years, instead permitting the appropriators to decide what DOJ programs should be authorized and for how much. Needless to say, this puts a serious cramp in the Committee's critical oversight duties.

To remedy this, the Chairman worked with the Democratic staff and the Justice Department to draft H.R. 2215. Aside from fixing errors in the law, H.R. 2215 is the voice of the Committee on how the Justice Department should be funded. For example, this bill tracks our request that the Civil Rights Division receive \$101.8 million for fiscal year 2002. Among other things, these funds will be used for voting rights and police brutality investigations and FACE enforcement.

The bill also creates a separate and statutory office for the administration of the Violence Against Women Act. The new Violence Against Women Office will raise the profile of VAWA issues and make it easier to distribute grants to combat domestic and other forms of violence against women.

That being said, the bill is not perfect. For instance, it does not touch on all-important DOJ grant programs such as COPS. But it is a useful starting point and a precursor to what I hope will be more active Committee involvement in the running of the Justice Department.

Finally, the Chairman and the Ranking Member of the House Judiciary Committee have contacted Senate Judiciary Chairman LEAHY and Senator HATCH about this bill and believe there may be a reasonable opportunity to pass this legislation in the other body.

I urge my colleagues to vote "yes" on this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I rise in support of the Department of Justice Reauthorization act. I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and his staff for their hard work on this bill.

I would also like to bring to the Members' attention a specific provision, one of many, but a specific provision that was added in the Committee on the Judiciary by the gentlewoman from Wisconsin (Ms. BALDWIN), which is also stand-alone legislation introduced by the gentlewoman from New York (Ms. SLAUGHTER) and myself as H.R. 28. By including this provision, we have another opportunity to strengthen the Federal Government's commitment to helping victims of domestic violence, sexual assault, and stalking.

The Violence Against Women Office Act, as amended to this bill, would make the Violence Against Women Office permanent and provide it with a Presidentially appointed and Senate-confirmed director. This office does much more than administer grants. It also expertly implements programs and offers Federal, State, and local governments critical assistance in policy

making to combat all forms of violence against women.

The Director's ability, as set out under this bill, to report directly to the Deputy Attorney General demonstrates the essential commitment of the Federal Government and this administration to incorporating strong policies against domestic violence, sexual assault, and stalking.

Again, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for working with the advocates to maintain this provision in H.R. 2215 and for his support for maintaining and fully funding the Violence Against Women Act grants within the Department of Justice.

I urge my colleagues to vote for this measure.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I simply want to thank the gentlewoman from Maryland (Mrs. MORELLA) for her leadership on the issues of violence against women.

I conclude, Madam Speaker, by thanking the chairman of the committee and the ranking member for their leadership on this legislation. I ask for passage of H.R. 2215.

Ms. SLAUGHTER. Madam Speaker, I am pleased to rise in support of H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act, which includes a provision to statutorily create a permanent Violence Against Women Office within the Department of Justice.

Currently, the Violence Against Women Office is responsible for coordinating the training of judges, law enforcement and prosecutors in responding to victims of domestic violence, stalking and assault. Among other responsibilities, it works with states and localities to provide a coordinated community response to domestic violence and establishes public education initiatives to heighten national awareness of domestic violence as a crime. Unfortunately, the office only exists by administrative order and could be abolished at any time.

As we begin a new century, violence against women remains a national problem. At present, approximately 4.9 million domestic physical assaults take place against women annually in the United States. There are also 1.1 million protective or restraining orders obtained by victims of intimate partner rape, physical assault, and stalking annually. And finally, \$22.3 billion in criminal and legal costs are incurred by domestic violence victims each year.

In response to these statistics, I introduced H.R. 28, the Violence Against Women Office Act, which would establish the Office permanently in statute. I am proud to report that the bill currently has 148 cosponsors. With overwhelming bipartisan support, this language was included as an amendment to H.R. 2215 by the members of the House Judiciary Committee.

Establishing the Violence Against Women Office permanently within the Department of Justice responds to the growing problem of domestic violence and ensures the continued coordination of support, education, and assistance initiatives from the national to the community level.

As the members of House Judiciary Committee have recognized by including the language of H.R. 28 as an amendment to this bill, the need for a permanent Violence against Women Office is strong. Moreover, without the security of a statute, the continuation of the Office's important work is threatened. Today, we have the opportunity to change that.

Domestic violence is nothing less than an epidemic and must be attacked with all the resources we would bring to bear against a deadly disease. I therefore urge my colleagues to support H.R. 2215, which includes a provision to establish the Violence Against Women Office permanently in statute.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2215, as amended.

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

A motion to reconsider was laid on the table.

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2137) to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure, as amended.

The Clerk read as follows:

H.R. 2137

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 "Criminal Law Technical Amendments Act of 2001".

SEC. 2. TECHNICAL AMENDMENTS RELATING TO CRIMINAL LAW AND PROCEDURE.

(a) MISSING AND INCORRECT WORDS.—

(1) CORRECTION OF GARBLED SENTENCE.—Section 510(c) of title 18, United States Code, is amended by striking "fine of under this title" and inserting "fine under this title".

(2) INSERTION OF MISSING WORDS.—Section 981(d) of title 18, United States Code, is amended by striking "proceeds from the sale of this section" and inserting "proceeds from the sale of such property under this section".

(3) CORRECTION OF INCORRECT WORD.—Sections 1425 through 1427, 1541 through 1544 and 1546(a) of title 18, United States Code, are each amended by striking "to facility" and inserting "to facilitate".

(4) CORRECTING ERRONEOUS AMENDATORY LANGUAGE ON EXECUTED AMENDMENT.—Effective on the date of the enactment of Public Law 103-322, section 60003(a)(13) of such public law is amended by striking "\$1,000,000 or imprisonment" and inserting "\$1,000,000 and imprisonment".

(5) INSERTION OF MISSING WORD.—Section 2326 of title 18, United States Code, is amended by inserting "section" before "2322b".

(6) CORRECTION OF REFERENCE TO SHORT TITLE OF LAW.—That section 2332d(a) of title

18, United States Code, which relates to financial transactions is amended by inserting "of 1979" after "Export Administration Act".

(7) **ELIMINATION OF TYPO.**—Section 1992(b) of title 18, United States Code, is amended by striking "term or years" and inserting "term of years".

(8) **SPELLING CORRECTION.**—Section 2339A(a) of title 18, United States Code, is amended by striking "or an escape" and inserting "of an escape".

(9) **SECTION 3553.**—Section 3553(e) of title 18, United States Code, is amended by inserting "a" before "minimum".

(10) **MISSPELLING IN SECTION 205.**—Section 205(d)(1)(B) of title 18, United States Code, is amended by striking "groups's" and inserting "group's".

(11) **CONFORMING CHANGE AND INSERTING MISSING WORD IN SECTION 709.**—The paragraph in section 709 of title 18, United States Code, that begins with "A person who" is amended—

(A) by striking "A person who" and inserting "Whoever"; and

(B) by inserting "or" after the semicolon at the end.

(12) **ERROR IN LANGUAGE BEING STRICKEN.**—Effective on the date of its enactment, section 726(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended—

(A) in subparagraphs (C) and (E), by striking "section" the first place it appears; and

(B) in subparagraph (G), by striking "relating to" the first place it appears.

(b) **MARGINS, PUNCTUATION, AND SIMILAR ERRORS.**—

(1) **MARGIN ERROR.**—Section 1030(c)(2) of title 18, United States Code, is amended so that the margins of subparagraph (B) and each of its clauses, are moved 2 ems to the left.

(2) **CORRECTING CAPITALIZATION IN LANGUAGE TO BE STRICKEN.**—Effective on the date of its enactment, section 607(g)(2) of the Economic Espionage Act of 1996 is amended by striking "territory" and inserting "Territory".

(3) **CORRECTING PARAGRAPHING.**—The material added to section 521(a) of title 18, United States Code, by section 607(q) of the Economic Espionage Act of 1996 is amended to appear as a paragraph indented 2 ems from the left margin.

(4) **SUBSECTION PLACEMENT CORRECTION.**—Section 1513 of title 18, United States Code, is amended by transferring subsection (d) so that it appears following subsection (c).

(5) **INSERTION OF PARENTHETICAL DESCRIPTIONS.**—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended—

(A) by inserting "(relating to certain killings in Federal facilities)" after "930(c)";

(B) by inserting "(relating to wrecking trains)" after "1992"; and

(C) by striking "2332c".

(6) **CORRECTION TO ALLOW FOR INSERTION OF NEW SUBPARAGRAPH AND CORRECTION OF ERRONEOUS INDENTATION.**—Section 1956(c)(7) of title 18, United States Code, is amended—

(A) in subparagraph (B)(ii), by moving the margin 2 ems to the right;

(B) by striking "or" at the end of subparagraph (D);

(C) by striking the period at the end of subparagraph (E) and inserting "; or"; and

(D) in subparagraph (F), by striking "Any" and inserting "any".

(7) **CORRECTION OF CONFUSING SUBDIVISION DESIGNATION.**—Section 1716 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph, by inserting "(j)(1)" before "Whoever";

(B) in the second undesignated paragraph—

(i) by striking "not more than \$10,000" and inserting "under this title"; and

(ii) by inserting "(2)" at the beginning of that paragraph;

(C) by inserting "(3)" at the beginning of the third undesignated paragraph; and

(D) by redesignating subsection (j) as subsection (k).

(8) **PUNCTUATION CORRECTION IN SECTION 1091.**—Section 1091(b)(1) of title 18, United States Code, is amended by striking "subsection (a)(1)," and inserting "subsection (a)(1)".

(9) **PUNCTUATION CORRECTION IN SECTION 2311.**—Section 2311 of title 18, United States Code, is amended by striking the period after "carcasses thereof" the second place that term appears and inserting a semicolon.

(10) **SYNTAX CORRECTION.**—Section 115(b)(2) of title 18, United States Code, is amended by striking ", attempted kidnapping, or conspiracy to kidnap a person" and inserting "or attempted kidnapping of, or a conspiracy to kidnap, a person".

(11) **CORRECTING CAPITALIZATION IN SECTION 982.**—Section 982(a)(8) of title 18, United States Code, is amended by striking "Court" and inserting "court".

(12) **PUNCTUATION CORRECTIONS IN SECTION 1029.**—Section 1029 of title 18, United States Code, is amended—

(A) in subsection (c)(1)(A)(ii), by striking "(9)," and inserting "(9)"; and

(B) in subsection (e), by adding a semicolon at the end of paragraph (8).

(13) **CORRECTIONS OF CONNECTORS AND PUNCTUATION IN SECTION 1030.**—Section 1030 of title 18, United States Code, is amended—

(A) by striking "and" at the end of subsection (c)(2)(A);

(B) by inserting "and" at the end of subsection (c)(2)(B)(iii);

(C) by striking "; and" at the end of subsection (c)(3)(B) and inserting a period;

(D) by striking the period at the end of subsection (e)(4)(I) and inserting a semicolon; and

(E) by striking "and" at the end of subsection (e)(7).

(14) **CORRECTION OF PUNCTUATION IN SECTION 1032.**—Section 1032(1) of title 18, United States Code, is amended by striking "13," and inserting "13".

(15) **CORRECTION OF PUNCTUATION IN SECTION 1345.**—Section 1345(a)(1) of title 18, United States Code, is amended—

(A) in subparagraph (B), by striking ", or" and inserting "; or"; and

(B) in subparagraph (C), by striking the period and inserting a semicolon.

(16) **CORRECTION OF PUNCTUATION IN SECTION 3612.**—Section 3612(f)(2)(B) of title 18, United States Code, is amended by striking "preceding," and inserting "preceding".

(17) **CORRECTION OF INDENTATION IN CONTROLLED SUBSTANCES ACT.**—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by moving the margin of subparagraph (C) 2 ems to the left.

(c) **ELIMINATION OF REDUNDANCIES.**—

(1) **ELIMINATION OF REDUNDANT PROVISION.**—Section 2516(1) of title 18, United States Code, is amended—

(A) by striking the first paragraph (p); and

(B) by inserting "or" at the end of paragraph (o).

(2) **ELIMINATION OF DUPLICATE AMENDMENTS.**—Effective on the date of its enactment, paragraphs (1), (2), and (4) of section 601(b), paragraph (2) of section 601(d), paragraph (2) of section 601(f), paragraphs (1) and (2) of section 601(j), paragraphs (1) and (2) of section 601(k), subsection (d) of section 602, paragraph (4) of section 604(b), subsection (r) of section 605, and paragraph (2) of section 607(j) of the Economic Espionage Act of 1996 are repealed.

(3) **ELIMINATION OF EXTRA COMMA.**—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(A) by striking "Code,," and inserting "Code,,"; and

(B) by striking "services)," and inserting "services),,".

(4) **REPEAL OF SECTION GRANTING DUPLICATIVE AUTHORITY.**—

(A) Section 3503 of title 18, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3503.

(5) **ELIMINATION OF OUTMODED REFERENCE TO PAROLE.**—Section 929(b) of title 18, United States Code, is amended by striking the last sentence.

(d) **CORRECTION OF OUTMODED FINE AMOUNTS.**—

(1) **IN TITLE 18, UNITED STATES CODE.**—

(A) **IN SECTION 492.**—Section 492 of title 18, United States Code, is amended by striking "not more than \$100" and inserting "under this title".

(B) **IN SECTION 665.**—Section 665(c) of title 18, United States Code, is amended by striking "a fine of not more than \$5,000" and inserting "a fine under this title".

(C) **IN SECTIONS 1924, 2075, 2113(b), AND 2236.**—

(i) Section 1924(a) of title 18, United States Code, is amended by striking "not more than \$1,000," and inserting "under this title".

(ii) Sections 2075 and 2113(b) of title 18, United States Code, are each amended by striking "not more than \$1,000" and inserting "under this title".

(iii) Section 2236 of title 18, United States Code, is amended by inserting "under this title" after "warrant, shall be fined", and by striking "not more than \$1,000".

(D) **IN SECTION 372 AND 752.**—Sections 372 and 752(a) of title 18, United States Code, are each amended by striking "not more than \$5,000" and inserting "under this title".

(E) **IN SECTION 924(e)(1).**—Section 924(e)(1) of title 18, United States Code, is amended by striking "not more than \$25,000" and inserting "under this title".

(2) **IN THE CONTROLLED SUBSTANCES ACT.**—

(A) **IN SECTION 401.**—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended—

(i) in paragraph (1), by striking "and shall be fined not more than \$10,000" and inserting "or fined under title 18, United States Code, or both"; and

(ii) in paragraph (2), by striking "and shall be fined not more than \$20,000" and inserting "or fined under title 18, United States Code, or both".

(B) **IN SECTION 402.**—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended—

(i) in subparagraph (A), by striking "of not more than \$25,000" and inserting "under title 18, United States Code"; and

(ii) in subparagraph (B), by striking "of \$50,000" and inserting "under title 18, United States Code".

(C) **IN SECTION 403.**—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(i) by striking "of not more than \$30,000" each place that term appears and inserting "under title 18, United States Code"; and

(ii) by striking "of not more than \$60,000" each place it appears and inserting "under title 18, United States Code".

(e) **CROSS REFERENCE CORRECTIONS.**—

(1) **SECTION 3664.**—Section 3664(o)(1)(C) of title 18, United States Code, is amended by striking "section 3664(d)(3)" and inserting "subsection (d)(5)".

(2) **CHAPTER 228.**—Section 3592(c)(1) of title 18, United States Code, is amended by striking "section 36" and inserting "section 37".

(3) **CORRECTING ERRONEOUS CROSS REFERENCE IN CONTROLLED SUBSTANCES ACT.**—

Section 511(a)(10) of the Controlled Substances Act (21 U.S.C. 881(a)(10)) is amended by striking "1822 of the Mail Order Drug Paraphernalia Control Act" and inserting "422".

(4) CORRECTION TO REFLECT CROSS REFERENCE CHANGE MADE BY OTHER LAW.—Effective on the date of its enactment, section 601(c)(3) of the Economic Espionage Act of 1996 is amended by striking "247(d)" and inserting "247(e)".

(5) TYPOGRAPHICAL AND TYPEFACE ERROR IN TABLE OF CHAPTERS.—The item relating to chapter 123 in the table of chapters at the beginning of part I of title 18, United States Code, is amended—

(A) by striking "2271" and inserting "2721"; and

(B) so that the item appears in bold face type.

(6) SECTION 4104.—Section 4104(d) of title 18, United States Code, is amended by striking "section 3653 of this title and rule 32(f) of" and inserting "section 3565 of this title and the applicable provisions of".

(7) ERROR IN AMENDATORY LANGUAGE.—Effective on the date of its enactment, section 583 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (111 Stat. 2436) is amended by striking "Section 2401" and inserting "Section 2441".

(8) ERROR IN CROSS REFERENCE TO COURT RULES.—The first sentence of section 3593(c) of title 18, United States Code, is amended by striking "rule 32(c)" and inserting "rule 32".

(9) SECTION 1836.—Section 1836 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "this section" and inserting "this chapter"; and

(B) in subsection (b), by striking "this subsection" and inserting "this section".

(10) CORRECTION OF ERRONEOUS CITE IN CHAPTER 119.—Section 2510(10) of title 18, United States Code, is amended by striking "shall have" and all that follows through "United States Code;" and inserting "has the meaning given that term in section 3 of the Communications Act of 1934;"

(11) ELIMINATION OF OUTMODED CITE IN SECTION 2339A.—Section 2339A(a) of title 18, United States Code, is amended by striking "2332c,"

(12) CORRECTION OF REFERENCES IN AMENDATORY LANGUAGE.—Effective the date of its enactment, section 115(a)(8)(B) of Public Law 105-119 is amended.—

(A) in clause (i)—

(i) by striking "at the end of" and inserting "following"; and

(ii) by striking "paragraph" the second place it appears and inserting "subsection"; and

(B) in clause (ii), by striking "subparagraph (A)" and inserting "clause (i)".

(f) TABLES OF SECTIONS CORRECTIONS.—

(1) CONFORMING TABLE OF SECTIONS TO HEADING OF SECTION.—The item relating to section 1837 in the table of sections at the beginning of chapter 90 of title 18, United States Code, is amended by striking "Conduct" and inserting "Applicability to conduct".

(2) CONFORMING HEADING TO TABLE OF SECTIONS ENTRY.—The heading of section 1920 of title 18, United States Code, is amended by striking "employee's" and inserting "employees".

SEC. 3. ADDITIONAL TECHNICALS.

Title 18, United States Code, is amended—

(1) in section 922(t)(1)(C), by striking "1028(d)(1)" and inserting "1028(d)";

(2) in section 1005—

(A) in the first undesignated paragraph, by striking "Act.," and inserting "Act.,"; and

(B) by inserting "or" at the end of the third undesignated paragraph;

(3) in section 1071, by striking "fine of under this title" and inserting "fine under this title";

(4) in section 1368(a), by inserting "to" after "serious bodily injury";

(5) in section 1956(c)(7)(B)(ii), by inserting "or" at the end thereof;

(6) in section 1956(c)(7)(B)(iii), by inserting a closing parenthesis after "1978";

(7) in subsections (b)(1) and (c) of section 2252A, by striking "paragraphs" and inserting "paragraph"; and

(8) in section 2254(a)(3), by striking the comma before the period at the end.

SEC. 4. REPEAL OF OUTMODED PROVISIONS.

(a) Section 14 of title 18, United States Code, and the item relating thereto in the table of sections at the beginning of chapter 1 of title 18, United States Code, are repealed.

(b) Section 1261 of such title is amended—

(1) by striking "(a) The Secretary" and inserting "The Secretary"; and

(2) by striking subsection (b).

(c) Section 1821 of such title is amended by striking ", the Canal Zone".

(d) Section 3183 of such title is amended by striking "or the Panama Canal Zone,".

(e) Section 3241 of such title is amended by striking "United States District Court for the Canal Zone and the".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2137, as amended.

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

There was no objection.

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

Madam Speaker, during the last half of the 20th century, Congress has expanded the criminal code almost exponentially. According to a study conducted by the Task Force on Federalization of Criminal Law of the Criminal Section of the American Bar Association, more than 40 percent of the Federal criminal provisions enacted since the Civil War have been enacted since 1970. In addition to the increased responsibility placed on Federal law enforcement agencies, this explosion of lawmaking has resulted in the enactment of numerous technical mistakes which litter the criminal code. This legislation corrects those mistakes.

Specifically, H.R. 2137 makes over 60 separate technical changes to various criminal statutes by correcting missing and incorrect words, margins, punctuation, redundancies, outmoded fine amounts, cross references, and other technical and clerical errors.

Madam Speaker, this is not a glamorous bill. No one will issue a press release about its passage or will make it

a plank in one's reelection. But it is important work. Correcting mistakes in the criminal code is important to the thousands of Assistant U.S. Attorneys and Federal law enforcement officials throughout the Nation who rely on the accuracy of the criminal code on a daily basis. No longer will they have to rely on an editor's footnote to guess Congress' true intentions. Furthermore, the placement of a comma is not always trivial. The Supreme Court has reviewed cases because of confusion over Congress' grammatical mistakes, including the mistake in placement of a comma.

Madam Speaker, I would like to thank the three cosponsors of this legislation: the gentleman from Michigan (Mr. CONYERS), the ranking minority member of the committee; the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime; and the gentleman from Virginia (Mr. SCOTT), the ranking minority member of the Subcommittee on Crime.

I would also like to recognize the staff of the Office of Legislative Counsel and Law Revision Counsel who, along with majority and minority staff, spent hours going through each minor change.

I urge Members to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in favor of the bill, H.R. 2137, the Criminal Law Technical Amendments Act of 2001. I am satisfied that the Criminal Law Technical Amendments Act of 2001 is simply what its name implies, a bill involving purely technical amendments to the Federal criminal code.

The bill is cosponsored by the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER); the ranking member, the gentleman from Michigan (Mr. CONYERS); the chairman of the Subcommittee on Crime, the gentleman from Texas (Mr. SMITH); and the ranking member, the gentleman from Virginia (Mr. SCOTT). We thank them for their work.

Committee staff for both sides of the aisle have thoroughly reviewed the provisions of the bill in consultation with government and outside organizations concerned about the Federal criminal code. All agree that these are purely technical amendments which correct mistakes or omissions in the originally enacted language to ensure the smooth process of the criminal justice system. The amendments give the provisions their intended language, therefore clarifying the importance of the distinction needed to ensure justice, thus avoiding possible confusion and misinterpretation.

Accordingly, I support the bill, and I urge my colleagues to do the same.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2137, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

FAMILY SPONSOR IMMIGRATION ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1892) to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked, as amended.

The Clerk read as follows:

H.R. 1892

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, 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 subsection (a)(1) of this Act).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1892, as amended.

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

There was no objection.

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

Madam Speaker, H.R. 1892, the Family Sponsor Immigration Act of 2001, was introduced by the gentleman from California (Mr. CALVERT) and amended in the Committee on the Judiciary by our other colleague, the gentleman from California (Mr. ISSA). I want to thank both of them for bringing to our attention an unintended quirk in the Immigration and Nationality Act that needlessly keeps families separated. I want to thank them for developing this bill, which brings families back together.

Each year the United States provides hundreds of thousands of immigrant visas for spouses and other family members of U.S. citizens and permanent residents. Tragically, each year a number of these U.S. citizens and permanent residents petitioning for their family members will die before the immigration process is complete. Generally, INS regulations provide for the automatic revocation of a petition

when the petitioner dies. The consequences are severe for a beneficiary when his or her petitioner dies before the beneficiary has adjusted status or received an immigrant visa.

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If no other relative can qualify as a petitioner, then the beneficiary would lose an opportunity to become a permanent resident.

For instance, if a petition is revoked because a widowed citizen's father dies after petitioning for an adult unmarried daughter, the daughter would have no living mother to file a new petition. If another relative can file an immigrant visa petition for the beneficiary, the beneficiary would still go to the end of the line if the visa category were numerically limited.

For instance, if the daughter's mother was alive, she could file a new first-family preference petition. However, the daughter would lose the priority date, based upon the time her father's petition had been filed with the INS and would receive a later priority date based upon the filing date of her mother's petition. Given that first-family preference visas are now available to beneficiaries from Mexico with priority dates from April, 1994, and are available to those from the Philippines with priority dates from May, 1988, this can result in a significant additional delay before a visa is available.

Because of the severe consequences of the revocation of a visa petition, INS regulations do allow the Attorney General, in his or her discretion, to determine that, for humanitarian reasons, revocation would be inappropriate and thus complete the unification of a family.

However, there is a complication. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires that when a family member petitions for a relative to receive an immigrant visa, that visa can only be granted if the petitioner signs a legally binding affidavit of support promising to provide for the support of the immigrant. If the petitioner has died, obviously he or she cannot sign that affidavit. Thus, even in cases where the Attorney General feels a humanitarian waiver of the revocation of the visa petition is warranted, under current law a permanent resident visa cannot be granted because the affidavit requirement is unfulfilled.

Madam Speaker, H.R. 1892 solves this dilemma. It simply provides that in cases where the petitioner has died and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family member other than the petitioner would be allowed to sign the necessary affidavit of support. Eligible family members of beneficiaries would include spouses, parents, grandparents, mothers-in-law and fathers-in-law, siblings, adult sons and daughters, adult sons-in-law and daughters-in-law, and grandchildren. Legal guardians would also be eligible.

In order to sign an affidavit of support, the individual would need to meet the general eligibility requirements needed to be an immigrant sponsor. Thus, he or she would need to, first, be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence; second, be at least 18 years of age; third, be domiciled in a State, the District of Columbia, or any territory or possession of the United States; and, fourth, demonstrate the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

Madam Speaker, H.R. 1892 is a humanitarian and pro-family piece of legislation. I would urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support H.R. 1892, and I believe that it is a legislative initiative that speaks to the cornerstone of immigration policy in this Nation: family reunification.

The Family Sponsor Immigration Act of 2001 is a very important immigration bill. With bipartisan support, we are correcting a glitch in the immigration law. As the ranking member of the Subcommittee on Immigration and Claims of the House Committee on the Judiciary, I was pleased to work with the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee, on this legislation, along with the original sponsors of this legislation as well, and I thank them for their service and leadership.

Currently, the Immigration and Nationality Act requires that the same person that petitions for the admission of an immigrant must be the same person who signs the affidavit of support: the sponsor, that person is called. So, if the sponsor dies, current law does not allow someone else to sign the affidavit of support, although they are a legitimate person, although there is no attempt to commit fraud, and that person is unable to adjust his or her status to receive an immigrant visa, even though they have been waiting in a line in a very procedurally correct manner and adhering to the laws of our Nation. Such consequences of the law toward a beneficiary when his or her petitioner dies before the beneficiary has a chance to adjust status or receive an immigrant visa has been and continues to be too harsh.

H.R. 1892 will amend the Immigration Nationality Act to allow an alternative sponsor, a close family member other than the petitioner, as a substitute if the original sponsor of the affidavit of support has died, assuming all other requirements are met.

Additionally, I am very pleased that we were able to work out an agreement that further allows alternative sponsors to be 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, grandparent or grandchild of a sponsored alien or legal guardians of a sponsored alien, all with the idea of reunifying a family.

This bill, H.R. 1892, which has bipartisan support, is important because in the event of the death of the sponsor the beneficiary's application will now be able to have someone else sign the affidavit of support and the beneficiary's application for permanent residency can move forward without losing the beneficiary's priority date, in essence, not having them go to the back of the line and, therefore, delaying them being reunited with their family.

Madam Speaker, I believe this is an important initiative that we have done in a bipartisan way, and I ask my colleagues to support this legislation.

Madam Speaker, H.R. 1892, the Family Sponsor Immigration Act of 2001 is a very important immigration bill. With bipartisan support we are correcting a glitch in the current immigration law.

Currently, the Immigration and Nationality Act requires that the same person that petitions for the admission of an immigrant must be the same person who signs the affidavit of support—the sponsor. So if the sponsor dies, current law does not allow someone else to sign the affidavit of support and that person is unable to adjust his or her status or receive an immigrant visa. Such consequences of the law toward a beneficiary when his or her petitioner dies before the beneficiary has a chance to adjust status or receive an immigrant visa are too harsh.

H.R. 1892 will amend the Immigration and Nationality Act to allow an alternative sponsor—a close family member other than the petitioner—as a substitute if the original sponsor of the affidavit of support has died, assuming all other requirements are met.

H.R. 1892 allows the alternative sponsors to be a: spouse, parent, mother-in-law, father-in-law, daughter-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien.

This bill, H.R. 1892, which has bipartisan support, is important because in the event of the death of the sponsor, the beneficiary's application will now be able to have someone else sign the affidavit of support and the beneficiary's application for permanent residency can move forward without losing the beneficiary's priority date.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. CALVERT), the author of the bill.

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

In January of this year, my office received a letter from a constituent that hit a roadblock in his attempt to be obtain U.S. citizenship. His father, who petitioned for my constituent's permanent U.S. residence over 8 years ago, suddenly passed away. He had long ago filled out the necessary paperwork and paid the required \$1,000 fee.

Last December, my constituent went for his interview with the INS. His paperwork was in order. He was asked if he had ever been in trouble with the law or accepted government assistance. The constituent, who had worked as a manager at a gas station the past 6 years and files his taxes every year, said no. Everything seemed fine. But a week later a letter from the INS came, notifying him that his permanent residence was denied because his petitioner, his father, was dead. Under current law, he has to go back to the end of the line and begin the 8 to 10 year process all over again.

This roadblock only discourages legal immigration. As millions of undocumented immigrants enter this country illegally, law-abiding immigrants like my constituent find that their first interaction with the United States Government is frustrating and confusing. The news of this process surely reaches back to the immigrant's home country. Some might use situations like this as an excuse to forgo the legal process and instead become illegal aliens. This is no way to promote legal immigration.

Madam Speaker, H.R. 1892 would cut down this roadblock in the Immigration and Nationality Act of 1996. Currently, if applicant's petitioner dies after an application is accepted by the INS, the applicant is automatically returned to the beginning of the entire nationalization process, a 7 to 8 year process. They cannot substitute their financial sponsor with another qualified relative.

This legislation would allow for a parent, spouse, son, daughter, son-in-law, daughter-in-law, grandparent, grandchild or sibling, so long as they qualify, to take up the role of financial sponsor from a deceased sponsor, without having an interruption in the nationalization process for the applicant.

It is important to note that this legislation will not allow unqualified applicants to be adjusted or unqualified sponsors to take up sponsorship. Nor will this legislation have any impact on the number of immigrants entering the process. This legislation only affects applicants already in the adjustment process. This bill is non-controversial, a good fix to this infrequent but substantial problem. It passed the full Committee on the Judiciary by a voice vote.

On July 11, 2001, the President participated in a swearing-in of immigrants at Ellis Island and announced his support for this measure. The President said, "If a child's parent and financial sponsor should pass away, we should permit the other parent to take over as sponsor."

The President's recognition that we are a nation of immigrants and his concern that the naturalization process has become unwieldy for legal immigrants serves to quickly right this present injustice. More importantly, his support for such legislation moves us closer to getting this bill signed into

law. This legislation would correct an injustice suffered by too many immigrants that have chosen to adjust their immigration status through the legal process. Immigrants that apply for this status are financially secure and contributors to our society, not burdens on it. These are the immigration cases that should be promoted, not further frustrated.

Madam Speaker, I would like to thank people who have helped on this bill, including the gentleman from California (Mr. ISSA) for all his work on the Committee on the Judiciary; the gentlewoman from California (Ms. LOFGREN) and the gentleman from Utah (Mr. CANNON) who were very active in helping us perfect this legislation; and certainly the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the full committee; and the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee; and the ranking members who have worked diligently on working this bill through the entire committee.

Finally, I would like to thank the Khan family who brought this issue to my attention. I look forward to the day when the Khan brothers will become U.S. citizens. These are hard-working individuals who will only be an asset to our community and to our country. I am proud to be able to help them achieve that dream sooner rather than later.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am delighted to yield 3 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY), the chair of the Democratic Caucus Task Force on Children.

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

Ms. WOOLSEY. Madam Speaker, I rise in strong support of the Family Immigration Sponsor Act. In fact, a family in my district with a tragic story has become a well-known example of exactly why this bill is necessary.

Mrs. Zhenfu Ge, a 73-year-old Chinese national, came to the United States in 1998 to help care for her dying daughter and her daughter's two children. Her daughter, my constituent, Yanyu Wong, requested that her mother be able to stay in America to take care of her grandchildren after the mother died. Following INS rules, my constituent immediately submitted the appropriate paperwork to sponsor her mother's petition for a green card so she could stay in the United States. But, tragically, on April 15 of this year, my constituent lost her life to cancer. This was only 11 days before the INS was scheduled to grant Mrs. Ge permanent resident status.

In a desperate attempt to keep his mother-in-law in the country, my constituent's husband petitioned to be Mrs. Ge's new sponsor. However, INS law mandates the sponsor be an adult blood relative. Without an adult blood relative left alive to sponsor her, Mrs.

Ge must go back to China and restart the process. Realizing the devastating results of these circumstances, I introduced H.R. 2011, a private bill to allow Mrs. Ge to remain legally in the United States while she completes the process for legal status.

Forcing Mrs. Ge to abandon her family during this time would only add to the tragedy her 3-year-old granddaughter and 12-year-old grandson were already experiencing. Allowing Mrs. Ge to stay in the country would give the children a living link to their mother and to their mother's culture, something they would be denied forever if their grandmother is deported.

With the passage of the Family Immigration Sponsor Act, authored by the gentleman from California (Mr. CALVERT), Mrs. Ge can stay in America and take care of her daughter's children while she completes the immigration process. Then she can keep her promise to her daughter.

Madam Speaker, I strongly urge my colleagues to vote for the Family Immigration Sponsor Act to help relieve some of the pain that families like Mrs. Ge's have endured.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. ISSA).

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

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Madam Speaker, I, too, rise in support of H.R. 1892. I, too, have at least one of my constituents who has the same problem. Myrna Gabiola has tried, so far in vain, to take over the sponsorship of her two brothers.

But this is not to say that there are not one, two, or three thousand separate occurrences right now in America. This, like many of the problems dealt with her in the House, needs in fact good legislation so that they do not fall to the desk of individual Congressmen and Congresswomen in the future.

Good government is dependent upon good and consistent rules of the road that allow for the immigration process to be done under our laws, but under common sense. I believe that the reason this was such a bipartisan effort, and the reason that I am very hopeful it will pass here today, is that we took the time to realize that no organization, except perhaps a Federal Government, would in fact allow the loss of a loved one to turn into a "go back to go and start over."

I believe that this type of reform, and others to come on a bipartisan basis, are the best way to signal to the people of the world, the tens or hundreds of millions who would like to come here, that they are better off getting in line, playing by the rules, waiting their turn, than coming here illegally.

These kinds of reforms make the process fairer and more likely to be obeyed by those who wish to come to our country. Most of all, it is fairer for those citizens of our country who do in

fact want to be repatriated with their loved ones from abroad.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am delighted to yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK), who has been a leader on family unification and providing for opportunities for immigrants to access legalization.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks, and include extraneous material.)

Mrs. MINK of Hawaii. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I rise in strong support of the passage of H.R. 1892, the Family Sponsor Immigration Act of 2001.

I wish to thank the Committee on the Judiciary for reporting this important bill, especially the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE), and acknowledge the sterling leadership of the gentleman from California (Mr. CALVERT) for introducing this bill, which will help many grieving families where the petitioners die before the family member is able to gain immigration status.

I have had several of these cases over the years, and have had to transmit the sad news to the families who have been waiting sometimes more than 10 years before the parent petitioner died, and the petition was then, upon his death, deemed expired also.

They were told that their only option was to have another family member file a new petition and perhaps wait another 10 years. This is a tearful message to transmit to any loved one.

Under current law, death of the parent petitioner forfeits the priority date established by the deceased parent. The new petition would have a new priority date, creating a tragic outcome for family members who have already waited more than 10 years for their number to be called.

This bill provides a compassionate outcome. The current law allows the Attorney General to offer a humanitarian reprieve, but he could not because the affidavit of support was deemed void upon the death of the petitioner. This bill allows the voided affidavit of support of the deceased to be substituted by another affidavit submitted by a close family member. It is a commonsense kind of solution to a very tragic personal problem.

This bill offers an avenue of relief for many grieving families who continue their petitions for loved ones, even under the devastating conditions today that they have to wait another 10 years. I hope that this bill will pass and will become law, and will provide the kind of relief that these families have been waiting so long to have.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. HONDA), who is

well aware of these issues. Having visited his district, I know of his leadership on the issues of family reunification.

Mr. HONDA. Madam Speaker, I just want to enter into the CONGRESSIONAL RECORD my thanks for the leadership of the gentleman from California (Mr. CALVERT), the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentlewoman from Texas (Ms. JACKSON-LEE).

The reason I rise on this issue, Madam Speaker, is because just this past week I was visited by a constituent who is a Russian immigrant. He came to this country as a refugee. He was trying to reunite his family, his adult son and his family, and it turns out that he had a change of categories in Russia. Because of that, he lost his standing as a refugee and became an immigrant applicant. That made him go to the end of the line.

The reason the father came to me is because he exhausted all his administrative remedy and all he had left was hope, the hope that he may live long enough that his son may be with him in this country as a legal immigrant. But then he would have to wait 4 to 6 years. He is an elderly person.

He asked me if there was any way to change this ruling so that he would be allowed to see his son who has been in Russia for all these years. I had no answer for him because the rules are the rules. He wanted to follow them, but he wonders if there is a way we could shorten that.

This bill may not give him much hope in the sense that he may not live long enough, but it will give him hope that his son may enter into this country under his petition currently, and that if he does pass away, he will at least have the satisfaction that his petition will remain current.

So to that end, I rise to support this with all my emotion, all my support, for this family who face this possibility, and I have seen this, but with the hope that the family will ultimately be reunified.

I thank the gentleman from California (Mr. CALVERT) for this bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I conclude by simply saying we have heard the number of tragic stories that this legislation will cure. Again, I thank the author of the legislation, and I appreciate the bipartisan effort in bringing it to the floor of the House so we may cure the tragedies that have impacted families and reunite the families.

I ask my colleagues to support H.R. 1892.

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

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Madam Speaker, I rise today in strong support of H.R. 1892,

the Family Sponsor Immigration Act, and urge my colleagues to vote in favor of this worthwhile legislation.

Madam Speaker, many Americans share a very serious concern that our immigration laws can be abused by those who do not respect the legal process. However, there are countless individuals who abide by the law and deserve a fair and just process. The Family Sponsor Immigration Act provides that fairness to those who have followed the letter of the law in seeking legal naturalization.

This important legislation corrects an unfair loophole in the Immigration and Nationality Act of 1996. Currently, an immigrant applying for permanent resident status must have a single family member sponsor them. If the sponsor dies before the application is reviewed by the Immigration and Naturalization Service, the applicant is forced to find another sponsor and begin the naturalization process over again. In effect, they are kicked to the back of the line due to the circumstances beyond their control.

The Family Sponsor Immigration Act allows another qualified immediate family member to take up the role of financial sponsor from a deceased sponsor without interrupting the naturalization process. By correcting this injustice suffered by many immigrants who followed the legal process, we can ensure fairness in our immigration system.

This bill in no way allows unqualified applicants or unqualified sponsors to abuse the system. There is also no impact on the number of immigrants entering the naturalization process. Family unity is a priority in our immigration policy, and this bill will promote that goal. By providing this common-sense correction to the naturalization process, we can ensure fairness and compassion for law-abiding individuals.

I encourage my colleagues to support this effort. Let us support vigorously H.R. 1892.

Mr. LEWIS of California. Madam Speaker, I urge my colleagues to support the passage of the Family Sponsor Immigration Act, introduced by my good friend and neighbor, KEN CALVERT. This legislation will help us avert family tragedies that now happen all too often because of our overworked immigration system.

Jamie Clarino and his family are an example of the terrible results of how our system now works. Mr. Clarino, a Filipino native, fought with the United States Army in World War II and won his American citizenship through his military service.

In 1988, Mr. Clarino petitioned to sponsor his four adult children for legal immigration to the United States. Unfortunately, far more people would like to come to our country from the Philippines than we can accept in any year. In fact, the backlog is so large from the Philippines that it took 12 years—until the year 2000—for Mr. Clarino's children to be certified to begin the immigration process.

Their documents were found in order. They were scheduled for an interview with our consular officials in Manila that would complete

the process. They would soon be able to join their U.S. citizen father in his home for the past dozen years.

And then tragedy struck: Mr. Clarino died just before the interviews were to take place. He could not sign the affidavit of support required at the time of the interviews. And under our current law, these children of this man who fought for America in World War II must now begin the process all over again with a new sponsor.

Without this legislation, the Clarino family will be forced to wait perhaps a dozen more years for the chance to immigrate. As you can imagine, this means the dream of their father—that his family come to his adopted homeland—will probably never become reality. A sister who is a lawful permanent resident, who could easily take over as sponsor for her siblings, will probably never get the chance.

Madam Speaker, I believe we must stop our system from adding to the tragedy of families like the Clarinos, who lose a loved one and at the same time have their hopes of coming to America dashed. My friend KEN CALVERT's bill will allow these families to continue their quest under a new sponsor, without losing their place in line. It does not grant special favors; it merely closes a loophole to help those families who are playing by the rules to gain legal immigration to our nation.

I strongly support H.R. 1892 and urge its passage.

Mr. ISSA. Madam Chairman, I rise in support of H.R. 1892, the "Family Sponsor Immigration Act of 2001." I thank Congressman KEN CALVERT, author of this bill, Chairman SENSENBRENNER, Chairman GEKAS, and the Immigration Subcommittee staff for their leadership and assistance on this bill. This bill will correct the Immigration and Nationality Act (INA) to allow another family member to become a sponsor of an applicant by signing an affidavit of support if the original sponsor has died.

Current INS regulation, set up by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), allows sponsors to sign an affidavit of support to transfer sponsorship of an applicant. Unfortunately, if a sponsor dies without signing an affidavit of support, the applicant must start the long process over again. Due to the immense number of applicants filing for permanent residency, the application process for the INS can take more than a decade.

I first became aware of this problem in the IIRAIRA of 1996 when my district office told me of a constituent, Myrna Gabiola, who wanted to sponsor her two brothers after her father passed away. The family was so focused on the health of the father that they did not realize that the father had to sign an affidavit of support allowing another family member to take over the application while he was still alive. There was no indication of a problem until Renan and Ben Patao had interviews and did not have the required affidavit of support. They were subsequently denied because their father had passed away before the interviews took place.

The Gabiola family waited over sixteen years to be granted an interview for permanent residency but were then sent to the back of the line to begin the process over again. I urged my staff to explore every possible avenue to assist Ms. Gabiola through the administrative process, but upon further exploration,

there was none. I contemplated a private bill, but after discussing the possibilities with the Immigration Subcommittee staff for the Judiciary Committee, they revealed that Congressman KEN CALVERT had draft legislation to correct a similar situation. After talking with Congressman CALVERT, he explained that he had a constituent in a similar situation and wanted to bring forth legislation as soon as possible.

After being introduced on May 17th of this year, this bill passed the Judiciary Committee's Immigration subcommittee and the full committee by voice vote. H.R. 1892 has received tremendous bi-partisan support from Members and the INS, and is supported by the White House. This bill will keep families together and help avoid the possibility of having two tragedies stemming from one unfortunate event.

Again, I urge my colleagues to vote in favor of this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1892, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

HONORING FOUR FIREFIGHTERS WHO LOST THEIR LIVES FIGHTING THIRTYMILE FIRE IN CASCADE MOUNTAINS OF WASHINGTON STATE

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 201) honoring four firefighters who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State, as amended.

The Clerk read as follows:

H. RES. 201

Whereas, on July 10, 2001, 21 United States Forest Service firefighters were dispatched to contain a spot fire of the Thirtymile Fire in the Okanogan and Wenatchee National Forest in the Cascade Mountains of Washington State;

Whereas high temperatures, low humidity, and erratic winds, combined with very dry forest fuels, caused the fire to become an explosive, high-intensity fire that rapidly progressed from less than 25 acres to over 2,500 acres in less than 3 hours;;

Whereas 14 of the firefighters were forced to deploy emergency shelters as a result of being overrun by the rapidly expanding fire;

Whereas 4 of the firefighters and 2 civilians were injured in the fire, including firefighter Jason Emhoff, firefighter Thomas Taylor,

firefighter Scott Sherzinger, and firefighter Rebecca Welch, whose heroic actions saved the lives of the two civilians;

Whereas, in service to the Nation and in the line of duty to protect their communities and fellow citizens, 4 firefighters lost their lives in the fire; and

Whereas these 4 firefighters who lost their lives were Tom Craven of Ellensburg, Washington, husband and father of two, Karen FitzPatrick of Yakima, Washington, Jessica Johnson of Yakima Washington, and Devin Weaver of Yakima, Washington: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors firefighters Tom Craven, Karen FitzPatrick, Jessica Johnson, and Devin Weaver, who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State, for their bravery and sacrifice in service to the Nation;

(2) extends its deepest sympathies to the families and fellow firefighters of these heroes; and

(3) reaffirms its support and commitment to America's Federal firefighters who, without reservation, answer the call of duty and risk their lives for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 201.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 201, and I commend its sponsor, the distinguished gentleman from Washington (Mr. HASTINGS), for introducing it.

This resolution honors four firefighters: Tom Craven, a husband and father of two from Ellensburg, Washington; and Karen Fitzpatrick, Jessica Johnson, and Devin Weaver, all of Yakima, Washington, who gave their lives fighting the Thirtymile Fire in the Okanogan and Wenatchee National Forest in Washington's Cascade Mountains.

The resolution also expresses the deepest sympathies of this House for their families.

Finally, Madam Speaker, it pledges that the House will continue to support and work for all American firefighters who, in the words of the resolution, "without reservation answer the call of duty and risk their lives for the Nation."

Madam Speaker, on July 10, 2001, 21 Forest Service firefighters were sent to contain a spot fire, but high temperatures, low humidity, and erratic winds combined with very dry forest fuels to cause the fire to become an explosive,

high-intensity fire. In under 3 hours, that fire spread from less than 25 acres to more than 2,500 acres. Fourteen firefighters were overrun by the rapidly expanding fire and had to deploy emergency shelters.

In addition to the four firefighters who were killed, four others and two civilians were injured. The injured firefighters were Jason Emhoff, Thomas Taylor, Scott Sherzinger, and Rebecca Welch. Ms. Welch's heroic actions saved the lives of the two civilians.

Madam Speaker, less than 1 month ago, this House honored three firefighters who died fighting a blaze in Queens, New York. Today we are again honoring four more firefighters killed in the line of duty, which reinforces the observations we made then of the dangers inherent in fighting fires. Their deaths are a sad reminder of the daily risk our firefighters voluntarily assume to protect the lives and property of their fellow Americans.

The men and women who have devoted their lives to fighting fires in America are truly heroes. I, as the wife of a career firefighter, understand the many risks and sacrifices these dedicated professionals endure, and as we honor the four firefighters who died in Washington State, Madam Speaker, let us also thank and honor all American firefighters.

I encourage all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the honorable gentleman from Illinois (Mr. DAVIS), ranking minority member of the Subcommittee on Civil Service and Agency Administration, would have been here except for an unavoidable delay, and I have the honor of representing the gentleman from Illinois (Mr. DAVIS) in making this opening statement and guiding the course of House resolution 201 honoring four firefighters who lost their lives in the Cascade Mountains of Washington State.

□ 1530

The gentleman from Illinois (Mr. DAVIS) would have said this morning that he had spoken of three firefighters who lost their leaves on Father's Day fighting a five-alarm blaze that ripped through a hardware store in Queens, New York. At that time he would have said their names would be added to the fallen firefighter memorial wall in Memorial Park in Colorado Springs, Colorado.

Today, he would have said that he was saddened to have to stand before the House and say that an additional four names would have to be added to that memorial park. Tom Craven, 30; Devin Weaver, 21; Jessica Johnson, 19; and Karen FitzPatrick, 19, died on Tuesday, July 10, in the North Cascade Mountains in Winthrop, Washington. They were part of a 21-member crew

trapped when the fire they were called upon to mop up blew up around them.

The fire, which apparently was sparked by an unattended campfire, quickly spread through the stands of 80- to 100-year-old trees. Tom, Devin, Jessica and Karen only had seconds to find an escape route. They tried to drive away from the fire but found themselves on a dead-end road. These brave firefighters were killed when a wall of flames crashed on them in their emergency shelters.

H. Res. 201 honors not only the four firefighters who died in the blaze but the firefighters who were injured in the fire while saving the lives of civilians. All the firefighters who were in the Cascade Mountains that day were there to fulfill their promise to keep their communities safe by being on the front lines against fires. We honor them today for their bravery and for the promise they kept.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Madam Speaker, I thank the gentlewoman for yielding me this time. I am delighted to support this resolution, H.R. 201, which was introduced by my dear friend and colleague, the gentleman from Washington (Mr. HASTINGS), who just happens to not be able to be here today because he is out West preparing to attend the funeral for these four young people who died and who are the subject of this resolution.

My colleague introduced the legislation out of respect for those in the West who fight fires and especially out of respect for these four people who lost their lives trying to save the lives of others. And he is joined, along with myself, with the rest of the congressional delegation from our State in paying tribute and honor to these fine people.

We in the West are used to fighting fires. We are used to the dangers of firefighting wildfires throughout the Pacific Northwest States. Yet it is very difficult for us today as we pay tribute and recognize the danger of fighting fires and the hazards that many men and women go through not just in our State but other States across this country to put out fires and to save lives. These four young people were moms and dads and the children of moms and dads and brothers and sisters and uncles and aunts and friends to many who respected what they do and what they have done. Tom Craven, Karen FitzPatrick, Jessica Johnson, and Devin Weaver gave their lives to their country and in service certainly as Federal firefighters.

There were some bright spots that came out of this tragedy, I must say. Amid the sadness and great loss were a few encouraging moments. Firefighter

Rebecca Welch embraced two hikers in her emergency shelter as the flames approached and saved their lives and her own. Firefighter Jason Emhoff suffered severe burns, and he is successfully recuperating. Others continue to fight the blaze in honor of their fallen colleagues.

I think this resolution is a way to pay tribute to these fine people and to recognize the seriousness of firefighting and the importance of these young people as they jeopardize their lives. So I am delighted that the House is taking this action. I urge my colleagues to support this, and I especially say congratulations to the gentleman from Washington (Mr. HASTINGS) for taking the initiative to recognize these four young people.

Mrs. MINK of Hawaii. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. McNULTY).

Mr. McNULTY. Madam Speaker, I thank the gentlewoman for yielding me this time, and I thank all of the sponsors of this bill, especially the gentleman from Washington (Mr. HASTINGS) and our colleagues from the State of Washington, but it is sad indeed that so soon after the New York tragedy we are back here again memorializing firefighters who died in the line of duty.

What the previous speaker said certainly is correct, that Tom and Devin and Jessica and Karen will go down in history as heroes, along with the Worcester Six and the New York Four. Our thoughts and prayers are with all of the members of their families.

But I will reinforce what I said when we memorialized the New York Four and that is that we should take to heart the words of the gentleman from Pennsylvania (Mr. WELDON). If the Members of this House and the Members of this Congress really want to do something for firefighters, we can pass that comprehensive grant program for fire departments all across this country. We had a program for cops, we had a program for teachers, we should have a program for firefighters. Let us get our priorities straight. They are putting their lives on the line for us every single day.

Of course, as citizens, we can do something, too. Instead of just extending our thoughts and prayers to families when they have lost their loved ones, we can go around and thank the firefighters who are serving us this day and every day. I suggest to my fellow citizens that the next time they are taking a stroll in their neighborhood, stop by the local firehouse, walk in and say hello, shake somebody's hand and let them know that we are grateful for the fact that they are willing to put their lives on the line 365 days a year to protect our lives and our property.

So I thank all of the sponsors of this resolution; and I especially thank the four fallen heroes, Tom, Devin, Jessica, and Karen, and express my thoughts and extend my prayer prayers to all of the members of their families.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I reserve the balance of my time.

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

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield myself the balance of my time.

I again commend the gentleman from Washington (Mr. HASTINGS) for introducing this resolution. I also thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform; the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service and Agency Organization; as well as the ranking members of the full committee and subcommittee, the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois (Mr. DAVIS) for expediting consideration of this resolution.

It is impossible for this House to lessen the loss suffered by the families of these four firefighters. We can only hope that our action today will help comfort those families by symbolizing our Nation's gratitude for their loved ones' bravery and the debt we owe to them all. I urge all Members to support this resolution.

Mr. DAVIS of Illinois. Madam Speaker, last month, I spoke of three firefighters who lost their lives on Father's Day, fighting a five-alarm blaze that ripped through a hardware store in Queens, New York.

At that time, I said that their names would be added to the Fallen Fire Fighter Memorial Wall in Memorial Park in Colorado Springs, Colorado. Today, I am sad to say, that their names will be joined by four other brave firefighters.

Tom Craven, 30, Devin Weaver, 21, Jessica Johnson, 19, and Karen FitzPatrick, 19, died on Tuesday, July 10 in the North Cascade Mountains in Winthrop, Washington. They were part of a 21-member crew trapped when the fire they were called upon to "mop up" blew up around them.

The fire, which apparently was sparked by an unattended campfire, quickly spread through stands of 80- to 100-year-old trees. Tom, Devin, Jessica, and Karen, only had seconds to find an escape route. They tried to drive away from the fire, but found themselves on a dead-end road. These brave firefighters were killed when a wall of flames crashed down on them in their foil emergency shelters.

H. Res. 201 honors, not only the four firefighters who died in the blaze, but the firefighters who were injured in the fire while saving the lives of two civilians.

All the firefighters who were in the Cascade Mountains that day, were there to fulfill their promise to keep their communities safe by being on the front lines against wild fires.

We honor them today for their bravery and a promise kept.

I urge my colleagues to support this resolution.

Mr. McKEON. Madam Speaker, I rise in support of the resolution to honor the Thirtymile Firefighters who lost their lives fighting the fire in the Cascade Mountains of Washington State. Additionally, I would like to pay special tribute to a courageous young woman from Lancaster, CA, in my congressional district. Her selflessness and heroic actions are to be recognized and celebrated.

On July 10, 2001, less than a month after completing her firefighter training, Rebecca Welch's bravery, strength, and skill were tested to the utmost degree. As part of a United States Forest Service fire crew, she, along with fourteen other firefighters, was called upon to help fight a smoldering 25-acre fire that ultimately turned into a raging inferno that consumed more than 8,000 acres in a little more than a week.

After recently receiving her degree in communications broadcast journalism from the University of Sioux Falls in South Dakota, Ms. Welch considered the idea of being a firefighter after taking to heart her father's suggestion to do so. I am sure Bruce and Paula Hagemeyer, hikers who were caught in the fire, are grateful for that decision.

Finding themselves trapped and surrounded by flames, the crew and civilians were forced to deploy fire shelters and endure the furious fire. Ms. Welch courageously and selflessly covered the Hagemeyers with her shelter and maintained a calm and controlled haven while flames roared relentlessly outside. While undergoing several minutes of suffocating heat, Ms. Welch provided a reassuring hope and protection that saved the Hagemeyers' lives.

As we consider this resolution to honor these firefighters who lost their lives (H. Res. 201), let us be grateful for their bravery and sacrifice in service to the Nation. Let us extend our sympathies to the families and fellow firefighters of these heroes. Finally, Madam Speaker, I would like to express my deepest appreciation and admiration to my constituent, Rebecca Welch, for her sacrifice, valor, and heroic act of kindness.

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of this resolution.

H. Res. 201 honors four United States Forest Service firefighters who gave their lives fighting the Thirtymile Fire in the Cascade mountains of Washington State earlier this month. For their bravery and sacrifice, the nation owes a debt of gratitude to these four fallen heroes—Tom Craven, Karen Fitzpatrick, Jessica Johnson, and Devin Weaver—and to their families. When asked to risk their lives for the Nation, these four answered the call and paid the ultimate price. To the families of these four heroes, I want to take their opportunity to say that our prayers are with you and that we will never forget their—and your—sacrifice.

We owe a great debt to our firefighters—federal and municipal, paid and volunteer. Our Nation's founders were deeply committed to the idea that the individual had an obligation to serve the community and the country. Our first responders are needed every bit as much as those who don the Nation's uniforms for our national defense.

It is unfortunate that today many now consider duty and honor relics of a bygone age. While our society lavishes praise on athletes and rock stars, we tend to forget about those who stand ready at a moment's notice to risk their lives to keep our communities safe. It is only after disaster strikes that we appreciate fully the contributions they make.

Despite the risks, the 1.2 million men and women of the fire services continue to guard against fires, accidents, disasters, and terrorism. They have kept faith with us, and we in this body must continue to keep faith with them get them the support they need. As Chairman of the Subcommittee on Research,

which has jurisdiction over the U.S. Fire Administration, I am pleased that last year we were able to provide \$100 million to help local fire departments hire new firefighters, purchase new safety equipment, and provide improved training. I hope we can improve on that this year and so make sure that those who risk their lives have the best equipment and training available.

Mr. Speaker, I would like to thank the gentleman from Washington, Mr. HASTINGS, for bringing this resolution before the House, and I urge my colleagues to support it.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, House Resolution 201, as amended.

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

A motion to reconsider was laid on the table.

JAMES C. CORMAN FEDERAL BUILDING

Mr. COOKSEY. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 468) to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

The Clerk read as follows:

S. 468

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

SECTION 1. DESIGNATION OF JAMES C. CORMAN FEDERAL BUILDING.

The Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, shall be known and designated as the "James C. Corman Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "James C. Corman Federal Building".

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

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

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

Madam Speaker, S. 468 designates the Federal building in Van Nuys, California, as the James C. Corman Federal Building. The House passed H.R. 621, the House version of the bill, on February 28, earlier this year.

Congressman Corman was born in Galena, Kansas, and was a graduate of Belmont High School. He earned his undergraduate degree from UCLA, his JD from USC, and his LL.D from the

University of San Fernando Valley School of Law. He was admitted to the California bar in 1949.

Congressman Corman first served his country in the United States Marine Corps during World War II and later as a colonel in the Marine Corps Reserves. In 1957, Congressman Corman was elected to the Los Angeles City Council. He served on the Council until being elected to the 87th Congress in 1960 and was reelected to the House of Representatives for 10 succeeding terms.

He served on the Committee on the Judiciary, where he was instrumental in fighting for passage of the 1964 Civil Rights Act, and on the Committee on Ways and Means, where he was the leading advocate for the poor and disadvantaged working on tax and welfare reform. Congressman Corman was also proud to serve on President Johnson's National Advisory Commission on Civil Disorders to investigate the causes of multi-city rioting in 1967.

As many of my colleagues are aware, former Congressman Corman passed away at the age of 80 in January. I support this bill and encourage my colleagues to support it as well.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this Senate bill 468, a bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the James C. Corman Federal Building. In February, 2001, the gentleman from California (Mr. BERMAN) introduced similar legislation, H.R. 621, in the House.

Congressman Jim Corman represented the 21st Congressional District in California for 20 years, from 1961 until 1981, years which saw the Vietnam War, urban riots, Watergate, and the first manned flight to the moon.

Jim Corman was born on October 20, 1920, in Galena, Kansas, and in 1933, after his father died, he and his mother moved to the Los Angeles area. During World War II, Mr. Corman served in the Marines. After the war, he worked his way through UCLA and the University of Southern California law school.

He began his public career in 1957, when he was elected to serve in the Los Angeles City Council, and in 1961, he was elected to Congress and was named to the Committee on the Judiciary. In addition, he served on the House Committee on Ways and Means.

President Johnson named Congressman Corman as one of the 10 people named by the President to the National Advisory Commission on Civil Disorders. It was informally known as the Kerner Commission. During his tenure on the commission, he was optimistic about finding the causes and developing solutions for racism in America.

In 1978, he became President Johnson's point man for welfare reform.

Having suffered the indignities and trappings of poverty as he was growing up, Mr. Corman displayed a particular energy and devotion to solving welfare problems. During his 20 years of service, his concern for senior citizens and the poorest members of our society became his trademark and part of his legacy.

Jim Corman saw the fruition of his efforts in the enactment of the Civil Rights Act of 1964, which he considered the greatest accomplishment of his political career.

Jim was well-liked. He was a hard worker and a first-rate legislator. It is fitting and proper to honor Congressman James Corman with this designation, and I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

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

Mr. STARK. Madam Speaker, I rise today in support of S. 468, designating the James C. Corman Federal Building.

Jim Corman was a true statesman who served his constituents in California, and indeed, the people of the United States, with great distinction. Jim cared passionately for the poor and worked to see that their interests were heard in Washington. He was one of the great leaders in the Congress seeking health insurance for all and he worked hard to enact a decent, humane social policy for the disadvantaged.

Jim rejected the voices in Congress who seek to help those already blessed with wealth while neglecting those who cannot put food on their tables. "I don't think there is anything uplifting about hunger," he once said. Jim was a tireless advocate for the uninsured and he passed on his sense of passion to his colleagues, including me. When I was first assigned to the House Ways and Means Committee, Jim taught me "how things were done." I am grateful to have served with Jim Corman and I know his constituents were grateful for his service.

Naming this federal building after Jim Corman is a proper tribute to a man who dedicated his life to public service. Jim will be best remembered, however, for his tireless work on behalf of those who are less fortunate.

□ 1545

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the Senate bill, S. 468.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. COOKSEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 468, the Senate bill just debated.

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

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-106)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.
THE WHITE HOUSE, July 23, 2001.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 47 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 2137, by the yeas and nays;
H.R. 1892, by the yeas and nays; and
S. 468, by the yeas and nays.

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

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2137, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2137, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 59, as follows:

[Roll No. 257]

YEAS—374

Ackerman	Cooksey	Greenwood
Aderholt	Costello	Grucci
Akin	Cox	Gutknecht
Allen	Coyne	Hall (OH)
Andrews	Cramer	Hall (TX)
Armey	Crenshaw	Harman
Bachus	Crowley	Hart
Baird	Cubin	Hastings (FL)
Baker	Culberson	Hayes
Baldacci	Cummings	Hayworth
Baldwin	Cunningham	Hefley
Ballenger	Davis (CA)	Hill
Barcia	Davis (FL)	Hilleary
Barrett	Davis (IL)	Hilliard
Bartlett	Davis, Jo Ann	Hinches
Barton	Davis, Tom	Hinojosa
Bass	DeFazio	Hobson
Becerra	DeLauro	Hoeffel
Bentsen	DeLay	Holden
Bereuter	DeMint	Holt
Berkley	Deutsch	Honda
Berry	Diaz-Balart	Hooley
Biggert	Dicks	Horn
Bilirakis	Dingell	Hostettler
Bishop	Doggett	Houghton
Blagojevich	Dooley	Hoyer
Blumenuer	Doolittle	Hulshof
Blunt	Dreier	Hutchinson
Boehlert	Duncan	Hyde
Boehner	Dunn	Inslee
Bonilla	Edwards	Isakson
Bonior	Ehrlich	Israel
Bono	Emerson	Issa
Borski	English	Jackson (IL)
Boswell	Eshoo	Jackson-Lee
Boyd	Etheridge	(TX)
Brady (PA)	Evans	Jenkins
Brady (TX)	Everett	John
Brown (FL)	Farr	Johnson (CT)
Brown (OH)	Ferguson	Johnson (IL)
Brown (SC)	Filner	Johnson, E. B.
Bryant	Flake	Johnson, Sam
Burton	Fletcher	Jones (NC)
Buyer	Foley	Kanjorski
Calvert	Forbes	Kaptur
Camp	Ford	Keller
Cannon	Frank	Kelly
Cantor	Frelinghuysen	Kennedy (MN)
Capito	Frost	Kennedy (RI)
Capuano	Ganske	Kerns
Cardin	Gekas	Kildee
Carson (OK)	Gephardt	Kind (WI)
Castle	Gibbons	King (NY)
Chabot	Gilchrest	Kingston
Chambliss	Gilman	Kirk
Clay	Gonzalez	Knollenberg
Clayton	Goode	Kolbe
Clement	Goodlatte	Kucinich
Clyburn	Gordon	LaFalce
Coble	Goss	LaHood
Collins	Graham	Lampson
Combest	Granger	Langevin
Condit	Graves	Lantos
Conyers	Green (TX)	Largent

Larsen (WA) Owens
Larson (CT) Oxley
Latham Pallone
LaTourette Pastor
Leach Paul
Lee Payne
Levin Pence
Lewis (CA) Peterson (MN)
Lewis (GA) Peterson (PA)
Lewis (KY) Petri
Linder Phelps
LoBiondo Pickering
Lofgren Pitts
Lowey Platts
Lucas (KY) Pombo
Lucas (OK) Pomeroy
Luther Portman
Maloney (CT) Price (NC)
Maloney (NY) Pryce (OH)
Markey Putnam
Mascara Quinn
Matsui Radanovich
McCarthy (MO) Rahall
McCarthy (NY) Ramstad
McCollum Rangel
McCrery Regula
McDermott Rehberg
McGovern Reyes
McHugh Rivers
McInnis Rodriguez
McIntyre Rogers (KY)
McKeon Rogers (MI)
McKinney Rohrabacher
McNulty Ros-Lehtinen
Meehan Ross
Meek (FL) Rothman
Mica Roukema
Millender-Royce
McDonald Ryan (WI)
Miller (FL) Sanchez
Miller, George Sanders
Mink Sandlin
Moore Sawyer
Moran (KS) Saxton
Moran (VA) Schaffer
Morella Schiff
Murtha Schrock
Myrick Scott
Nadler Sensenbrenner
Napolitano Serrano
Neal Sessions
Nethercutt Shadegg
Ney Shaw
Northup Shays
Norwood Sherwood
Oberstar Shimkus
Obey Shows
Oliver Shuster
Ortiz Simmons
Osborne Simpson
Ose Skeen
Otter Skelton

NOT VOTING—59

Abercrombie Green (WI)
Baca Gutierrez
Barr Hansen
Berman Hastings (WA)
Boucher Herger
Burr Hoekstra
Callahan Hunter
Capps Istook
Carson (IN) Jefferson
Crane Jones (OH)
Deal Kilpatrick
DeGette Kleczka
Delahunt Lipinski
Doyle Manzullo
Ehlers Matheson
Engel Meeks (NY)
Fattah Menendez
Fossella Miller, Gary
Gallegly Mollohan
Gillmor Nussle

□ 1826

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 257 on H.R. 2137, I was unavoidably de-

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

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

FAMILY SPONSOR IMMIGRATION
ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1892, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1892, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 258]

YEAS—379

Ackerman Castle
Aderholt Chabot
Akin Chambliss
Allen Clay
Andrews Clayton
Armye Clement
Bachus Clyburn
Baird Coble
Baker Collins
Baldacci Combest
Baldwin Condit
Ballenger Conyers
Barcia Cooksey
Barrett Costello
Bartlett Cox
Barton Coyne
Bass Cramer
Becerra Crenshaw
Bentsen Crowley
Bereuter Cubin
Berkley Culberson
Berry Cummings
Biggert Cunningham
Bilirakis Davis (CA)
Bishop Davis (FL)
Blagojevich Davis (IL)
Blumenauer Davis, Jo Ann
Blunt Davis, Tom
Boehlert DeFazio
Boehner DeLauro
Bonilla DeLay
Bonior DeMint
Bono Deutsch
Borski Diaz-Balart
Boswell Dicks
Boyd Dingell
Brady (PA) Doggett
Brady (TX) Dooley
Brown (FL) Doolittle
Brown (OH) Dreier
Brown (SC) Duncan
Bryant Dunn
Burr Edwards
Burton Ehlers
Buyer Ehrlich
Camp Emerson
Cannon English
Cantor Eshoo
Caputo Etheridge
Capuano Evans
Cardin Everrett
Carson (OK) Farr
Ferguson Houghton
Hoyer

Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-
Sessions
Miller (FL)
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton

NOT VOTING—54

Abercrombie
Baca
Barr
Berman
Boucher
Callahan
Capps
Carson (IN)
Crane
Deal
DeGette
Delahunt
Doyle
Engel
Fattah
Fossella
Gallegly
Green (WI)
Gutierrez
Hansen
Hastings (WA)
Hunter
Istook
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Lipinski
Manzullo
Menendez
Miller, Gary
Mollohan
Nussle
Pascrell
Pelosi
Reynolds
Riley
Roemer
Roybal-Allard
Rush
Ryun (KS)
Sabo
Scarborough
Schakowsky
Sherman
Solis
Spence
Stark
Tauzin
Taylor (NC)
Waters
Waxman
Weller
Wynn

□ 1836

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 258 on H.R. 1892, I was unavoidably detained. Had I been present, I would have voted "yea".

JAMES C. CORMAN FEDERAL BUILDING

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and passing the Senate bill, S. 468.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the Senate bill, S. 468, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 52, as follows:

[Roll No. 259]

YEAS—381

Ackerman	Carson (OK)	Farr
Aderholt	Castle	Ferguson
Akin	Chabot	Filner
Allen	Chambliss	Flake
Andrews	Clay	Fletcher
Armye	Clayton	Foley
Bachus	Clement	Forbes
Baird	Clyburn	Ford
Baker	Coble	Frank
Baldacci	Collins	Frelinghuysen
Baldwin	Combest	Frost
Ballenger	Condit	Ganske
Barcia	Conyers	Gekas
Barrett	Cooksey	Gephardt
Bartlett	Costello	Gibbons
Barton	Cox	Gilchrest
Bass	Coyne	Gillmor
Becerra	Cramer	Gilman
Bentsen	Crenshaw	Gonzalez
Bereuter	Crowley	Goode
Berkley	Cubin	Goodlatte
Berry	Culberson	Gordon
Biggert	Cummings	Goss
Bilirakis	Cunningham	Graham
Bishop	Davis (CA)	Granger
Blagojevich	Davis (FL)	Graves
Blumenauer	Davis (IL)	Green (TX)
Blunt	Davis, Jo Ann	Greenwood
Boehlert	Davis, Tom	Grucci
Boehner	DeFazio	Gutknecht
Bonilla	DeLauro	Hall (OH)
Bonior	DeLay	Hall (TX)
Bono	DeMint	Harman
Borski	Deutsch	Hart
Boswell	Diaz-Balart	Hastings (FL)
Boyd	Dicks	Hayes
Brady (PA)	Dingell	Hayworth
Brady (TX)	Doggett	Hefley
Brown (FL)	Dooley	Hergert
Brown (OH)	Doolittle	Hill
Brown (SC)	Dreier	Hilleary
Bryant	Duncan	Hilliard
Burr	Dunn	Hinchev
Burton	Edwards	Hinojosa
Buyer	Ehlers	Hobson
Calvert	Ehrlich	Hoefl
Camp	Emerson	Hoekstra
Cannon	English	Holden
Cantor	Eshoo	Holt
Capito	Etheridge	Honda
Capuano	Evans	Hookey
Cardin	Everett	Horn

Hostettler	McNulty	Schrock
Houghton	Meehan	Scott
Hoyer	Meek (FL)	Sensenbrenner
Hulshof	Meeke (NY)	Serrano
Hunter	Mica	Sessions
Hutchinson	Millender-	Shadegg
Hyde	McDonald	Shaw
Inslee	Miller (FL)	Shays
Isakson	Miller, George	Sherwood
Israel	Mink	Shimkus
Issa	Moore	Shows
Jackson (IL)	Moran (KS)	Shuster
Jackson-Lee	Moran (VA)	Simmons
(TX)	Morella	Simpson
Jenkins	Murtha	Skeen
John	Myrick	Skelton
Johnson (CT)	Nadler	Slaughter
Johnson (IL)	Napolitano	Smith (MI)
Johnson, E. B.	Neal	Smith (NJ)
Johnson, Sam	Nethercutt	Smith (TX)
Jones (NC)	Northup	Smith (WA)
Kanjorski	Norwood	Snyder
Kaptur	Oberstar	Souder
Keller	Obey	Spratt
Kelly	Oliver	Stearns
Kennedy (MN)	Ortiz	Stenholm
Kennedy (RI)	Osborne	Strickland
Kerns	Ose	Stump
Kildee	Otter	Stupak
Kind (WI)	Owens	Sununu
King (NY)	Oxley	Sweeney
Kingston	Pallone	Tancredo
Kirk	Pastor	Tanner
Knollenberg	Paul	Tauscher
Kolbe	Payne	Taylor (MS)
Kucinich	Pence	Terry
LaFalce	Peterson (MN)	Thomas
LaHood	Peterson (PA)	Thompson (CA)
Lampson	Petri	Thompson (MS)
Langevin	Phelps	Thornberry
Lantos	Pickering	Thune
Largent	Pitts	Thurman
Larsen (WA)	Platts	Tiahrt
Larson (CT)	Pombo	Tiberi
Latham	Pomeroy	Tierney
LaTourette	Portman	Toomey
Leach	Price (NC)	Towns
Lee	Pryce (OH)	Traficant
Levin	Putnam	Turner
Lewis (CA)	Quinn	Udall (CO)
Lewis (GA)	Radanovich	Udall (NM)
Lewis (KY)	Rahall	Upton
Linder	Ramstad	Velazquez
LoBiondo	Rangel	Visclosky
Lofgren	Regula	Vitter
Lowe	Rehberg	Walsh
Lucas (KY)	Reyes	Wamp
Lucas (OK)	Rivers	Watkins (OK)
Luther	Rodriguez	Watson (CA)
Maloney (CT)	Rogers (KY)	Watt (NC)
Maloney (NY)	Rogers (MI)	Watts (OK)
Markey	Rohrabacher	Weiner
Mascara	Ros-Lehtinen	Weldon (FL)
Matheson	Ross	Weldon (PA)
Matsui	Rothman	Weller
McCarthy (MO)	Roukema	Wexler
McCarthy (NY)	Royce	Whitfield
McCollum	Ryan (WI)	Wicker
McCrery	Sabo	Wilson
McDermott	Sanchez	Wolf
McGovern	Sanders	Woolsey
McHugh	Sandlin	Wu
McInnis	Sawyer	Young (AK)
McIntyre	Saxton	Young (FL)
McKeon	Schaffer	
McKinney	Schiff	

NOT VOTING—52

Abercrombie	Gutierrez	Riley
Baca	Hansen	Roemer
Barr	Hastings (WA)	Roybal-Allard
Berman	Istook	Rush
Boucher	Jefferson	Ryun (KS)
Callahan	Jones (OH)	Scarborough
Capps	Kilpatrick	Schakowsky
Carson (IN)	Klecza	Sherman
Crane	Lipinski	Solis
Deal	Manullo	Spence
DeGette	Menendez	Stark
Delahunt	Miller, Gary	Tauzin
Doyle	Mollohan	Taylor (NC)
Engel	Ney	Waters
Fattah	Nussle	Waxman
Fossella	Pascrell	Wynn
Gallegly	Pelosi	
Green (WI)	Reynolds	

□ 1844

So (two-thirds having vote in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. During rollcall vote No. 259 on S. 408, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in my District, I was unavoidably detained on Monday, July 23, 2001. Had I been present to vote on H.R. 2137 (Rollcall No. 257), the Criminal Law Technical Amendments Act, H.R. 1892 (Rollcall No. 258), the Family Sponsor Immigration Act and S. 458 (Rollcall No. 259), the James C. Corman Federal Building suspension bill, I would have voted "yea" on all three bills.

PERSONAL EXPLANATION

Mr. MENENDEZ. Mr. Speaker, due to a flight delay, I was unable to be present during recorded votes earlier this evening. Had I been present, I would have voted "yea" on rollcall votes 257, 258, and 259. Please be sure this is noted in the RECORD.

□ 1845

REPORT ON H.R. 2590, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002

Mr. SUNUNU, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107-152) on the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1109

Mr. TIBERI. Mr. Speaker, I ask unanimous consent to have my name removed as a co-sponsor of H.R. 1109.

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

There was no objection.

RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of

the Senate bill (S. 1190) to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1190

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

SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking “an education individual retirement account” each place it appears and inserting “a Coverdell education savings account”.

(2) Section 530(a) of such Code is amended—

(A) by striking “An education individual retirement account” and inserting “A Coverdell education savings account”, and

(B) by striking “the education individual retirement account” and inserting “the Coverdell education savings account”.

(3) Section 530(b)(1) of such Code is amended—

(A) by striking “education individual retirement account” in the text and inserting “Coverdell education savings account”, and

(B) by striking “EDUCATION INDIVIDUAL RETIREMENT ACCOUNT” in the heading and inserting “COVERDELL EDUCATION SAVINGS ACCOUNT”.

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking “education individual retirement account” each place it appears and inserting “Coverdell education savings account”.

(5) The heading for section 530 of such Code is amended to read as follows:

“**SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS.**”

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

“Sec. 530. Coverdell education savings accounts.”.

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking “an education individual retirement” each place it appears and inserting “a Coverdell education savings”:

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking “education individual retirement” each place it appears in the text and inserting “Coverdell education savings”:

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking “EDUCATION INDIVIDUAL RETIREMENT” each place it appears and inserting “COVERDELL EDUCATION SAVINGS”:

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking “EDUCATION INDIVIDUAL RETIREMENT” and inserting “COVERDELL EDUCATION SAVINGS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES OF HOUSE TO FAMILIES OF PEOPLE KILLED IN FANGLIN ELEMENTARY SCHOOL EXPLOSION IN PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on International Relations and the Committee on Ways and Means be discharged from further consideration of the resolution (H. Res. 121) expressing the sincerest condolences of the House of Representatives to the families of the 42 people, including 37 children, killed in the March 6, 2001, explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Jersey (Mr. SMITH) to explain the resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this issue.

Mr. Speaker, I think it is important to send our condolences to the survivors of those who died. Let me say briefly, Mr. Speaker, 10-year-old Zhang Yanhong was a good student; and she always listened to her teachers. As a result, on March 6 of this year she and 36 other of her third and fourth grade classmates all lost their lives.

For years, the parents of the children in the Fanglin elementary school which is in the small village 480 miles southwest of Shanghai, had complained that their children were being forced by school officials to manufacture large firecrackers at school. Every day, the young children were required to spend hours mounting fuses and detonators into the firecrackers that were then sold by local Communist party officials. The underpaid teachers and government officials running the child labor scheme also set a sliding production quota in order to maximize their profits. It started at 1,000 firecrackers per day for the youngest children and reached 10,000 firecrackers per day for the fifth graders.

Mr. Speaker, something terrible was bound to happen and soon it did. On a

Tuesday afternoon, the firecrackers exploded in the elementary school and took the lives of 42 people including 37 young children.

Chinese Prime Minister Zhu immediately denied that there had been any forced labor involved in Fanglin. Instead, Communist party officials invented a story about a mad man who entered the school and set off the explosion as part of his suicide attempt.

According to news accounts, Communist Party officials blocked off roads into the village to prevent journalists from seeing the scene of the accident for themselves and interviewing residents. Residents who let journalists through the roadblocks anyway were reportedly arrested, and some families had their telephones disconnected to prevent contact with the outside world.

However, thanks to the brave and determined reporting of both Chinese and international journalists, and to the parents of the children, many of whom refused to go along with the official cover-up of the deaths of their loved ones, Prime Minister Zhu was forced to eventually acknowledge what really happened and apologize in a nationally broadcast message.

The forced labor and child labor condoned by the government of the People's Republic of China violates several conventions of the International Labor Organization; but, unfortunately, the ILO has no enforcement powers. For now all we can do is express our deep condolences to the parents and thank the journalists who risked their lives and their freedom to report the story.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing under my reservation, I want to begin by thanking the gentleman from New Jersey (Mr. SMITH) for bringing this resolution to the floor and the help he has been in getting it here today. I think this is an important resolution, and it is an important message from the Congress of the United States addressing China's disgraceful record on child and forced labor. Many of us, along with the gentleman from New Jersey (Mr. SMITH), have been raising this issue year after year as Congress has considered legislation granting special trade privileges to China.

Mr. Speaker, 2 weeks ago nearly 3 million of our fellow citizens celebrated our Nation's independence on July 4, and millions of fireworks were set off in celebration of that great anniversary. Unknown to many Americans, millions of those fireworks may have been made by young Chinese children compelled to labor in dangerous factories to raise money for their schools.

On March 6 of this year, 37 young Chinese school children were killed in an explosion that occurred while third and fourth graders were forced to manufacture fireworks at the Fanglin Elementary School. For years before the explosion, the parents of these children had pleaded with school administrators and government officials to end the

practice of forced child labor, but their concerns were ignored. The conditions of the labor of these little children were hazardous, and the demands were unrealistic. The youngest children in the school were expected to mount at least 1,000 detonators and fuses into firecrackers per day. Children who were slightly older were each required to manufacture 10,000 firecrackers per day.

It was only a matter of time before this kind of tragedy occurred. And when it did on March 6, the first response of the Chinese government was to deny the facts and try to cover up the fact that the incident took place and try to fabricate a story. What we found out later, because of the bravery of these parents and because of some of the members of the press in China, the international journalists, we now know the truth about forced child labor in this school.

A week after the Chinese government invented its story, the Chinese prime minister finally apologized for the incident and acknowledged that the firecrackers were manufactured in an elementary school. Prohibition on child labor is not only the standard for Western countries or developed countries, it is an internationally recognized labor standard that has been approved by the ILO of which the United States and virtually every country of the world is a member.

All children, no matter how rich or poor their country, deserve to spend their developing years learning in school. The children at the Fanglin Elementary School were denied that right. Unfortunately, nobody knows if the hundreds of thousands of firecrackers produced at the Fanglin Elementary School were eventually sold to stores and firecracker stands right here in the United States.

However, if they did enter the United States market, it is a violation of U.S. laws which prohibit the importation of products made by forced labor. I have called upon the U.S. Customs Service and the Department of Labor to conduct an investigation to determine which products are produced under Chinese forced child labor. A few years ago, the Chinese government acknowledged that it was encouraging industries to move production into Chinese elementary and high schools. The government gave tax incentives to the businesses that set up their factories in the schools. While the government claims that these school industries do not use child labor or forced labor, the case of the Fanglin Elementary School suggests otherwise.

Over 700,000 Chinese elementary and high schools have industries manufacturing a host of products, and the U.S. Government must ensure that none of these child labor products are reaching U.S. consumers. I call upon the Secretary of Labor and the Commissioner of Customs to act on my inquiries and to ensure that the imports from China are free from forced child labor.

Today the Members of the House can join in expressing condolences to the families of the children who died as a result of the exploitative labor conditions in Chinese schools and elsewhere in that country.

Mr. Speaker, let us remember these children when we debate the issues on international trade in the future.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, the gentleman from California (Mr. GEORGE MILLER) has been a leader in child labor protection and labor rights, along with the gentleman from New Jersey (Mr. SMITH). They are a voice over these trade routes for people, including for children, and that trade is more than just material goods. It is amazing how hard it is to carry that message, even in this country, and yet we look at a nation like China, with over 1.250 billion people, and we see that none of the standards that we have written into law in this country exist. Yet we continue to be the chief market, whether it is fireworks or toys or clothing, the chief market in the world for Chinese exports.

Mr. Speaker, I rise in support of this resolution asking for a full accounting and also condemning China for allowing its children to be used in such a heinous way.

With imported carpet from India, we require smiling logos in order to guarantee to American consumers that they are buying a product that is not made with child labor. We have no such guarantees with China.

I thank the gentleman for what he is doing here. In some places on Earth, life is very cheap; and here in our country it used to be cheap. In fact, it was not until a wonderful woman by the name of Mary Norton, the first Democratic congresswoman to serve here east of the Mississippi River in the 1930s who wrote into our laws the prohibition on child labor in our country. We as a country gained a broader conscience of how we should live as a people and that children have value as human beings beyond whatever they might be able to produce. They have a value beyond being a producer. They have an intrinsic value as a human being.

Mr. Speaker, I support the gentleman's fine cause and support the resolution and again compliment the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. GEORGE MILLER) for reminding us of our own heritage as we try to lift another part of the world forward as she struggles to meet her own social and economic needs internal to herself. It should not be done at the cost of any human life to be so disregarded.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing under my reservation, I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New Jersey and

the gentleman from California for their concern about this very important human rights issue.

Years ago when the United States began its trading relationship with China, we were told that this would be a way to help democratize China, to bring China into a tradition for human rights and worker rights and environmental consciousness. We have found that there is a time lag in China, a slow understanding of the principles which we have tried to communicate to them through our trading relationship.

The incident at Fanglin Elementary School is a graphic example and a very sad example of how we have really failed to follow through on the spirit of our trade relationship with China because the spirit of our trade relationship with China says that as a precondition of trade, we want to transmit democratic values that show that China appreciates the democracy that we have; not that we appreciate their type of government.

We have been trying to bring China over towards a more democratic expression, and what do we see. We see an example where 37 children die in a fireworks factory that was otherwise known as a school. They called it a school, but it was actually a fireworks factory. The very type of child labor that is being discussed here is abhorrent to the American people. We do everything we can, parents rich or poor, to try to make the childhood experience one where children are given an opportunity to be nurtured, children are given an opportunity to have their status protected. But no, that is not what is happening in China. Children making fireworks. How dangerous an occupation that is any way, but to have children making them in their schools, that is why this resolution is important.

Mr. Speaker, this resolution lets China know that it is not good enough to have a manufacturing base that includes child labor and slave labor. It is not good enough to offer cheap goods to this country and other countries around the world when those cheap goods are made under dangerous conditions by children who have no means of recourse.

□ 1900

This is an important step towards our continuing effort to insist that China as our trading partner live by higher standards. I salute the gentleman from California (Mr. GEORGE MILLER) and the gentleman from New Jersey (Mr. SMITH) for their work in this regard. I thank the gentleman for the opportunity to address this.

Mr. GEORGE MILLER of California. Finally, under my reservation I again want to thank the gentleman from New Jersey (Mr. SMITH) and the Committee on International Relations for bringing this matter to the floor. I appreciate their cooperation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 121

Whereas on March 6, 2001, an explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China's killed at least 42 people, including 37 children;

Whereas the children, all between the ages of 9 and 11, were being forced by elementary school officials to manufacture fireworks when this tragedy occurred;

Whereas the parents of the deceased children report that the mandatory labor, which involved mounting fuses and detonators into large firecrackers, had been a daily practice at the school for years;

Whereas this systematic exploitation of children in the elementary school was not only known about but actually organized by individuals holding official responsibilities with the local Chinese Government;

Whereas this practice is a grave violation of the rights of children under the International Labor Organization's Conventions 138 and 182, as well as Convention 29 on Forced Labor; and

Whereas Chinese Prime Minister Zhu Rongji has taken the important step of acknowledging these violations of internationally recognized labor standards: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sincerest condolences to the families of the 42 people killed in the March 6, 2001, explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China, including to the parents and families of the 37 young children who lost their lives as a result of this dangerous and forced child labor;

(2) expresses its gratitude to the Chinese and international journalists who reported the true cause of the explosion in response to the Chinese Communist Party's original attempts to put forward an "authorized", but false, version of the events; and

(3) expresses its support for international trade agreements and policies that will enforce the International Labor Organization's core labor standards, which include prohibition of child labor and forced labor.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SMITH of New Jersey:

Strike all after the resolved clause and insert the following:

That the House of Representatives—

(1) expresses its sincerest condolences to the families of the 42 people killed in the March 6, 2001, explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China, including to the parents and families of the 37 young children who lost their lives as a result of this dangerous and forced child labor; and

(2) expresses its gratitude to the Chinese and international journalists who reported the true cause of the explosion in response to the Chinese Communist Party's original attempts to put forward an "authorized", but false, version of the events.

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the na-

ture of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. SMITH).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. SMITH of New Jersey:

Strike the preamble and insert the following:

Whereas on March 6, 2001, an explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China's killed at least 42 people, including 37 children;

Whereas the children, all between the ages of 9 and 11, were being forced by elementary school officials to manufacture fireworks when this tragedy occurred;

Whereas the parents of the deceased children report that the mandatory labor, which involved mounting fuses and detonators into large firecrackers, had been a daily practice at the school for years;

Whereas this systematic exploitation of children in the elementary school was not only known about but actually organized by individuals holding official responsibilities with the local Chinese Government; and

Whereas Chinese Prime Minister Zhu Rongji has taken the important step of acknowledging these violations of internationally recognized labor standards: Now, therefore, be it

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New Jersey (Mr. SMITH).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

DEMOCRATIC PARTY FUND-RAISERS

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

Mr. CUNNINGHAM. Mr. Speaker, many of us were revolted when the Democratic leadership took \$1 million

from Bernard Schwartz from Loral that gave military secrets to the Chinese who in turn gave them to North Korea that can now hit us with a Taepo Dong II missile. We were sickened when the DNC used our military as waiters in a White House fund-raiser.

But the latest tops all of that, I believe. Democrat leadership had a fund-raiser this weekend with Hanoi Jane, Hanoi Jane Fonda, that stood beside Vietnamese gunners as they were trying to shoot down American airplanes; Hanoi Jane and Tom Hayden, who stood beside those gunners, knowing that our POWs were tortured and brutalized, and said nothing. Yet the Democrat leadership this weekend has a fund-raiser in the face of campaign finance reform with Hanoi Jane Fonda.

I hope you choke on every dollar.

FAITH-BASED INITIATIVES

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

Ms. WATSON of California. Mr. Speaker, one of the most fundamental guiding principles of our Nation is that individuals should be judged on their talents rather than on their heritage or their beliefs. It has been a long struggle for many Americans to secure the benefits of this principle. Even today, unfair discrimination prevents many Americans from achieving all they can. But most Americans can agree that our Federal Government should not sanction unfair discrimination but rather should fight it wherever it exists.

Last week, Congress took a decision that compromised this principle. The passage of the Community Solutions Act last week by this House would permit groups to discriminate unfairly against certain Americans. Worse yet, the bill actually would take away the right of communities to establish their own antidiscrimination laws.

Mr. Speaker, it is not too late for Congress to correct this House mistake. I encourage you to work with the Senate to see that any final version of this bill respects the rights of communities to enforce their own anti-discrimination laws and thereby protect one of our most cherished American principles.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OTTER). 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.

INTRODUCTION OF H.R. 2246, MEDIA MARKETING ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I would like to rise this evening and discuss a topic that is important to all of us, which is our Nation's children.

Two months ago, I was in a truck stop and I saw a young man playing a video game. I did not think much about it, but I went up behind him and watched what he was doing. He was shooting a laser gun, but he was not shooting at targets. He was not shooting ducks. He was shooting people. Every time he hit one, an arm flew off and the blood spurted, or a head flew off and the blood spurted. I was really impressed by the violence of the game. This young man was about 10 years old. Nowhere on that game was any type of rating indicating that this was inappropriate for a young person.

As I saw that, I began to have a flashback to some of the school shootings we have had, and I realized that the United States currently is the most violent nation in the world for young people, with the highest homicide rate and the highest suicide rate of any nation in the civilized world. Our out-of-wedlock birthrate has risen from 5 percent in 1960 to 33 percent today. And so you say, what has happened here? Why has our culture unraveled in the way that it has?

I am sure we can point the finger at a great many different reasons and causes, but I would say one of the chief causes is the influence of violent, explicit material in the entertainment industry. Because, you see, the average child spends 25 hours a week watching movies, playing video games and listening to recorded music and probably spends about an hour or less talking to his or her parents. That 25 hours has a huge impact. Some of it is benign, but much of it is really pernicious and very harmful.

In September of 2000, the Federal Trade Commission prepared a reported entitled Marketing Violent Entertainment to Children. This is what they found, and I quote:

"The pervasive and aggressive marketing of violent movies, music and electronic games to children undermines the credibility of the entertainment media industries' parental advisory ratings and labels."

In other words, they were doing this in violation of their own ratings. The entertainment industry at that time was warned to quit marketing adult material to children in violation of their own rating system. This was done in September of 2000.

Then a follow-up study was done of the entertainment industry's progress in January of 2001. It was found that a year later some progress had been made but not very much. Whatever progress had been made was in ratings of movies, video games and their advertising, but practically no change at all had occurred in the ratings and in the advertising of the recording industry.

So much of the rap music, much of the music that young people listen to, is relatively targeted to kids; and

much of it is violent and very explicit. Since there has been relatively little progress in this area, H.R. 2246, the Media Marketing Accountability Act of 2001, has been introduced in the House. This is a companion to Senate bill 792. This bill simply requires the entertainment industry to advertise adult-rated material to adult audiences.

Some people bring up the issue of the first amendment. They say, well, this is obviously a violation of free speech principles. Yet I think it is important that we think about this a little bit, because this bill does not in any way tell the entertainment industry what they write or what they produce. It does not edit content. It simply says this: If you are going to have a rating system, PG, R, adult, whatever it may be, then let us make that, if it is adult rated, that you do not advertise in preteen and teenage magazines and on movies that are G rated and do not market it on TV programs that are primarily aimed at children.

It is very simple. It is not a violation of free speech.

I think that we have really let our standards slip abysmally in this country. All of us who are adults have stood by and we have let it happen. We have watched it happen. I think that it is time that Congress steps up to the plate. I think Congress can do something about this. I think we can send a message to the entertainment industry. I hope that Congress will do the right thing and will support H.R. 2246, the Media Marketing Accountability Act.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, there was an extraordinary report published the end of last week which should be required reading for every American. It is a staff draft of the Bush Social Security privatization commission. Now they want to call it the bipartisan commission on the future of Social Security or something, but let us make no bones about it. It is a privatization commission. The basic assumptions under which they are operating and the orders they have from the President are they must privatize at least a portion of Social Security.

But that is no surprise. President Bush has taken that position for many years, as have many on the other side of the aisle who have never liked the idea of Social Security. But what is shocking about this report is that on page 14 they say, we have become used to the idea that Social Security is going to have a financing problem beginning in 2038. Beginning in the year 2038, Social Security under current assumptions, without a single change, can pay 73 percent of benefits from that date forward but 100 percent of all

promised benefits up to 2038. That is a fact.

The Bush commission, the privatization commission, says they question whether Social Security can or will pay any benefits beginning in 2016, which means they are raising the specter first raised by Treasury Secretary O'Neill that they may not honor the debt of Social Security. That is, the fact that we have all paid taxes in excess of that necessary to pay current benefits with the idea we are accumulating a trust fund, the trust funds are held in Federal Treasury securities, and Federal Treasury securities are supposed to be the safest security in the world.

Now, Secretary O'Neill and, by implication, President Bush, are raising the question whether the Federal Government will honor those securities. That is unbelievable. That is extraordinary. It is frightening. It could bring about an economic collapse worldwide.

Beyond that, they are doing it for one petty reason, because they hate Social Security, they want to attack it, and they want to privatize it. Because the people on Wall Street say, "Hey, if we could have 250 million separate accounts to manage, we would charge all of them a little bit of money every month, we would make tens of billions of dollars."

□ 1915

Disregard the fact that those management fees over a person's lifetime would reduce their retirement by 40 percent in that little fund, and, for most lower income workers and others who this report feigns to really care about, they are shocked, shocked, shocked, that the widows and poor people and minorities do not have large retirement plans. They are not offering anything new for them, they are just saying Social Security has not been providing them with a high standard of living. Yes, that is true. But at least it has been there, it has been predictable.

This year, Americans will pay \$93 billion, "B," billion more in Social Security taxes than are necessary to meet current benefits. We thought that \$93 billion was then being deposited with the Federal Treasury with notes and it would be paid back, but Secretary O'Neill and this Commission and President Bush are saying no, we might not pay that back.

Well, if that is the case, then let us lower the tax now. You rushed out here to lower taxes for people who earn over \$273,000 a year, yet more working Americans pay more in FICA taxes to Social Security than they do income taxes. If you are saying you are not going to honor those debts, then lower that tax today. Give us back that \$93 billion extra we are going to pay this year, if you are questioning whether you are going to honor that debt.

It is absolutely extraordinary and irresponsible and unbelievable that this group, the Privatization Commission, is going down this path. The trust

funds hold not accumulated reserves of wealth, but only promises that future taxpayers will be asked to redeem. That is the same as any other Federal Treasury security. So they are raising a question about whether the full faith and credit of the Federal Government lies behind not only the Social Security trust funds, but the \$6 trillion of debt the United States of America has accumulated over the years.

If that filters through to the world financial markets, there will be a catastrophic collapse of the dollar, a run on the dollar; U.S. securities will be dumped in the market, and it will bring about economic catastrophe.

So I recognize they are trying to do a job here. The President ordered them to come up with the rationale for privatization. But do not do it in this extraordinarily irresponsible way. Just say, look, we want to cut people's benefits so that we can then transition to a privatized plan, and, of course, the models in Great Britain, Argentina and Chile did not work out so well, but we think they will work out better here.

Be honest. Do not lie and do not threaten the security of the world by threatening the sanctity of U.S. Treasury bills.

TRIBUTE TO THE LATE EUDORA WELTY

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentleman from Mississippi (Mr. WICKER) is recognized for 5 minutes.

Mr. WICKER. Mr. Speaker, many of my colleagues may not yet be aware of the death earlier today of one of America's giants. Eudora Welty died this afternoon in Jackson, Mississippi, at the age of 92. Her literary career spanned portions of 7 decades, and her awards and decorations place her among the superstars of American literature.

Her novel, *The Optimist's Daughter*, earned her the 1973 Pulitzer Prize for fiction. In addition, her honors included four O. Henry prizes, the National Book Foundation Medal, the American Academy of Arts and Letters William Dean Howells Medal, the National Institute of Arts and Letters Gold Medal for the Novel, the American Book Award for Literature, the American Book Award for Paperback Fiction, the Phi Beta Kappa Association Award, and many more.

It is a point of personal pride for me that Miss Welty was a native Mississippian, having been born in Jackson in 1909 and educated in the public schools of our State, as well as at Mississippi University for Women in Columbus. For years, we Mississippians have considered Eudora Welty our State's preeminent citizen. May 2 is annually celebrated in Mississippi as Eudora Welty Day.

Mississippians are also proud of the fact that she has been increasingly recognized throughout America as a na-

tional treasure. She was appointed to the National Council on the Arts by President Nixon in 1972, and she twice received the Freedom Medal of Honor from Presidents Carter and Reagan.

Beyond her acclaim in her native America, Miss Welty's works have been translated into virtually every European language, as well as Russian and Japanese. She has been recognized by many heads of state. In 1987, Eudora Welty was knighted, knighted, by the Nation of France; and in January 1996, Miss Welty was presented with the French Legion of Honor.

Eudora Welty understood not only the South, but the complex family relationships and individual struggles against adversity which have combined to give our country its rich texture. Her works of fantasy and tall tale narration included two of my favorites, *The Robber Bridegroom* and *The Ponder Heart*, which have been adapted for the Broadway stage, but which are still read aloud in the Wicker household.

Mr. Speaker, over the next few days and weeks the publicity concerning the life of Eudora Welty will perhaps assist a new generation of students and young people in appreciating the extraordinary life and accomplishments of this remarkable American. Perhaps I will be able to express in a more adequate way the admiration and kinship that I feel for her as a fellow Mississippian.

Suffice it for now to say that her work sparked the imagination of countless readers around the globe, that she universalized the Southern experience and made it relevant to people beyond the region's boundaries, and that her life and her life's work are worthy of our heartfelt praise and gratitude.

Now, with the indulgence of the Chair and my other colleagues in the Chamber, I am pleased to yield to my friend and colleague, the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, today I stand before you, my colleagues, and the American people with sad news. One of our Nation's greatest writers has passed away. Earlier today Eudora Welty died. Miss Eudora lived in my district down in Jackson.

Miss Eudora will always live, Mr. Speaker, in the hearts of thousands around our planet who have read her words discovering a world of penetrating thought, stark memories and prose that can bring the angels to Earth and soothe our longings to connect with our broader world.

Eudora Welty grew up in Jackson, Mississippi. She spent her entire life living and writing in Jackson. But her words were and are universal. Miss Eudora knew her home, and she could pen her thoughts in a way that made the South and Mississippi a place in all our hearts. One cannot begin to adequately address how she could make us feel, euphoric at once and then again nostalgic and magic.

Ms. Eudora wrote about a "sense of place," who we are and how our world, the dirt, people around us, the humidity and the community made us unique. She made us remember home, and she led us to realize the good and the bad in our society. And for this, we could read and learn and strive to be better.

Eudora Welty won a Pulitzer Prize in 1973 for *The Optimist's Daughter*. She was also the recipient of the National Medal for Literature in 1980 and a National Medal of Arts in 1987. Her work is recognizable by nearly everyone: A *Curtain of Green*, *The Wide Net*, *The Robber Bridegroom*, *Ponder Heart*, and *Delta Wedding*, to name only a few. Her work to this day is widely published in French and other languages, as well as in English.

Miss Eudora experienced and saw her world, the American South of the 20th century, with a keen eye and ready pen. She put her feelings and observations on paper in what can only be described as brilliance. A reader of a Welty piece is forever changed, forever touched by the human experience.

Eudora Welty took on a life with a zeal for truth, and she took the truth and made it real on paper. Ms. Eudora was born in 1909 and was educated at Mississippi State College for Women, now the Mississippi University for Women, and also at the University of Wisconsin. She lived through the Great Depression, snapping black and white photographs of Mississippi scenes for President Roosevelt's WPA Program. She experienced World War II, the economic expansion of the fifties, the change of the sixties, and continued through the seventies, eighties and nineties, until she passed away today, July 23, 2001.

So much history and change occurred during this remarkable life. But Ms. Eudora, through it all, realized that the human experience remained. She saw the pain and the triumph, the celebration and the agony, and Ms. Eudora has given us the great gift of place, memory, and humanity.

Ms. Eudora was an icon. She, through her grace, gentleness and greatness, has given so many Mississippians a role model. Ms. Eudora, through her life and writings, has given thousands a kind of permission to strive for their dreams.

Mr. Speaker, I do not think her curtain of green has closed with her passing, but rather has opened; has opened wide, so that all of us can continue to embrace the characters, places, and events she told us about. The curtain of green is open wide for us today, as it will be for all countless generations to come.

Mr. WICKER. Mr. Speaker, reclaiming my time, I will simply close by saying our colleagues, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Mississippi (Mr. Pickering), were on the floor earlier and expressed their regret at not being able to stay for this presentation and this

moment of observance. They will be submitting remarks for the RECORD later on.

I will simply close today with the words of a fellow Mississippian, William R. Ferris, Chairman of the National Endowment of the Humanities, who said this afternoon, "Eudora Welty's mastery of language was unparalleled, and her unswerving commitment to her craft as a writer will inspire future generations. We mourn the loss of a truly great writer and friend whose love and compassion enriched us all."

PUTTING PATIENTS BEFORE PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, on Sunday evenings I usually do a radio show called "Talking to the People" with a co-host, Garfield Major; and on last evening, we were supposed to have a guest, a young lady who was going to be with us. But then, of course, during the week she passed away, and we decided that we would dedicate the show in her memory. Her funeral is going to take place on Thursday of this week, and I simply want to say to the family of Evelyn Spivery and all of the people who worked with her that we share with them in their grief and sorrow at her early and untimely death.

Mr. Speaker, I rise today to lend my support to and talk about an issue that is important to all of America, and that is the issue of a patients' bill of rights. Not just any patients' bill of rights, but I support the patients' bill of rights sponsored by my colleagues Mr. MCCAIN, Mr. KENNEDY, and Mr. EDWARDS in the Senate, and the companion legislation sponsored by the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL) here in the House. I support the patients' bill of rights that puts patients before profits, and values human life over the bottom line.

The idea of a patients' bill of rights is nothing new to this Congress. We have all listened to the rhetoric, and we have all been involved in the debate. As a matter of fact, as a Member of Congress since 1996, I must say that it is interesting to see where this debate has gone.

I find it worth commenting that the question we are now faced with is not so much whether we should pass a patients' bill of rights, but which version we shall pass. In other words, we are all pretty much in agreement that patients need to be afforded an increased level of protection from the predatory tendencies of some components of our health care delivery system. But rather than immediately delving into the particulars of why we should prefer one version over another, I believe it is instructive to take a step back for a mo-

ment and look at the concept of a patients' bill of rights in the first place.

The very idea that we need a patients' bill of rights, an idea, I remind you, we are all in support of, implies the presence of an injurious element within our health care system. The simple fact that we are debating this idea means that each one of us at some level acknowledges the basic reality that the interests of some parts of our health care delivery system seem to be adversarial to the interests of patients.

I believe that the debate over which patients' bill of rights to accept can be resolved simply by looking more closely at what I will call the nature of the beast. Too often I believe that we talk about solutions without fully understanding the problem. I believe that with a careful examination of the means and motives by which some components of our health care system make money off the pain and suffering of patients, the answer to the question of which patients' bill of rights is the real patients' bill of rights becomes self-evident.

□ 1930

Now, what is it about those components of our health care system that is so inherently evil? Well, let me read a quote from Milton Friedman, a well-known advocate of free market economics. Mr. Friedman says that "few trends could so thoroughly undermine the very foundations of our free society as the acceptance by corporate officials of a social responsibility other than to make as much money for their stockholders as possible." In other words, if we go by the dictates that managed care organizations live by, not only is it undesirable to take a patient's well-being into account, it is simply unethical to do so. Any motive other than the profit motive is extraneous and inappropriate. This narrow-minded approach has placed our great Nation in a completely unique situation. We are the only Nation in the entire world with a health care system whose fundamental organizing principle is to avoid as many sick people as possible.

Let me say that again. I believe this gets to the crux of the matter. Many managed care corporations are predicated upon avoiding the needs of patients.

Now, given the fact that some managed care corporations are opposed to the needs of patients, given the fact that some managed care guidelines, as they are currently written, do not allow patients to stay overnight for a mastectomy or see a neurologist for new onset seizures, and given the fact that some corporations spend 25 cents of every dollar on administrative expense while Medicare is administered at a rate of over 12 times less, and given the fact that many of these same corporations feel that patients' rights that would allow the patient to go into a court of law to seek redress for injury, I think it is clear, Mr. Speaker, that the only real Patients' Bill of

Rights is the one that puts people over profits, and the motive is to protect the patient.

STAND UP FOR THE NATIONAL GUARD

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I rise today to speak on behalf of our National Guard. For 225 years our young men in the National Guard and our young women in the National Guard have stood in the gap when our Nation was called. From Concord to Kosovo, they have put their lives on hold, left their families, their jobs and responded to our Nation's needs. Today, they are continuing that great tradition.

If it was the will of the President to send our young men and women into harm's way tonight, they would drop everything and they would go. As we speak, the 184th Bomber Wing at McConnell Air Force Base, an Air National Guard unit in Wichita, Kansas, is on call. If the assignment came to send our B-1 bombers to a foreign target, it would be the volunteers of the 184th Air National Guard Bomber Wing that would fuel the planes, load the bombs, fly the mission and, once again, stand in the gap for us and for our children.

I tell my colleagues this with great pride because I know many of these young men and women in the 184th. Some of them grew up in Wichita, Kansas, the air capital of the world, home of Boeing, Beech, Cessna and Lear Jet. Some of them are second and third generation aircraft workers. It is almost genetic for them. It is a passion for them.

That may explain why the 184th B-1 Wing has the highest mission-capable rate of any of the B-1 bases, including the three active duty B-1 bases, the highest mission-capable rate. Of course, the average length of experience on the flight line at the McConnell Air Force Base for the Air Force workers is 15 years, 15 years of experience. However, at the active duty bases, it is only 3 years. On top of that, the cost per flight hour is lower at the Air National Guard unit at McConnell Air Force Base. It is a little over \$6,000 per hour to fly the B-1, compared to over \$10,000 per hour at the active duty base, considerably more. Lower cost, more experience, higher mission-capable rate: That is an attractive alternative to the active duty, and it tells us how important Air National Guard is to our Nation.

Mr. Speaker, when we compare how the Air National Guard has handled their mission with the B-1 to the active duty, one would think there would be no question whether we should keep the B-1 mission in the National Guard. But, Mr. Speaker, the Guard is under attack. According to the Secretary of the Air Force and released program

budget directives, the Active Duty Air Force intends to pull the teeth of the Air National Guard by removing the B-1 mission from the Guard. Today it is the B-1 mission. What will it be tomorrow? No more F-15s in the Guard? No more F-16s? We do not know, but one thing is clear: The Active Duty intends to pull the teeth of the Air National Guard.

Now, this is very upsetting to the young men and women of the Guard. Consider their success with the B-1 mission: lower cost, more experience, a higher mission-capable rate; and now consider the reward for being the top B-1 wing: loss of their mission. It does not make sense economically or logically. In a time of tight budgets when we have a shortage of 1,200 pilots, when retention of personnel is paramount, this is exactly the wrong message and exactly the wrong decision.

Mr. Speaker, I hope that each of my colleagues will consider this assault on our National Guard and oppose it. For 225 years, the Guard has stood in the gap for us. I hope we will choose to stand up for them.

PATIENTS' BILL OF RIGHTS: EMPOWERING PHYSICIANS AND THEIR PATIENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Connecticut (Mrs. JOHNSON of Connecticut) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the Fletcher-Peterson-Johnson bill, and I appreciate the opportunity to talk to people about the strength of our approach to providing people with the right to sue if they have been harmed by a plan or a decision that their plan made. It is absolutely wrong for an HMO to have the power to deny needed medical care to a participant in that plan. That is something that, frankly, we all agree on.

What we do not agree on exactly is the process by which we achieve that goal. I want to make sure that at the same time we provide patients with a right to sue their HMO, we do it in a way that returns power and control over our health care system back to physicians. I do not want a solution to patients' rights that empowers lawyers over doctors, or puts in place such a complex system that resources hemorrhage out of our health care system into our legal system, diminishing not only the rights of patients but the possibilities of those who participate in plans for medical care.

Mr. Speaker, I think through this discussion tonight we can make clear that our goal is to empower physicians, to return control of our health care system to physicians and patients, to doctors and the people they care for, where it ought to be; and to make sure that in the process of reform, we create new rights of access, we guarantee a

new and objective external appeal process, but we do not transfer power that plans now have and should not have to lawyers for them to have, when they should not have it. So this is all about patients' rights and doctor power, and that is what we want to talk about tonight.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. FLETCHER), who is the lead sponsor of this legislation.

Mr. FLETCHER. Mr. Speaker, I thank the gentlewoman. I certainly appreciate all the work that we have done together and the gentlewoman's help in making sure that we have a piece of legislation that truly is focused on patients and focused on getting patients the health care that they need.

Mr. Speaker, all of us have heard the tragedies of HMOs, and there are many out there, and I think we can all relate to that. As a practicing family physician, I remember many episodes where I had a conflict with the HMO, trying to get the treatment that the patient needed. So I think all of us agree that there are tragedies out there where patients did not get the treatment they needed, or where they were misdirected to a distant ER and something happened. We want to make sure that we correct those problems and that we get patients the care that they need.

That is why when the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Minnesota (Mr. PETERSON) worked on this bill, and a number of others who have worked very hard on it, we focused primarily first on patients and getting the care. We wanted to make sure that we no longer saw a system where insurance bureaucrats made medical decisions but rather physicians made medical decisions.

We also did not want to go to the extreme of other folks saying, let us let lawyers and judges make the medical decisions. That is not right either. First off, the ability to get that treatment is impaired. It may take years to get a settlement, well after the medical treatment is needed. Secondly, judges and lawyers are not trained to make those medical decisions. So we established a bill that focused on getting the care patients need.

Now, let me compare, because I have a chart here that compares the basic elements of the patient protections in the two bills. Our bill, which is the Johnson-Fletcher-Peterson bill versus the Ganske bill, or the Kennedy-McCain bill. First, emergency access. We both ensure that the patient can get the emergency room care that they need.

We also ensure something called point of service. What that means is that one has an option of going to any physician. If one wants to get that plan, one can go to any physician out there. They may not be a physician that is part of even that network of the HMO, and a company will offer a plan that you can purchase that will allow

you to see a physician that you trust that may not be a member of that network. You can see your OB-GYN doctor directly. You can take your children, and I know that this is very important for families, to ensure that their children have access to that pediatrician that has been trained especially to take care of the problems of children. We provide direct access to pediatricians.

Specialty care. To make sure that there is an adequate coverage of specialists out there to bring the latest, the state-of-the-art of medicine, to the patient's bedside. We want to make sure that there is continuity of care, that if, all of a sudden, the contract is removed from the physician, that there is a solution.

For instance, if you are a young lady and you are being covered by a physician or he or she is your attending physician and you are about to deliver a child, we make sure that you can continue that continuity of care, that you can continue to see that physician, and that you get the care that you need throughout, even though they are no longer working with that HMO, that they can do that until the delivery is completed and postpartum care is completed as well.

We do not allow any gag clauses. We do not allow HMOs to tell physicians, you cannot tell your patients what medical treatment they need. So we stop all of that, just like the other bill.

Clinical trials. We make sure that if there is a clinical trial that is out there that may give someone a hope of a cure for a disease that we make that available.

We make sure that you get plan information, just like the other bill.

We make sure that there is an appeals process; that if an HMO says, we do not think that is covered, that you can get an internal and external appeal. What does that mean? That means that you can appeal it to a panel of experts. We have set quality number one in this bill. We have established a criteria for this external review, the highest standards in the country, a consensus of experts of national opinions and what we call the referee journals, those medical journals that drive the state of the art of medicine. So we establish the highest quality of any bill. Actually, our quality of care standards are higher than any other bill here.

We make sure that the prescription drugs that you need are there, that if it is not on the formulary and you cannot tolerate the drug that that is on the formulary, that there is access to a drug that may not be on the formulary, but because you cannot take the medication that is on the formulary, you get another medication.

We make sure that there is the liability, that there is the redress so that one can hold HMOs accountable.

Now, one way we hold them accountable is we make sure that if an insurance company does not comply with

this panel of expert physicians, this high gold standard, that if they do not comply with that and give the treatment that one needs, we hold an HMO liable in exactly the same manner that a physician is liable.

The other side has about 19 pages of criteria that have to be met. Nobody knows how the States are going to respond to that. We are seeing a decision from the Department of Justice saying that we are not sure how the States are going to respond to 19 pages of Federal mandates on State courts. That is unprecedented. But we make sure that the HMO is held accountable if they do not comply with those panel of expert physicians, the same way a physician is held accountable.

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There is no difference in our bill. We make sure that there is tight, focused accountability.

We also provide, and let me talk about it, immediate access and instant remedy. When we focus on patients, that is what we want to see.

We also provide the opportunity for small businesses to come together and to offer a national health plan. That will save an estimate of 10 percent to 30 percent on premiums.

I have not talked to anyone out there, Mr. Speaker, that is not interested in the cost of health care and of seeing that going up double digits this year. So being able to decrease the cost of health insurance, make that more accessible, allow more small businesses to offer health insurance is one of our goals. I believe we accomplished it.

It is estimated that 8.5 million Americans will be able to get insurance that do not have insurance today. We hold HMOs accountable; and we weed out bad players, as I have said. We make sure that the medical decisions are made by doctors.

The Kennedy bill and the Ganske-Dingell bill, what they say is that if one does not get the treatment immediately, if they just allege harm, they can go to court. What does that do? That does not, first, get the patient the treatment they need, and it also increases the number of junk or frivolous lawsuits. We will talk about that in a minute and what effect that has on patients' ability to get affordable health care.

We make sure that one does not have to go to a judge, that one can go to a doctor to get an opinion. Then if the HMO is a bad player, we hold them accountable.

We enable small businesses, as I said, to offer health insurance. Most importantly, when we talk to the American people, Mr. Speaker, what we find out is that the American people are very, very concerned about the health care they get through their job. I have some farmers in my district whose spouses go to work simply so they can get that health care.

The other bill may impact that to the point where individuals will lose

the health care they get through their work. In Kentucky, that estimate is 40,000 to 80,000 Kentuckians will lose their health insurance because of the Ganske-Dingell bill.

Again, we protect the health care Americans get through their jobs. We provide all patients with patient protections. By setting that gold standard by that independent review of panels, we raise the standard of the quality of health care.

When we look at insurance premiums, ours, when we figure the total bill with those association health plans and something else called Medical Savings Accounts, where one can set aside some money to use for health care expenses, ours shows that we will have a net decrease, if we look at the premiums. Theirs will increase by about 4.2 percent.

We do not think we will increase lawsuits. Actually, we will get the care and have less lawsuits than they will, but yet we will weed out bad players.

We estimate that we may decrease totally by 7 million the number of uninsured. They may increase it for some up to 9 million.

Health care quality, we believe we can actually increase health care quality with this bill, which is a primary concern.

We want remedy, we do not want retaliation. We know there is a lot of emotion. As a physician, I can say there are many times when HMOs angered me. But the motivation for passing a good patients' bill of rights is remedy, not retaliation. We want to make sure one gets immediate help, not unlimited or frivolous lawsuits.

We want to make sure one has access to State courts if the managed care company refuses to give what the experts say. There are no caps on many of their decisions, and that means premiums are going to go up. We have access also to Federal courts if it is a coverage decision.

Why is it very important to make sure that we provide health insurance? Why are we so concerned about the uninsured? I am disappointed in the other side. I think we both have a very similar motive, but their bill has what I call truly a flagrant disregard for the uninsured.

When we look at the simple fact, and this comes out of the Journal of American Medical Association from November 19, 1997, this was an article that said that a patient without health insurance is three times more likely to die than patients with health insurance. So when we talk about driving up the number of uninsured, we have a tremendous impact on the health and well-being of Americans. That is why it is so important to focus on the uninsured.

Look at this map. We currently have 43 million Americans uninsured. If we look at, under the Ganske bill, there are 4 million more uninsured. If we look at the blue States and if we were to take the population of all those blue

States, that is equal to the population of the number of people in the United States that have no insurance. That is where we should be focused.

That means that 43 million Americans now are not able to go see their physician, not able to get the preventive health care they need, so when they do arrive in the emergency room their disease is further along. It is more advanced and less curable.

If we pass the Ganske-Dingell bill, it is estimated that those red States, a population equal to the population of those red States would lose their health insurance. I do not think that is something we can afford in America.

Let me say this, as we look at the differences, I think both of us have the same goal. That is to make sure we provide good patient protection. I think in their liability portion they are very misguided in the sense they turn decisions over to judges and lawyers instead of physicians. I think it is bad legislation, particularly for those that I call "near-uninsured."

Who is it going to impact most? Low-income and minorities, that is who it is going to impact. I am surprised that the Democrats would take up this issue, because that is a constituency they always speak about having compassion for, yet their bill will impact them worse than any other portion of our society. Low-income and minority people are the ones that stand to lose the health insurance, those who are barely getting along, those families who are having to decide between putting food on the table and providing health care for their children.

Under their bill, they may end up having to say, I am not going to take the food off the table, so I will have to drop health insurance. That is not right for America. That is not good for those most vulnerable in our country.

I appreciate the opportunity, I say to the gentlewoman from Connecticut (Mrs. JOHNSON), to speak with her, and I thank her for all her work on this bill. I think we have an excellent bill. I thank the gentlewoman for the opportunity to share this time with her.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for joining us.

I want to ask just one question to the gentleman, as a physician. Is it not true that under our emergency services section, where we guarantee people the right, if one's pain is severe enough that any prudent layperson would think someone needed to go to the emergency room, they can go to the emergency room and get care under our bill and under the other bill?

But there is a unique aspect to our bill. That has to do with very, very young infants, where of course "the prudent layperson" rule is a little hard to apply. So we do take a different tack in that portion of the bill. If the gentleman would just talk about that, I think it would help people understand how thoughtful our legislation is.

Mr. FLETCHER. Mr. Speaker, we wanted to make sure that the access

there to the emergency was available to everyone, regardless of their age and regardless of their ability to be able to define what a layperson's definition is.

So we make it very clear, and I think that is one of the reasons that, when we talk to the emergency room physicians across this Nation, they prefer our provisions, so that no patient is without access to the emergency room.

I mentioned in the beginning that some of the problems have been that a patient may call the HMO and they send them to a distant emergency room. We have eliminated that problem. We have solved that problem. We make sure that if one has an emergency, if one has severe pain or something where one feels or a layperson feels like it could threaten their health, they can go to the nearest emergency room, get that treatment from those physicians and health care providers, and they can be assured of being reimbursed for that.

Mrs. JOHNSON of Connecticut. If they have a very sick infant and go to the emergency room, and in the opinion of the health professional, the prudent opinion of the health professional, that infant needs certain care, that infant can have the care that they need on the word of the health professional, as opposed to the prudent layperson's standard that pertains to me, if I were in pain or another adult if they were in pain.

Mr. FLETCHER. Let me address this. A young mother sometimes is not sure whether an infant needs to come. I recall a situation where a young mother came and she gave me, after a few questions, a short history of this infant. She was not sure whether or not that infant needed to come in.

At that point, I told her that, no, I think you need to come in immediately. When that child arrived there, it was very, very ill. The gentlewoman is absolutely right that it is very difficult sometimes on a layperson's judgment to define whether a young infant, a very young infant, is truly at a great deal of risk with their health care, and yet it requires health care professionals.

So our provision for that gives a lot more protection to those young mothers and young infants.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman very much for his time tonight. It is a pleasure to know that the emergency physicians were very involved in writing that provision, and we have very strong coverage and protection for emergency room care.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. COLLINS), from the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I thank the gentlewoman for yielding to me.

I really enjoyed the explanation of the gentleman from Kentucky on the health care provisions in both plans. That is what people are concerned about at home, that they want to better understand their health care insur-

ance, what their coverage is, and what the plan consists of, more so than anything else.

I have very few, and I cannot recall any, really, who have been to my office and said, "Mac, I want you to pass legislation to let me sue my insurance plan and my employer." That is not what is on their mind. What is on their mind is the information that the gentleman from Kentucky (Mr. FLETCHER) shared with us: "What am I going to do about health insurance and health care coverage for me and my family?" Those are the concerns.

I have very few to call the office concerned about the denial of a service that they may need in the private sector. I do have quite a few calls when it comes to some of the, what I will call government-run HMOs, health management organizations, and those are Medicare and Medicaid.

Thanks to the new administration and some of the things that are happening over at the Center for Medicare Services now, though, those calls have become fewer and fewer.

We used to have a lot of calls about the Veterans Administration, but fortunately, we have had a lot of good, positive changes, especially in the Atlanta Region, with the VA. I have not received, in years, many calls.

These are things that, as a Member of Congress, it is pleasing, because I feel like my constituency is being better served by those particular agencies.

I say to the gentlewoman from Connecticut (Mrs. JOHNSON), there are a couple things I do have complaints about. One is the cost of health care. People say, "Congressman, why is my health care so high? It is to a point where I cannot afford it. Why is insurance so high? I cannot afford coverage. I cannot afford the insurance. What am I going to do? What am I going to do?"

One thing we should not do is subject the marketplace to provisions of law that may increase those numbers who cannot afford insurance or cannot afford to pay their health care costs. That is just something we do not need to do. I am afraid what we are looking at with this particular patients' bill of rights is the fact that we may increase, if we pass one particular provision, and that is the bill that the other parties have offered, the Ganske-Dingell bill, the McCain-Kennedy bill, that possibly we will increase the number of uninsured and raise the cost to a point that many cannot afford it.

I have had health care management organizations to come by the office in Georgia, particularly the Jonesboro office, because it is closer to the Atlanta area, and talk to me, it has been 3 or 4 years ago, about health care and what they were going to do, how they were going to take care of the uninsured. One had some pretty slick brochures, they were just fancy, and they probably spent a lot of money on preparing them.

I looked at them. We talked for a while. I said, "These things are pretty.

They are slick. A lot of good information here. My advice to you is to do what you say you are going to do in these brochures, and that is take care of those that you insure." I said they should heed the warning, because if they did not, there was going to be legislation before the Congress that will make them wish they had. That type of legislation I do not believe will be good for the marketplace, for those who are uninsured, or those who insure.

Some companies have heeded that warning and made some changes, but many have not. I think the marketplace is where things should take place and where the reform in HMOs should take place. Employers, as they select plans, they select plans based on competition in the workplace for employees. It is a benefit. Some plans are better than others because some businesses can pay better than others.

Labor contracts, many times labor in their negotiation will use health care coverage as part of their negotiation or their leverage. Insurance companies themselves providing insurance, they are competitive. They are competitive businesses.

There is not just one insurance company, like we have with the insurance for our seniors, Medicare, or insurance for the poor, Medicaid. There are a lot of private sector insurance companies who compete for business. They compete on the basis of what they have to offer, the price of what they have to offer, and the satisfaction of those who receive the coverage under their plans.

That is where the HMO reform should take place. That is the marketplace. But it is not. It is taking place right here in the halls of Congress. It worries me.

We have, as we all know, the patients' bill of rights. Unfortunately, as I hear the coverage at home on the national media, they do not talk about provisions that the gentleman from Kentucky (Mr. FLETCHER) talked about. They talk about "this bill is all about people have the right to sue the insurance company."

Do Members know, I believe they have that right today. If someone is harmed by another individual, whether that individual is an entity or is a person, they have a remedy of law. They have a right to recover.

I do not think what we are doing here is absolute in what we are trying to do as far as the marketplace is concerned. We have a choice, as I mentioned earlier. We have the Ganske-Dingell bill.

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A lot of people at home know it as the Norwood bill, very similar to the one that passed over in the Senate. But I have to say that, based on my experience in business, my experience of having been in the Congress now for 8½ years, my understanding of people and a common sense approach to this issue, I do believe the gentlewoman has the better approach of all that has been presented. I believe it has a less negative impact on employers. I believe it

has a less negative impact on employees.

Let us face it, most people obtain their health care insurance coverage at the workplace. That is where it happens. That is the benefit. That is the incentive that an employer offers to have someone work for them, or part of the incentive program. And the gentleman's bill puts at risk in a lesser fashion the employer when it comes to liability. As an employer for 38 years myself and in the type of business that I am in, trucking, have been since I was 18 years old, a lot of miles on the road, a lot of employees in accidents, I have been in court, and it is not cheap to go to court to defend yourself.

I know that a lot of employers, if they are going to have to subject themselves to additional cost, the additional time and trouble of defending themselves based on a suit that may not be a viable suit, it may not be a real liability to them, but they have to go to court to prove that it is not or to have themselves removed from the case, what will happen, I am afraid, is that many employers will just say, hey, I am not going to do this. I am just not going to provide it.

What if they do? What if they say, I will continue on. I will take that chance. What will be the result? I think it will be based on passage of legislation, whether it be either bill. I like the idea that the gentleman from Kentucky (Mr. FLETCHER) put forth, that this may actually reduce costs, and I hope it does. I think the majority of the time, though, anytime the Congress gets involved in something, it always increases the cost, whatsoever it may be.

But let us just look at a couple of comments that a group on Wall Street made about the potential of the McCain-Kennedy, or the Kennedy-McCain, now that the Democrats are in the majority over there in the other body, or the bill that is before us from our side, the Ganske-Dingell bill.

These are the four things that they say could happen. They say, first of all, if the President were to sign either one of those two bills that they think that, similar to some insurance companies that are already out there, that they would just draw language for their plans that would more carefully and extensively exclude areas of services, regardless whether they are medically necessary. They would exclude them by taking out the words "medically necessary."

They think that the plans would eliminate preauthorization so that they would not have to delay or deny care but merely make retrospective coverage decisions on claims after the care was rendered. Now, how would my colleagues like to get a notification saying, wait a minute, that \$100,000 operation you had was investigative surgery, because the words medically necessary are no longer there? That would be stunning. It would be to me, anyway.

Third, this group thinks that plans would raise premiums and fees to address potential costs of expanded liability and other patient bill of right provisions.

And, fourth, businesses will adjust. If they decide to stay in the marketplace and provide the incentive for their employees, they will make the adjustments. I know they will. I have been there for 38-plus years and have made a lot of adjustments based on government regulations.

They say that we think the sponsors, those who buy and make the decisions to purchase the insurance, would increase the beneficiary costs, the employees' cost with cost sharing, with higher deductibles, or coinsurance, or co-payments to offset such increases. So it will cost employees as well as possibly employers.

The Ganske-Dingell bill, and I hate to take up so much of the gentleman's time here, but this thing has been bothering me for a long time and I just have not spoken out much on it, but it has bothered me as a Member of Congress and as an employer. They say employees are protected, but are employers protected? If they are, why do we not just say so with maybe some language that says the decision to purchase health insurance as an employee benefit is not subject to liability, because it is not a health care decision. Now, the gentleman has. The gentleman has accepted that type of language very similar to that, and that is good language because that protects that employer and the employee by not discouraging the employer to stay in the marketplace.

I say to my colleagues, let us not jeopardize the insured that are out there today by jeopardizing the employers, their workplace; not only jeopardizing them for the possible loss of insurance coverage but jeopardizing from the standpoint that their share of the insurance coverage for their families more than likely will be increased.

Well, that is all I am going to say for now, but I appreciate the gentleman's thoughtfulness. I know she has worked diligently on this legislation, and I hope that my colleagues will work and pay close attention to how this whole process will affect employees, insured, and employers who provide the coverage as a benefit.

Mrs. JOHNSON of Connecticut. My colleague, the gentleman from Georgia (Mr. COLLINS), has made a series of very important points, but the most important point is that health insurance is the most important benefit that employees receive from employers and that in fact the only place people can get affordable health insurance is through their place of employment.

If we provide access to specialist care and all of those access rights that we provide in this bill, which both bills provide and which do not in themselves cause any of the problems the gentleman is talking about; and if we provide a national process of independent

review of decisions made by insurers to guaranty that those decisions do not deny needed care, which both bills provide and 41 States provide, that will not have the consequences that the gentleman fears. But if we provide the right to sue wrong, we will have the consequences the gentleman fears. And if businesses think they can be sued for what are essentially malpractice decisions, they will drop their plans or increase costs.

Just to give my colleagues a little example of how important this is, in last year's alternative bill we had a system for protecting employers. The employers, frankly, did not think we were right, and they did not support it. But it was the best we could think of at the time. It said if you did not directly participate in the decision, then you could not be sued. But direct participation turned out to be a pretty long chain, and a lot of people got swept into it.

So this year, as we move forward, we thought harder about that issue of protecting the employer, who, after all, is only doing his employees the good service of having a plan and paying for it for them. So we came up with a new way of protecting employers. And one of the things about our bill, the Fletcher-Peterson-Johnson bill is that it has a simple, clean mechanism for protecting employers. The employer simply appoints a dedicated decisionmaker, and under his plan he then is protected from suit.

Now, in the other bill, realizing what a good idea we had, in the Senate they added that designated decisionmaker into the bill. But they just laid it on top. So now their bill has two systems. What that does is to create court cases about which system. That is the kind of way in which the other bill, in its complexity, invites litigation, explodes litigation, drives up costs, drives up premiums or copays, or reduces coverage or, in fact, forces employers to drop their plans.

So when we talk about the fact that our bill better protects employers and protects the employees' insurance, it is right there in black and white. It is in the provisions. Their provisions drive inappropriate litigation. Our provisions only help the person who was harmed by not getting the medical care they deserved. And that person, under our bill, has the right to sue.

I thank the gentleman from Georgia for joining us and talking about this.

Mr. COLLINS. If the gentleman will yield further, they should have that right, and I think they have that right today.

I am still very concerned about the language, though, of appointing a decisionmaker. Because that can be questioned, too. But if the decision to purchase the insurance is not subject, because it is definitely not a health care issue.

Mrs. JOHNSON of Connecticut. That is right, and that is very clear under our bill, that that is not a health care decision.

Mr. COLLINS. Well, I hope it is, and I think it is, because I have been assured that that is my amendment that the gentlewoman has accepted. I thank her.

Mrs. JOHNSON of Connecticut. That is right.

Now, I would like to recognize my colleague from Arizona (Mr. HAYWORTH), also a member of the Committee on Ways and Means, and I appreciate his being with us tonight.

Mr. HAYWORTH. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding to me. I listened with great interest to the gentleman from Georgia and, preceding me in this well of the House, the gentleman from Kentucky (Mr. FLETCHER), the principal sponsor of the true bipartisan Patients' Bill of Rights. Because make no mistake, my colleagues, we have a clear choice on this floor for all of America later this week: Will this House stand for a true patients' bill of rights or, in the games of special interests, will this House, instead, pass a trial lawyer's right to bill.

The gentleman from Kentucky made the case. The gentleman from Georgia made the case. Let us reaffirm the principles so important to us. As I see here tonight we are joined also by the gentleman from Pennsylvania (Mr. ENGLISH), whose district, as most districts in this country, really embraces the work ethic and the notion of getting one's money's worth and the quality of life, and I think these underlying principles form the foundation of our actions.

Number one, when someone is sick, they do not go to see a lawyer. They want to see a health care professional, a health care provider of their choice, a doctor to help them solve that problem.

Number two, should there be a dispute about insurance, most individuals want health care professionals who understand the concept of continuity of care, who understand the concept of the illness that that person faces making decisions, rather than ending up in court.

The basic thought, Mr. Speaker, is this: We all want help from medical professionals rather than a court date that can stretch on and on ad infinitum instead of getting quality health care. That is the key decision we confront.

Mr. Speaker, I was frankly amazed to hear my good friend, the gentleman from Illinois (Mr. DAVIS), come up a bit earlier this evening and talk about the profit motive and the evils that were imputed to profits. Because were we to follow the line of reasoning as relevant as headlines in The New York Times of 3 weeks ago, how shocking was the news we had about the trial lawyers' lobby and the dispute involving the Ford Motor Company and the Firestone Tire Company. The New York Times, not exactly a conservative journal, the New York Times pointed out that the trial lawyers involved in that

case made a conscious decision to conceal the facts. To help protect public safety? No, to protect their case in court. And almost 200 fatalities resulted in the time from the discovery of the defect until the courtroom she-nanigans to get a big decision.

□ 2015

When we talk about the common interest in the public health and public welfare, who is culpable there? I say we better not go down that path, we better not surrender health care rights to the trial lawyers' lobby. Yet, the choice we will have on this floor is crystal clear.

We can succumb to the siren song of the clever and those who wrap their message of higher fees in the language of love and counterfeit compassion; or, instead, we can vote for a bipartisan measure, the principal architect of whom has dealt with patients in his primary calling in life in a bipartisan way to focus on health care for Americans. That is the simple choice when we take it all away. Are we for lawyers or are we for doctors and health care professionals helping Americans make the right decisions for their health care? That is what we will confront this week on the floor.

Mr. Speaker, I yield back to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I think the gentleman from Arizona (Mr. HAYWORTH) is absolutely right. This is about whether doctors will regain control of America's health care system.

At the hearing before our subcommittee of the Committee on Ways and Means, every single example that the trial lawyers gave could have been solved more rapidly under the system in our bill and for \$50.

I ask, what is in the patients' interest? What is in the patients' interest is that they get the care they need and they get the care they need when they need it, that they do not go to court and face the long dragged out process of the court and face the high cost of a court case.

It was really sad to sit there and hear every single example the trial lawyers' representatives gave and to see how this could have been resolved so much more rapidly, with so much less suffering and harm on the part of the patient and their whole family and of the caring physician under our system.

My colleague is absolutely right. This is a big vote about whether patients and doctors are going to be at the heart of America's health care system in the future.

Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for joining us today. Mr. Speaker, I welcome my colleague from Pennsylvania (Mr. ENGLISH), who has been very active in so many issues that touch on the heart and life of the people of his district, to this discussion.

Mr. ENGLISH. Mr. Speaker, I want to thank the gentlewoman from Con-

necticut (Mrs. JOHNSON) for yielding to me. I particularly want to thank her and the gentleman from Kentucky (Mr. FLETCHER) for their leadership along with the gentleman from Minnesota (Mr. PETERSON) in moving this debate forward.

I believe that the House is going to make a momentous decision in the next few days. A decision which could either lead our health care system forward on a path of quality or, on the other hand, could lead to an unraveling of our longstanding system of health care based on employer-provided benefits. My fear is that the House may make the wrong decision. But thanks to the heroic efforts of the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Kentucky (Mr. FLETCHER) and others, there is an alternative, a commonsense alternative.

Mr. Speaker, I came to the House in 1994 as an advocate of health care reform. I have concluded, Mr. Speaker, that today the best medicine for patients is a modernization, an improvement of the health care systems for all Americans, while at the same time having an initiative to make it more affordable and accessible. We must make sure that our health care system works while preserving competition in the free market. Every family deserves health care that can never be taken away.

Congress must move this week to adopt health care reform that moves us down the path toward universal access to affordable care. In my view, the version of the patients' rights bill of the gentleman from Kentucky (Mr. FLETCHER) is the one that does precisely that. I am an original co-sponsor of this bill because it recognizes that strengthening patients' rights is the first and seminal step to successfully reforming health care.

Mr. Speaker, I am urging all of my colleagues tonight to back the Fletcher bill because ensuring patient access to affordable quality health care should be the focus of any reform effort. We need to put patients back in charge. That means establishing quality standards for all health plans, allowing doctors and patients to make health care decisions.

Mr. Speaker, I am happy to say that after years of examining managed care reform legislation and as a member of my colleague's subcommittee, a great deal of consensus exists as to what a Federal patient protection bill should include. I believe there is also strong bipartisan agreement that Congress should act quickly to extend patient protections to all Americans. The plan of the gentleman from Kentucky (Mr. FLETCHER) does exactly that, by providing patients with the tools they need to protect themselves and to ensure that they have quality health care coverage now and in the future.

This bill provides patients with better access to information about their health care coverage. It requires plans

to provide patients with detailed plan information with an explicit list of covered and excluded services and benefits.

Unlike other proposals, the plan of the gentleman from Kentucky (Mr. FLETCHER) requires the plan to disclose their formulary if requested. H.R. 2315 reopens the door that allows patients and doctors to work directly together to decide the best course of treatment, rather than focusing on insurance company guidelines and regulations. It ensures that patients have the right to choose their doctor with continuity of care protections. These protections allow patients who have an ongoing special condition such as cancer or even a pregnancy to have continued access to their treating specialist in cases where the specialist has been terminated from the plan or if the plan is terminated.

H.R. 2315 eliminates the so-called gag rule by prohibiting health plans from restricting physicians giving patients advice about their health and what is the best for them. Additionally, this legislation does not forget the special health care needs of women and children by allowing immediate access to gynecologists, obstetricians, and pediatricians. It also provides access to specialists.

The bill of the gentleman from Kentucky (Mr. FLETCHER) provides a provision that says patients cannot be denied emergency care coverage because the visit was not preapproved. The plan says if a prudent layperson believes that a symptom requires immediate medical attention, including emergency ambulance services, then the insurer must pay for the care regardless of whether it is a network facility. We do not want to let insurance providers drive the industry to a point where, in an emergency, patients are calling their insurance companies before dialing 911.

The plan also requires coverage of routine medical costs for patients enrolled in any government-sponsored cancer clinical trial which includes FDA trials under which about two-thirds of all clinical trials occur. It also prohibits insurance providers from denying coverage on FDA-approved drugs or medical devices by classifying them as, quote, "experimental" or "investigational."

This legislation provides patients with the best access to prescription drugs by allowing doctors to request off-formulary drugs for their patients and for plans to consider side effects and efficacy in their determination.

Mr. Speaker, American families are concerned about their health care; but we cannot address the quality of care without addressing the cost. Those without health insurance are not just the indigent. It is the small business owners, the self-employed who cannot afford the premiums. It is young people. It is a broad cross-section of America. A staggering 44 million Americans cannot afford or do not have health insurance.

Studies show that other proposals being offered in the House as an alternative to the bill of the gentleman from Kentucky (Mr. FLETCHER) could force 6 million more Americans into the ranks of the uninsured. On the other hand, studies show the plan of the gentleman from Kentucky (Mr. FLETCHER) would help provide 9 million uninsured Americans vital access to coverage by expanding association health plans and repealing all restrictions on access to medical savings accounts, tax-favored accounts that give the patients themselves ultimate control over their own health care.

Another notable feature that puts the proposal of the gentleman from Kentucky (Mr. FLETCHER) above the other proposals which claim to protect patients is support from the Bush administration. President Bush has promised to sign this bill saying, "I believe the Fletcher bill will help enhance the great medical care that we have in our country."

I could not agree more, and I am pleased that the President has put the needs of patients first by lending his support to this bill. Health care reform is complicated, much more complicated than many would have us believe. We must protect patients by advocating strong patient-focused health care reform.

Mr. Speaker, I will reiterate, strengthening patient protections, strengthening patients' rights is the key to reforming health care. I strongly support H.R. 2315. I salute the gentleman from Kentucky (Mr. FLETCHER) and the gentlewoman from Connecticut (Mrs. JOHNSON) for their efforts.

Mr. Speaker, I support this as a plan to reform managed care that promotes quality care and restores the doctor-patient relationship. My hope is that my colleagues can join us in rallying behind this initiative as a bipartisan basis for moving finally a patients' bill of rights forward, moving it back to the Senate, and getting a consensus that we can get a Presidential signature on.

I believe this is all achievable in the immediate future if we can work together on a bipartisan basis in this body. I thank the gentlewoman for playing a critical role in creating that bipartisan environment that is allowing us to move forward and have this vote and hopefully move forward to success.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Pennsylvania for his comprehensive remarks on this issue. This is an extremely important debate we are going to have. I personally believe that every patient, everyone who has health insurance and needs medical care, has the rights of access to quality care that are guaranteed in our bill and in the other bills. That is the right for a woman to choose an OB-GYN specialist, the right to choose pediatric care, and other specialists, to emergency care, to continuity of care, to ac-

cess to proper information about one's plan, access to treatment under clinical trials, something I fought 5 years for for Medicare recipients so they could have the benefits of clinical trials, protection from gag rules, and things like that.

These patients' rights embodied in our legislation are extremely important. Yes, they can only be enforced if a patient who is denied access has the right to sue. I am proud to say that in our bill, a patient who is denied needed care and harmed by that decision has the right to sue and gets redress. But the program we put out to guarantee patients the right to sue under our bill is a legal structure that is simple, that is direct, that makes it clear to employers that they cannot be sued if they are not making medical decisions; and, therefore, it is affordable and will not push costs up.

Mr. Speaker, we limit liability in a responsible fashion, just as they do in Texas and in many, many States that provide the right to sue. By doing that, again, we control costs and we protect the employers who are the primary folks who are providing health insurance to the people of our country.

Mr. Speaker, I am very proud that the gentleman from Kentucky (Mr. FLETCHER) and others have been part of the team that have developed this legislation, that it offers to the American people all of the access rights, all of the protections they need to both continue to enjoy health insurance through their place of work and to have the right to all needed medical care. This is a patients' bill of rights. This is a doctor-power bill.

□ 2030

But if we do this wrong, if we do not really listen to what might happen if we write these provisions in a way that is insensitive to what happens when frivolous suits are brought to the table, when costs shoot up for all the wrong reasons, then in fact we will do damage to the rights of patients and we will deny many currently covered the great privilege and pleasure of health security through health insurance.

I enter this week with high hopes that we in the House can do the right thing to provide access and care to all who have insurance. I am proud to say that the American College of Surgeons, the College of Cardiologists, the thoracic surgeons, the orthopedic surgeons, the neurologists, and I could go on and on, enough groups of doctors support this bill so that we have that same doctor power behind this bill as the AMA that supports the other bill.

But it is very interesting. The groups that support our bill are the very groups who are most concerned about patient access to their services, because they are the specialist groups. They are the ones that under the current system most frequently are not able to reach the patients that need their care.

So I am proud of this legislation. It will serve the people of America well.

The bills have much in common. I hope working together we in this House and our colleagues in the other body can send to the President's desk a Patients' Bill of Rights that will serve patients, doctors and all Americans and maintain the strong system of employer-provided health insurance that has made the American health care system the best there is in the world.

MANAGED CARE REFORM FROM A DEMOCRATIC PERSPECTIVE

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I intend this evening with some of my colleagues on the Democratic side to focus on the same issue that the previous Republican Members focused on, and, that is, the Patients' Bill of Rights, the HMO reform bill.

I must say that it disturbs me a great deal to see some of the opponents of the real Patients' Bill of Rights, the bill that has been sponsored by the gentleman from Michigan (Mr. DINGELL), who is a Democrat; the gentleman from Iowa (Mr. GANSKE), who is a Republican and a physician; and the gentleman from Georgia (Mr. NORWOOD), who is a Republican and a dentist, and that was voted on overwhelmingly by every Democratic Member of the House of Representatives in the last session and about 68 Republican Members, the real Patients' Bill of Rights, is now being superseded on the other side of the aisle by the Republican leadership which is now promising to bring an alternative bill which they also refer to as the Patients' Bill of Rights to the floor.

I would remind my colleagues that the real Patients' Bill of Rights, the one that we voted on, one that all of us, most Democrats and a significant number of Republicans have been pushing for for probably 5 or 6 years, is the bill that should be allowed to come to the floor rather than the Republican alternative, the Fletcher bill, which is in my opinion nothing but a fig leaf and which does not accomplish the goal of truly reforming HMOs.

There are two essential goals of HMO reform that are in the real Patients' Bill of Rights. One goal is to make sure that medical decisions are made by the physician, the health care professional and the patients, not by the HMOs, not by the insurance companies; and the second goal is to make sure that if you have been denied care by the HMO that you have a legitimate and reasonable way of seeking a redress of grievances and overturning that decision so you can get the care that you need.

I would maintain, and we will show this evening once again, that the Fletcher bill does not accomplish that goal; and the real Patients' Bill of Rights, the Dingell-Ganske-Norwood bill, does.

I wanted to, if I could this evening before I yield to some of my colleagues, really point to the two major criticisms that I heard on the Republican side of the aisle tonight against the real Patients' Bill of Rights. One is that there are going to be too many lawsuits. The second is that it is going to drive up health insurance costs.

The best way to refute that is to refer back to the Texas law that has been on the books for a number of years now which is exactly the same really as the real Patients' Bill of Rights and which shows dramatically that neither one of those disasters, all these lawsuits, all this litigation, or the other disaster that my Republican colleagues talked about, that health care costs are going to be going up, that insurance companies are going to drop their patients, neither one of those disasters befell the State of Texas because a real Patients' Bill of Rights was put into effect.

It is interesting because, in reality, what President Bush is doing in the last few weeks and leading up to hopefully a vote this week on the Patients' Bill of Rights is that President Bush is waving the same flags that he used in the State of Texas when he was Governor to say there is going to be too much litigation and that insurance companies are going to drop patients and not let Americans have health insurance, that they are going to drop health insurance. These were the arguments that the President used when he was the Governor, they are the arguments that he is using now, and it is simply not true.

Mr. Speaker, if I could just give some statistics. This goes back to 1997 when then Governor Bush said of the Texas law and I quote, "I'm concerned that this legislation has the potential to drive up health care costs and increase the number of lawsuits against doctors and other health care providers." What did the President, then Governor do? He vetoed a bill similar to the Patients' Bill of Rights in 1994.

In 1997, when it came up again, he did everything he could to sabotage the bill to the point that he actually refused to sign it but I guess for political reasons figured that he could not veto it again and so he simply let it become law without his signature. But we are getting the same rhetoric again.

Last week as the Patients' Bill of Rights, the real one, made its way towards debate in the House, the President said almost the same thing; and I quote. He said, "This is how best to improve the quality of care without unnecessarily running up the cost of medicine, without encouraging more lawsuits which would eventually cause people not to be able to have health insurance."

Again, that people are going to have their health insurance dropped, that litigation is going to increase.

Let us look at the facts. Since the 1997 Texas law that Bush opposed so strongly has taken hold, the disastrous

effects he had predicted have yet to occur in the Lone Star State. In the 4 years since, even the law's opponents acknowledge that none of then Governor Bush's predictions have come true. Instead of becoming a bonanza for all these trial lawyers, the right to sue an HMO or an insurance company in Texas has been exercised just 17 times. In all the years since 1997 that it has become law, only 17 lawsuits. That is an average of three or four per year.

According to the Texas Department of Insurance, the number of Texans enrolled in health insurance or HMO plans has actually increased steadily since the 1997 law was passed. Enrollment has grown from 2,945,000 Texans at the end of 1996 before the law was passed to 3.2 million at the end of 1997 to 3.9 million at the end of 2000. There is just no truth to this. In fact, when you talk about the cost, the cost of HMO premiums in Texas have risen but less than the national average. So the bottom line is the disaster has not occurred.

I know I almost hesitated to talk about what is happening in Texas because my two colleagues whom I know are going to join me tonight are both from Texas and I do not like to speak about another State, but it is all positive. The experience has been totally positive.

How can the President or any of our Republican colleagues on the other side of the aisle suggest the same kind of thing, the same kind of disaster that is going to befall the Nation when Texas has been such a success story?

Just to give an example, one of the reasons, of course, and I always maintain that what the HMO reform would do and what the Patients' Bill of Rights would do was essentially correct the errors of the system. Because once the HMOs know that they cannot get away with these things, then they start taking corrective action and making sure that patients get the type of care that they want. Because they know that if they deny care there is going to be an external review by independent people outside the HMO, or they know that ultimately people can go to court. So they correct the situation. It becomes preventative. That is essentially what the Patients' Bill of Rights will do.

Again, the Texas situation points that out very dramatically. In Texas, you could go straight to the courts if you want to, but people overwhelmingly go to the independent review. This is an external review, a group of people that review a denial of care that are not appointed by the HMO and not influenced by the HMO.

From November, 1997, through May, 2001, independent review doctors have considered 1,349 complaints in Texas. In 672 of these assessments, or 50 percent, they overturned the HMO or the insurance company's original ruling, I guess in about half the cases. What we are seeing is now that patients know that they can go outside the HMO and

have an independent review of a denial of care. They are exercising that. They are not going to court because nobody wants to go to court and have litigation and spend money and go on and on for years. Nobody wants to do that, not the patients any more than the HMOs or the insurance companies.

What they set forth in Texas is a very easy way to review denial of care. It has been largely successful. The bottom line is there is absolutely no reason why we should not try to implement it on the national level.

Some people have said to me, well, if the States are doing this, why do we need the national law?

First of all, not every State is doing it. Texas has probably the best law. None of the others are as good. Most States still do not have anything near the protection that Texas offers.

In addition to that, because of a statute called the Employee Retirement Income Security Act, or ERISA, those people who are insured through employers who are self-insured, and I do not want to get into all the bureaucracy of that, but that is about 60 percent of the people who are insured in this country, they are not subject to the State laws. You need the national law like the Patients' Bill of Rights to make sure that they have the same kind of protections that they would get in States like Texas if they were covered by the Texas law.

The other thing that really upsets me, and I have to be honest about the Fletcher bill, the Republican alternative that we heard about earlier this evening, is that it would preempt the State law. Experts in Texas will tell you that if the Fletcher bill, the one that my Republican colleagues were talking about tonight, were to become law, it would supersede the Texas law and we could have a situation where the very people that are being protected by that law now and have that independent review or the ability to go to court might not have that kind of protection because the Federal law, the Fletcher bill, would preempt it.

What is happening down here? Mr. Speaker, my colleagues might say, are we ever going to get to this Patients' Bill of Rights? Are we ever going to get to HMO reform? Is it even going to come up in this House? The leadership on the Republican side have said that they are going to post the bill this week. What bill? We do not know. Are they going to give us a clean vote on the real Patients' Bill of Rights, the Dingell-Norwood-Ganske bill? Or are they just going to let us consider the Fletcher bill, which is a weak alternative? Are they going to give us the chance to consider any bill? I would suggest that there is a serious question of that.

What is happening right now, from what I understand, and I am just reading some news clips as well as what I hear, the scuttlebutt around the floor here in the House of Representatives is that the votes are not there for the

Fletcher bill. In other words, almost every Democrat is going to vote for the real Patients' Bill of Rights and a good percentage of the Republicans are going to do it, also, as they did last session. The votes are not there to pass the weak alternative, the Fletcher bill that my Republican colleagues were talking about earlier this evening.

So what is going to happen is that we hear the President is coming back tomorrow from Europe and that he is going to spend the rest of Tuesday, Wednesday, maybe Thursday trying to twist arms to convince Republicans who supported the real Patients' Bill of Rights last year to not support it this year and vote for the weaker Fletcher bill. Then if that does not happen and there are not enough votes, then we are not going to have an opportunity to vote on the Patients' Bill of Rights this year.

That is not fair. I know that Democrats are in the minority here in the House of Representatives. Republicans control the agenda, and they can bring up whatever they want. But the bottom line is that we know that there is a majority for the real Patients' Bill of Rights, for the Norwood-Dingell-Ganske bill that is made up of almost every Democrat and enough Republicans to create a majority. We have a right, given that that majority exists, to have that bill come up for a clean vote this week. I will say right now to the Speaker and to my colleagues that if that right is denied us because the Republican leadership realizes that there are enough votes to pass the real Patients' Bill of Rights and not enough to kill it with the Fletcher alternative, there is going to be a lot of recriminations around here because we do not have the right to vote on that bill.

So I would say to the Republican leadership, bring up the Patients' Bill of Rights. You want us to vote on the Fletcher bill? The votes will not be there. Bring it up. Then let us vote on the real Patients' Bill of Rights, the Dingell-Ganske-Norwood bill.

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But either way, let us have a clean vote this week, because that was the commitment that the Republican leadership and the Speaker made, and they should fulfill that commitment this week and let us vote on the patients' bill of rights on HMO reform.

Mr. Speaker, I would like to yield now to one of my two colleagues from Texas, both of whom have been here on a regular basis with me speaking out on this issue, and I particularly like to see the two of them tonight, because I know of their experience with the Texas law and their involvement in the health care issue and the HMO issue for so many years as Members of our Health Care Task Force. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New Jersey. I am delighted to be able to join him, along

with my distinguished colleague, the gentleman from Texas (Mr. RODRIGUEZ), who has served in the State legislature and serves, as I do, on the Energy Brain Trust of the Congressional Black Caucus. He, of course, leads the leadership of the health issues with the Hispanic caucus. We know that these are global American issues, and so we come to speak to them as they are global issues.

I was fascinated by the debate of my colleagues that occurred just a few short minutes ago regarding the pending debate as relates to now new legislation, H.R. 2315, now known as the Fletcher bill. I was quite fascinated because one of the strongest elements of the Ganske-Dingell-Norwood bill and the McCain bill is the bipartisanship and the age of the bills. These bills have been vetted throughout the country, they have been vetted by Members of both sides of the aisle, and they have been seen to be logical and direct responses to the needs of American people.

I am very disappointed that the administration, with the leadership of President Bush, that comes directly out of the State of Texas, who has seen a bill similar to the Ganske-Dingell-Norwood bill work, would now throw this curve, so that we could not do this for the entire citizenry of America.

There is a study that exists, and I cannot quote the particular survey that was done, but it was recently done out of Fort Worth, that shows in the time frame of the passage of the State bill that is very similar to what we are debating and hopefully will debate, the real patients' bill of rights, shows that there have been less than 30 cases dealing with challenges to HMOs, lawsuits, if you will, and all of them have been non-frivolous and they have been based upon the negligence of the HMO in denying medical care.

Let me just refer to you my thought processes here on the Fletcher bill. First of all, it now becomes a potpourri, a kitchen sink, of private savings accounts for health care and a myriad of other tax issues and accounting issues, and this is not what the American people are asking for.

The basic underlying principles of the Ganske-Dingell-Norwood bill, and we could put it in any other framework, the bill passed in the Senate, the McCain bill, is about accountability. The simple basic premise is not frivolous lawsuits, it is not harassment, it is not intimidation, it is simply to hold HMOs accountable for negligence. It is not even holding them accountable for their existence. There are many viewpoints about HMOs, but we have seen that many of the holders of HMOs, the individuals who have health plans, like their individual health plan.

This is not an uprising by the American people to randomly throw out health plans without cause. The bottom line of why we thought it was necessary some 3 or 4 years ago, as the gentleman from New Jersey is well

aware of, to come to the aid of the American people, were the egregious denials that were occurring to various holders of health care or managed care programs and plans throughout the Nation.

Right now I can remember the lady that was flown from Hawaii because she was denied service, and, as she got off the plane in Chicago, she died. I remember the very moving and stirring presence of, I think, a multiple amputee, of a little boy about 8 to 12 years old, that the gentleman from Iowa (Mr. GANSKE) brought to the floor of the House to educate us about a young boy who was denied emergency care, and, because of that, suffered multiple amputation of his limbs. We are talking about egregious circumstances that have to be addressed.

Interestingly enough, we are still holding the American Medical Association, the premier group that knows about medical care in today's hospitals and today's rural and urban communities, who have indicated their strong and committed support of the legislation of the real patients' bill of rights.

Let me cite to you a direct quote from the American Medical Association. It says, "June 28, 2001, the American Medical Association called on Congress to reject the HMO lobby's desperate smokescreen that the McCain bill," which is, on the House side, the Dingell-Ganske-Norwood bill, "would increase the number of uninsured. In the nine states that have comprehensive patients' rights laws in place, there have been very few lawsuits, and the laws have not caused premiums or the number of uninsured to skyrocket."

This goes to the very point dealing with the fact that employers, well-meaning employers, good-intentioned employers, will be the ones that will suffer. First of all, I know we are looking to address that question, but primarily that kind of result is not the result, did not happen in Texas, and certainly we cannot expect it to happen, as evidenced by the statement of the American Medical Association, which has assessed the nine states that have this bill. We have not seen evidence of skyrocketing costs, uninsured individuals skyrocketing, and employers running away from their employees in providing health insurance.

Let me cite you an additional point. Last year, without a patients' bill of rights to blame, insurers nationwide, no patients' bill of rights existed, increased premiums by an average of 8.3 percent. That is ten times what it would cost for the liability provisions in the McCain bill, and, again, that is the House bill as well that we have, and the number of uninsured went down.

That is by Dr. Reardon, the President of the American Medical Association. I think what we need to do is to present to the American people the facts, and, if we present to them the facts, they will adhere to the reasoning of why we have come to their aid.

For example, we know that HMOs, or managed care entities, have found as the basis for their existence the controlling of hospital admissions, diagnostics tests or specialty referrals, either through programs to review the use of services, or by giving participating physicians a financial stake in the cost of the services they order.

Here lies the angst of the American people. What the American people have been used to and have asked for us to remedy for them is the ability to pay for health insurance plans and to be able to access those plans. What we have had over the last couple of years without a patients' bill of rights is hard-working Americans being denied access to emergency care, access to specialty care, and, in women in particular, access to Ob-Gyn care and being able to select them as our primary care.

As you can see, I was so struck by the earlier debate, forgive me for utilizing all these facts, but I believe that we have worked so long, I am recalling hearings that we had, where people came from across the country to share with us some of the terrible examples, stories, anecdotes, personal experiences, where they were denied care, not by their physician who encouraged the care, but by an HMO, and, as we have noted before, HMOs that are using various computers and nonmedical personnel, plugging in to the computer and sending back the message to Houston, Texas, or to Orange, New Jersey, if you will, or Newark, New Jersey, or San Antonio, or Chicago, Illinois, that the service will be denied.

This is what is not provided in the Fletcher bill. It does not guarantee, according to the American Medical Association, access to pediatric specialists. Now, my State and many States have huge medical centers. We are very proud of the Texas Children's Hospital. We see patients from around the country. My district is next door to that facility. But it is world-renowned.

In that hospital there is a great need for specialists. When children come from around the world, they come there because they have been referred. But in many instances when they are sent back to their home destinations, those doctors wanted to refer them to specialists to continue their care. The Fletcher bill does not guarantee access to pediatric specialists.

Tell me one parent that wants to accept the kind of health care that does not allow them to secure the best specialty services for their child? Juvenile diabetes, which we know is a terrible devastating disease, how many want to be referred back to their home community and cannot access a pediatric specialist?

The Fletcher bill fails to guarantee referrals to specialists for patients with congenital conditions, and obviously I am very gratified for the research and technology that has allowed us to live longer with congenital disorders. We cannot do so, however, if we

leave the large medical institutions that we have maybe in the large cities, go back to our respective communities, and cannot be referred to specialists.

It does not allow women to see gynecologists without asking permission from the HMO. When should that become a specialist, such that you have to require affirmation or confirmation on what is necessary care for women on an ordinary daily basis? As we well know, preventative care is the key.

Let me conclude by adding this: it does not guarantee that a specialist be geographically accessible or the specialist be appropriate for the medical condition of the patient. I mean, if you are suffering from pancreatic cancer, which, of course, is enormously deadly, and they want to send you to an internist who focuses on general medical conditions, that does not relate to the seriousness and the devastating impact of your disease.

In addition, the Fletcher bill contains numerous loopholes in the point of service option which severely limit the ability of patients to buy coverage that allows visits to out-of-the-network providers. What that simply says is I have got a long-standing relationship with my physician, and many of us who grew up with our pediatrician and grew up with doctors who visited our homes or grew up with the family practitioner, we know when we join HMOs plans, to our chagrin, the network prevented us from going back to those physicians who knew our family history, who had cared for us; and, I tell you, senior citizens in my district have been painfully impacted by not being able to have their long-standing physicians, as well as they have been painfully impacted by the Medicare HMOs who canceled out because it has not been profitable for them.

So this whole idea now of a substitute, and let me attribute to my colleagues good intentions; let me attribute to those who have offered H.R. 2315 good intentions. But I can assure you that as they have offered these good intentions, what really is happening are smoke and mirrors.

I said I was concluding, but if the gentleman would just bear with me for just a moment, and I will conclude to just simply say some additional points that are just glaring and frightening.

If you take H.R. 2315 and you want to look at what is happening to the Senate bill and the House bill, listen to all of the "no's" on the side of the Fletcher bill. Requires coverage for minimum hospital stay for breast cancer treatment, no; prohibits discrimination based on genetic information, no; requires choice of primary care providers, no; prohibits provider incentive plans; no; requires prompt payment of claims, no; protection for patient advocacy, no. In the course of the McCain bill and the House bill, you have "yes" to all those necessities that are part of our efforts.

I would simply say to the House and to the leadership, give us the opportunity to have a full debate on the

McCain bill, on the Ganske-Dingell-Norwood bill, and for those of us who have experienced a personal crisis with our loved ones, as I have done in the last 3 to 4 years, with a loved one and a parent, where I had to press the point of the kind of specialty care that would have extended his life. Unfortunately, I lost him.

□ 2100

Unfortunately, I lost him. Many of us have seen the loss of our dear relatives. I would say that there is nothing more personal and more privileged than good health care. I would hope that our colleagues would see the error of their ways and begin to open the doors in the next 48 hours for us to be able to debate the real Patients' Bill of Rights, what America has asked for, and that we can carry on the truth serum, if you will, the good medicine, and get this legislation passed.

Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Texas for bringing out all of the really good points that she did in effectively refuting most of the points that the Republicans who support the Fletcher bill, the weaker bill, if you will, the points that they made this evening.

But there were two areas that I would like to focus on before I yield to the gentleman from Texas (Mr. RODRIGUEZ) that I think the gentlewoman really brought out and that I did not bring out, and one is that I focused a lot, and I think that the Republicans on the other side focus a lot, on the liability issue, the question of whether one can sue or not sue. I think to some extent, in refuting them, I kind of fall into the trap of discussing the liability issue.

The fact of the matter is, and the gentlewoman pointed it out very effectively, that part of the problem or a major problem with the Republican alternative, with the Fletcher bill, is that it does not provide the patient protections that the real Patients' Bill of Rights that we advocate provides. The gentlewoman pointed out a number of them, but just to mention a few others: The Fletcher bill fails to protect the patient-doctor relationship. It leaves out two things with regard to the patient-doctor relationship that we have in the real Patients' Bill of Rights.

First of all, we have the gag rule that says that the doctors can freely communicate with their patients and the HMO cannot tell the doctor that if it is their procedure or some type of care that is not covered that they cannot tell the patient that it is available. It is called the gag rule. Well, the Fletcher bill does not protect against the gag rule. The HMOs could still tell the physicians that they cannot talk about a type of care that is not covered, which is a horrendous thing. I mean, people would not believe that a doctor could be gagged in that way.

Secondly, the Fletcher bill does not protect against using these improper incentive arrangements where the doctor gets paid more if he provides less care or does not provide as much care, depending on the procedure, he gets paid a little more. That is not protected in the Fletcher bill.

The other thing, and the gentlewoman went into this, so I will not go into it too much, but basically the Fletcher bill has a lot of flaws in the area of access to specialty, clinical care and clinical trials.

The other thing I will mention briefly before I yield to the gentleman from Texas is the poison pills. One of the ways that the Republican leadership succeeded in the last session in killing the real Patients' Bill of Rights, as the gentlewoman knows, and we all know that it passed here in the House, the Ganske-Dingell-Norwood bill passed and almost every Democrat and 68 Republicans, I believe, voted for it. But when it got to conference, what they did is, they kept arguing, if you will, over these poison pills. In other words, it passed in the House, but it had these poison pills with regard to the medical savings accounts and the malpractice suits.

The Fletcher bill has two poison pills like this. It expands the medical savings accounts and also the association health plans. I do not want to spend time tonight getting into all of those, but the bottom line is they have absolutely nothing to do with the Patients' Bill of Rights or patient protection. They have to do with the way they save money and deal with your health insurance and what kind of health insurance pools we have. They do not belong in this bill. If we pass that bill, we will have the same thing again in conference where they try to argue those issues and they manage to kill the real Patients' Bill of Rights.

Again, we need a clean bill. That is what we are asking for, the real Patients' Bill of Rights, the clean bill that only deals with HMO patient protection and does not mess things up with all of these poison pills. I am glad the gentlewoman brought that up, because it is another criticism of this Fletcher Republican alternative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield, I appreciate him reinforcing that point. Because as I was reading through some of my materials, the poison pills are so damaging because they are contrary to the American people.

Two points: Over 80 percent of the American people believe that HMOs should be held accountable for negligence. They are not asking about Federal savings accounts and other issues. They also believe they should be able to get to emergency rooms in the 80 percent range. It does not seem like they are focusing on all of this other baggage that the Fletcher bill has.

Before the gentleman yields, and I thank the gentleman from Texas for allowing me to make this point, as I was

coming to the floor and hearing the debate that preceded us, there was some comment about minorities and how this would have a negative impact on minorities. We know that African Americans, Hispanics, Asians, whatever group we want to classify as minorities come at all economic levels. Certainly, many of us in the minority community, African American community, particularly Hispanic community, Asian community, carry HMO coverage and many do not. They need to access either public assistance or they need other sorts of assistance, or we are trying to work with their employers so that they can have the kind of coverage that they should have. But I think that it is certainly misrepresenting to suggest that this bill will hurt minorities.

Mr. Speaker, I want to reinforce that this bill will give all Americans a Patients' Bill of Rights to reestablish the patient-physician relationship and help individuals who are unable to fight the system by being able to hold HMOs accountable. So if one happens to be the bus driver, the waitress, the schoolteacher, the accountant, the doctor, the lawyer, one can still have the ability to hold the HMO accountable for negligence when they have denied you the care that you have paid for. I cannot see any way that this will hurt minorities.

In fact, for those minorities who we well know have a disparate access to health care, whose health has been impacted because they cannot get good health care, to make HMOs more accountable and ensuring that when a physician calls from an inner city needing added care for that particular victim or patient, I should not say victim but patient, that that physician can access that health care, regardless of whether they are in the inner city of Harlem or Houston or anyplace else that might relegate them to inadequate health care.

So I refute that, and I question any comment suggesting that this bill would hurt minorities and, in particular, let me say, African Americans, and I cannot find any evidence in this bill where that would occur.

I thank the gentleman.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for bringing that up, because I think essentially what our bill does is empower people. It does not matter who one is, one's race, one's color. The bottom line is people who are sick are not easily empowered. They are victims, even though we do not want to use that term. What it does is it empowers people at a time when they really need help, regardless of their race, religion or whatever, and that is what we are all about.

I thank the gentlewoman.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for allowing me to be here. I also had a chance to listen to the dialogue that was coming, and I

have the hour after yours regarding border health, but I needed to come up here because, in all honesty, there was a sense of frustration and some anger. Because, as the gentleman well knows, for the last two or 3 years we have been talking about making sure we pass a Patients' Bill of Rights. We know that people are, throughout the country, having those difficulties. Not only do they have to fight their illness when they get sick, but they have to fight their HMO and their managed care system, and that is unfortunate.

One of the good things about it is, if nothing else, now they are talking about it. Now they have brought up the issue. Now they realize that it is something that is serious and so they need to at least begin to give it lip service. But we are hoping that they do more than just lip service, because I know that they can do that and then decide not to do what they are supposed to be doing.

Mr. Speaker, I cannot help but recall an incident back when I was in the State legislature when we talked about access to rural health care. One of the first things we talked about was how can we get access to rural Texas. At that time, when I was in the Texas legislature. I remember that a person with any logic, any sense of wanting to really respond to the problem, would start thinking, well, let us see how we can get a doctor down there. Let us see how we can get a mobile unit down there. Let us see how we can get some nurses down there.

Well, the response from what actually occurred after all that, because I was real naive to the political process, was they decided to draft legislation that was tort reform. So here we stand and what I hear is the lawyers are going to get it. I am not a lawyer. I do not care about attorneys. The only thing I do care about is to make sure that those people have access to health care. Yes, in some of those critical situations, if HMOs are not responsive, they should have access to the judicial courts. No one who is sick would want to go to the courts. No one who has been hurting and is tired enough of having to fight their HMO wants to go see an attorney. I know I would not want to do that. But one has to be able to leave that as a last option, no matter what.

I will share an example. I have a friend who was working in the garage, cut his finger, his finger fell off completely, and he got scared, grabbed it, and he went to the hospital. He went into the emergency room. This happened prior to the legislation. First, they had some trouble getting the doctor that he should have been seeing, and then the specialist, they had trouble getting the specialist. Well, the insurance company, the bottom line was, told him, number one, we are not going to pay for that specialist because we did not okay it. So here he is, losing a finger, and he has to try to get an okay as to whether this specialist should put

it on or not. Well, he lost his finger. He does not have the finger now. They are still unwilling to pay, approximately, a little less than \$3,000. What does he do? What does he do?

So one of the things that this particular legislation does is it allows an opportunity for the person to choose the doctor of their choice, and that is so important. Not only is that critical, but it also allows that physician to determine whether one needs a specialist or not. Those are the ones that are supposed to be making the decisions, not the accountant, not the insurance based on how much profits they are going to be making or not making if they make certain decisions. It should be made on the needs of that person.

Secondly, the bill covers all Americans, and that is so important, whether one works for small businesses or not. There are company doctors that are out there that we need to be concerned about. A lot of times the company doctors will choose to make decisions based on the needs of the company and not the particular patient. So that becomes real important.

Thirdly, it ensures that all external reviews of medical decisions are conducted by independent, qualified physicians, and that is so important. We want to make sure, if you are there, if your mother is there or if a loved one is there, you want qualified people making those decisions. You do not want them to be made because they are going to save a few hundred dollars or a few thousand dollars in choosing not to do certain procedures.

The other thing is that doctors right now, and the gentleman mentioned this, are gagged by the gag rule. They are actually being told that they cannot provide certain options where they can tell the patient, look, you have this disease, these are the options. You can do this, this, or this other option and then decide. The cost varies. They are not even allowed to do that.

We ought to be ashamed of ourselves. We have passed this piece of legislation several times already, and the Republican-dominated Congress continues to kill it in conference. Now, they get up here, and now they are talking about it.

Well, let us see if it does not turn into a situation where the rules will allow a lot of other amendments to come in and then, very similar to what happened in campaign finance, where they allowed so much junk out there so that they were going to pile it up so that not even the author would want to be able to vote for that piece of legislation.

So I am hoping that, as we move forward now, that at least we got them to a point that they are at least talking about it, and that we can go forward in making sure that we do the right thing when it comes to the Patients' Bill of Rights, when it comes to our patients throughout this country.

I want to thank the gentleman for his hard work that he has done, be-

cause he has been at the frontline. We need to keep hitting on this issue. It is something that is right, and it is something that we need to do.

I just want to remind the gentleman that President Bush, then Governor Bush, initially vetoed the first Patients' Bill of Rights in Texas.

□ 2115

The second time, and that was in 1998 when it came back, then at that point he allowed it to go through, although he had the same arguments then of that bill that he has now. That is, his arguments against the bill were that it would increase costs and increase the number of lawsuits against doctors. That has not occurred. That has not happened. He also mentioned that other health providers would also be hurt by it. That has not occurred.

It has been a good piece of legislation. It still has some holes that need to be worked out, but I think that we could do this, and it would go a long way throughout this country to providing those people who have insurance right now and who get sick at least that leverage to be able to fight the disease and not have to fight the managed care system, so that the managed care system becomes more accountable to our constituency throughout this country.

Mr. PALLONE. I want to thank my colleague from Texas. I know that my other colleague wants to add something too, so I yield got to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would just inquire of the gentleman about an example, or I guess it is not an example when one loses a finger. I think the gentleman has just highlighted a very potent part of what this debate is about: human beings. The gentleman's friend lost a finger because someone made a medical decision.

I cannot for the life of me understand why we cannot have commonality, common ground on supporting the gentleman's friend or that patient's ability to be able to have the best health care that any plan could provide or any services in the United States could provide.

My question is, we seem to have fallen victim to special interests, because we have the American Medical Association physicians from all walks of life who simply want to be able to treat that patient whose finger was amputated through a work injury, or to treat a child suffering from a congenital heart defect or juvenile diabetes, or treat someone who is suffering from pancreatic cancer, which is devastating.

What we do not want is to have that person be told, "There is no room at the inn. The door is closed. You cannot get services."

I would say to the gentleman, this gentleman's friend seems to be suffering from an entity, a corporate structure, or an institutional structure

that was not really concerned about his health care. What we are trying to do with the Patients' Bill of Rights is to put the patient and doctor back together again.

Mr. PALLONE. Mr. Speaker, if I could just say to the gentlewoman, she is getting to the point that I wanted to raise by our colleague from Texas.

He talked about lip service, and what has been happening here with our Republican colleagues on the other side tonight is that they realize now that the Patients' Bill of Rights has the support overwhelmingly of the American people.

As the gentlewoman said, the special interests have been out there, the HMOs, the insurance companies, fighting this thing tooth and nail. Even with all of that, look at all of the recognized groups that care about patients, and the AMA being probably the most prominent, but there are so many other supportive groups, the nurses and all the specialty care doctors, too.

Our colleague, the gentleman from Connecticut, mentioned one specialty care, but I could rattle off every specialty care diplomate organization in the country that is supportive of the Dingell-Ganske-Norwood bill.

What they are doing now is paying lip service to the issue because they know it is an issue that is strong and that people want because it affects real people, like the guy who lost his finger.

What I wanted to say if I could, and then I will yield back, is that we have to be very careful what we do here. These people that oppose the Patients' Bill of Rights, the special interests, they are pretty sophisticated. What they are trying to do tonight with this Fletcher bill is suggest that somehow this is not that different from the Dingell-Norwood-Ganske bill.

It is not true. It is simply not true, because we have to remember that that person who is in extremis, the person who lost their finger, they are very vulnerable individuals. If we are going to make sure that the decision about what type of care they get is made by the doctor, and that if that is denied that they have a real way to redress the grievances, we could make some very simple changes in the law and eliminate both of those things.

That is what they have done with the Fletcher bill, because one of the things we have in the real Patients' Bill of Rights is to say that the standard of review about what kind of care is necessary, what the physician should be allowed to provide, is decided by the physicians, by the standard of care within the medical community, and particularly within those specialties, the pediatric standard, the cardiologist standard for the specialty care, or the general standard for family practice care.

They have basically said in their bill, in the Fletcher bill, that that review process is going to be different. It is going to be stacked against the patient.

I will just give an example. The bill, basically what it says is the standard review used by the external review process requires the reviewer to make its decisions on only the patient's record and scientific evidence, and does not allow them to get to the standard of care that exists within the larger community or that exists for that specialty.

I probably sound like a bureaucrat in relating all this, but the bottom line is, we make sure that the decision about what medical care is necessary is the standard that the AMA would use, that the cardiologists' Board of Diplomates would use. They are not using that standard. The guarantee that that decision is going to be based on what the physician thinks is necessary is denied by the Fletcher bill.

The other thing is that we have a rapid ability to overturn a denial of care, in our bill. What the Fletcher bill does is to put all kinds of barriers in the way, so that guy who lost his finger, he cannot easily say, I have been denied care and I can go to somebody, and they right away turn around that decision, so he can get his finger reattached in a timely fashion. They put all kinds of barriers in his way.

I will just give an example. In the Ganske-Dingell-Norwood bill, we require the decisions are made with regard to the medical exigencies of the patient's case. This means the plan has to act quickly when needed.

There is no such requirement in the Fletcher bill. There is nothing that says, my finger is detached. If they are denying me care, I have to have somebody who is going to within minutes change that decision over the phone. That is not the case. They could say under the Fletcher bill that one would have to wait a few days, a couple of weeks. How does that work with a guy who loses his finger?

I will give one more example, but there are ten that I could give here.

The patient, under the Ganske-Dingell-Norwood bill, it requires that patients have a right to appeal to an external reviewer before the plan terminates care. That is not true in the Fletcher bill. So to use the example with the guy who lost his finger, they can continue to provide him all kinds of care, but maybe not what is necessary to reattach the finger. He cannot go to the board and have the decision turned around while they are continuing to treat him in some maybe not effective way.

So there are all kinds of ways to get around the basic protections that we are providing in the Ganske-Norwood bill. The problem with the Fletcher bill, it is using all kinds of little ways to get around that. We do not have time to go into it all tonight, but I want there to be a basic understanding that there is a real difference here between these two bills.

As the gentlewoman said, my colleague from Texas, they are giving lip service to the Patients' Bill of Rights,

but they are not really for the real Patients' Bill of Rights.

I yield back to the gentleman from Texas (Mr. RODRIGUEZ.)

Mr. RODRIGUEZ. Mr. Speaker, I would hope that when people provide lip service, I would hope that we judge people on what they also do. So when they give it lip service, I am hoping they will go beyond that and start acting in an appropriate manner.

But when we talked about rural health care, they came up with tort reform. If they use it for political reasons to get after and reward their friends and do in their enemies, then that really upsets me and angers me. I saw the tones of that when they got up here.

The majority of people do not like attorneys. I am not one, and I do not know if the gentleman is one. I apologize if the gentleman is. But the bottom line is that we have the judiciary for a reason. Those judges, I respect the judges out there, with the exception of the Supreme Court in the last decision that they made. Beyond that, most judges do the right thing. We would expect that people would go only to the judiciary in the last resort.

With our piece of legislation, it allows a review board, and it allows that review board to be able to look at that data before any court decision. So it would be very obvious to anyone if something wrongful had occurred. And if it does occur, and if it occurs with one's loved one or anyone, then that person deserves to receive justice if they were denied access to a certain care that caused them injury.

So I think that is important, and that ultimate right still belongs to every American. It should not be taken away by the insurance companies of this country. Just because they have paid insurance all their lives, and all of a sudden they are sick and find themselves not having access to the quality care they had been paying for and had been promised, and they find themselves once again fighting the disease and the illness and also fighting the HMOs, then they would wonder, where are our politicians? Where are they?

We have been trying to make this happen, and I hope that they are sincere about trying to make something happen and make people accountable, and make those insurance companies accountable for doing the right thing when those people find themselves in need.

Mr. PALLONE. I appreciate the gentleman's comments. I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), Mr. Speaker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman made a slight comment as he was describing the Fletcher bill procedure, and he said he was sounding like a bureaucrat. No, the gentleman was explaining the bureaucracy that the Fletcher bill was now going to recreate to inhibit the direct review or direct opportunity to hold HMOs accountable.

Fingers do not last long that are detached, and emergency surgery or

needs for immediate care cannot tolerate scientific review and paperwork review and computer review and standards review. They can tolerate a trained specialist or physician looking at the facts with the patient before them, consulting with their colleagues and making an immediate decision to save this person's life.

What I see is a pitiful response to the outcry of Americans about care and the relationship between physicians and patients. It is creating this whole new established bureaucracy that does nothing but delay the decision. If I have to get my child into an emergency room circumstance with a pediatric specialist at hand and if that is denied me, then I may shorten the opportunity for my child to recuperate.

We have seen some tragic incidences occurring with children just this summer. When the summertime comes, we know that children engage in fun, but we also know it opens them up to various incidents that occur. They need immediate health care.

I would say to the gentleman, no, he is not the bureaucrat, but the Fletcher bill would certainly create a whole new independent set of bureaucracies that do not get care to the patient. I just think that we should come together in this House and the Senate and vote for the real Patients' Bill of Rights.

Mr. PALLONE. I want to thank the gentlewoman, and both of my colleagues from Texas.

I think we only have another minute or so. I wanted to say that my real concern, of course, is that we never get a chance to vote on the Patients' Bill of Rights this week or even this year. We know that the leadership, the Republican leadership, has promised that the bill will come up for a vote this week.

We are going to hold them to the fire on that, that it must come up and that we must have a clear vote, a clean vote on the real Patients' Bill of Rights. We will be here every night, if necessary, this week to make that point until that opportunity occurs.

BORDER HEALTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I was just here talking about the Patients' Bill of Rights and how important that issue is. I want to take this opportunity tonight to begin to talk a little bit about border health.

Mr. Speaker, I rise today to call attention to the poor state of health along the U.S.-Mexican border. The United States-Mexico border reaches approximately 2,000 miles, from the Pacific Ocean in the West to the Gulf of Mexico in the East.

More than half of this border, over 1,248 miles, is shared with Texas. It is a vast region, and each of the four southwestern border States have a unique history and community dynamics.

However, Texas, California, Arizona, and New Mexico's borders all share the plague of persistent socioeconomic problems largely ignored by the rest of the Nation.

□ 2130

If the United States border region of Texas were declared the 51st State, and we say this and we kind of talk in Texas about the fact that we are one of the few States that has a law that says we can divide our State into five States if we wanted to, but if we were to make the 51st State on the border of Texas, taking those counties into consideration, it would rank as one of the poorest in terms of access to health care, second in the death rate from hepatitis, and third in the death rate of diabetes. The rate of the uninsured is among the highest in the country, as are the poverty rates.

In Texas and New Mexico, an estimated 30 percent of the border residents have no health insurance, and in Arizona it is estimated at 28 percent, and the estimates in California are 19 percent. So that what we have throughout the border area is a very large lack of access to health care.

I am relieved that there is finally a focus on health care and this has dominated both of the campaigns in the previous elections. There is some talk about the importance of border health now, although this focus had not been there before. Since the focus has started now and some dialogue has started, we are hoping to be able to get revenues to the border.

I strongly support all the efforts that have been made to pass a comprehensive Patients' Bill of Rights, and we are going to continue to move forward on that, but I urge my colleagues to also look at the issues of access and especially in underserved communities such as the border.

Oftentimes, the emergency rooms end up being the first line of care for residents in underserved areas like the border. It is also true that health disparities along the border are enormous. For those of my colleagues who have ever visited the border, any of the areas I represent, Starr and Zapata on the border are the two counties I have of which are in my district, both Starr County and Hidalgo County, not in my district, these two counties included are among the four poorest counties in the Nation. So we have a great deal of poverty associated with lack of access to health care.

The district that I represent faces many health and environmental challenges. The poor state of infrastructure leads to real health and environmental problems, including hepatitis, diabetes and tuberculosis. Health problems are compounded by low per-capita income, lack of insurance, and lack of access to health care facilities.

There is no question that the border region is crying out for increased resources in the face of so many challenges. Tuberculosis has emerged as a

serious threat to public health along the border. One-third of the new TB cases in the U.S. were from four southwest border States. Once again, one-third of all the cases in the United States come from the border.

The ease with which an individual can contract the tuberculosis bacteria is often frightening. Often someone needs to do no more than breathe in the tuberculosis bacteria coughed into the air by the infected individual. Currently, 15 million Americans are infected with tuberculosis, which means we are all at risk. So this disease hits some communities more than others.

Regions which have high levels of tourism, international business and immigration experience higher than average levels. For instance, Texas has one of the highest tuberculosis rates in the country now. My State ranks seventh nationwide in the incidence of tuberculosis, with TB rates of 8.2 percent per 100,000. Even more sad is that minorities suffer disproportionately. Latinos in the United States have a tuberculosis rate six times that of Anglos.

Tuberculosis is not the only disease of which the border residents are hit disproportionately. They also suffer from diabetes.

When we look at diabetes, the border has a higher mortality rate than the rest of the country. Again, I will use the Texas statistics. In 1995, the Texas diabetes mortality rate was nearly 50 percent higher than the rest of the United States. Gestational diabetes and Type II diabetes hit the Spanish population in greater numbers than other populations, and it is the Hispanic population that makes up the larger percentage of border residents. It is unacceptable that such a high number of border diabetes patients die from disease that can be controlled and even prevented.

When we consider the effect that environmental pollution has on health, it gets even worse. Last week we debated whether to let Mexican trucks into the United States. I cannot stress again how important it is that these trucks meet U.S. safety standards, especially when it comes to emissions. Our air quality along the border is threatened due to the increased truck traffic brought about through NAFTA. More children than ever are developing respiratory problems, such as asthma, causing them to miss school, extracurricular activities and, even worse, to be hospitalized.

Water pollution poses a serious health hazard, including the spread of Hepatitis A and parasitic infections. Hepatitis A, spread mainly through unclean food and water, is two or three times more prevalent along the Mexican border than the U.S. as a whole. The presence of lead in water can cause damage to developing brains, the nervous system of children, and affects reproductive systems in adults.

Residents in colonias are even more at risk from environmental health-related problems. Colonias are rural unincorporated communities characterized by the lack of certain basic public services, such as drinking water, sewage disposal, garbage pickup and paved roads. For instance, 86 percent of the individuals living in Texas colonias in the year 2000 had water but only 12 percent had sewage disposal.

As my colleagues can see, what I am describing is not on the Mexican side, I am talking about the U.S. side, and we are talking about the boarders between Texas, New Mexico, Arizona and California. Mr. Speaker, the border regions between the U.S. and Mexico are an area of great potential and challenge, especially with respect to the health and environmental concerns that our two nations face.

What is the cause of the border health disparities? The lack of health education, low reimbursement rates to our health care providers, the lack of access to health care facilities, and the chronic shortage of health care professionals. In addition, the poor data collection has left us in a situation where we do not have all the information needed to solve the problems that confront us. Disparities in the reimbursement rates for Medicaid and the SCHIPs, along with the consistent lack of health care professionals are some of the problems that have been confronted.

I want to take this opportunity to also mention that we have had the opportunity to go through the border. We recently had a town hall meeting in El Paso with my colleague, the gentleman from Texas (Mr. REYES), and one of the things, as we get the data that deals with the disproportionate disparities that exist on the border regarding health, is that despite the fact that we get resources from the Federal Government, such as Medicaid, for example, that we still find some disparities within the States.

One of the great ironies was some testimony that was provided by a county judge from El Paso, Dolores Briones, and I want to read part of her testimony that she gave us. She talked about the ironies that have recently been discovered in our State, and I am going to read from her testimony.

Our State, referring to Texas, Medicaid budget actually benefitted from the high poverty rates along the border when drawing down Federal dollars. That is, because of the poor people in south Texas, the State of Texas is able to leverage additional resources that they would not necessarily be able to.

Right now, those funding formulas for the Texas Medicaid program allows the State to draw down \$1.50 of every State general revenue dollar spent on Medicaid services. That is what we call the 60-40 split. That is that for every 40 cents we put in, we get 60 cents. This split of funding responsibility is recalculated each year for each of the States, and it is based upon the State's per capita income.

I mention this because it is real important that my colleagues stay with me and follow through. We get those monies based on per capita income when compared to the national average per income levels. The lower the State per capita income, the higher the Federal share. That means that Texas gets additional resources because of the poor people that live on the border.

The testimony we received is that the State of Texas actually benefits from the high poverty based on per capita income and child poverty, El Paso and other border counties. Without the borders, the State of Texas would only be getting a statistic of 50 to 50 instead of 40 to 60 percent, which is a minimum of Federal matching rate allowed under Medicaid.

A separate calculation for the area, if we just took the lower region and if we took that calculation, the lower counties should get 83 cents for every 17 cents we put in. The bottom line is, when the money comes down and the formulas are distributed and the State gets that money, they reimburse Houston and some of the communities and Dallas in the north at a higher rate than they do San Antonio, than they do the rural area, than they do El Paso. So here they are leveraging that money based on per capita, based on the low-income population and, at the same time, as they receive those resources, they choose to distribute them on a formula that discriminates against those same poor that were able to leverage those resources for them.

It was very startling information that was provided by the county judge. She talked about the fact that she was going to do everything she could to come to grips with that issue, to make sure that those monies followed those patients and that it go to those areas where those patients are in need. And the areas that are a little more affluent such as Dallas and Houston should not be leveraged at higher rates if they do not have the same formulas or the same per capita. The region and the border should be getting a higher rate, San Antonio included.

So when we look at that disparity, we see some of the problems that exist and that we need to begin to clarify. And she indicated that she was looking at it and, if she had to, was going to go into litigation over the issue. My colleague, the gentleman from Texas (Mr. REYES), and other Members of Congress from Texas asked the GAO to do an assessment of each of the States as to how this money was being handled. So it is something that needs to be looked at.

It is something that is serious. It is something that we need to come to grips with in making sure that if those monies are going down there to help those people that are in need and if it is followed based on a formula that talks about how important it is because of the fact that they are poor and it is per capita, then one would think they would be receiving the money, yet

they get disproportionate monies. What it does is it creates a real difficulty because of the reimbursement rate for our doctors on the border, which is much less, for our hospitals it is much less than it would be in Dallas or Houston or elsewhere.

So that is unfortunate. But, hopefully, we will continue to work on that specific issue as we move forward.

I also want to take this opportunity to just give a few statistics about the border. It is important to note that, in 1995, approximately 10 million people lived along the border, with 55 percent in the United States and 45 percent in Mexico. A lot of times we do not take into consideration that these communities have sister cities right across and there are major populations. So it is important for us to remember that.

When we look at the problems of tuberculosis, it is not just the population that we have in El Paso or the population that we have in Laredo. We have to consider the populations on the other side also that have a direct impact. So it becomes real important that we keep that in mind. So for health care, which is the issue that I am talking about, it is one of the areas that we also need to be very conscientious of.

We talked about tuberculosis. As my colleagues may well know, tuberculosis can be spread by just talking in front of someone, as we breathe the air. It is very serious. Tuberculosis, a very infectious disease, up to six or seven prescriptions are needed. It has to be fought for over 6 months, and if it is not fought and the medication not taken during that period of time, we find a situation where those particular prescriptions will no longer work on that particular illness.

□ 2145

We find out now that in tuberculosis, we are finding that there are some strands that we are having difficulty with because we do not have medications to treat them.

Mexico treats tuberculosis with less prescriptions, and a lot has to do with cost. We really need to battle tuberculosis on the border. We need to battle it wherever it is throughout the world because when it comes to infectious diseases, it is like preventing a war. If you can prevent something, it is better than having to send our troops to deal with it. The same thing with access to infectious diseases. We need to treat them because later on we will find other forms of the disease that you are unable to treat because people did not take the medication appropriately the way that they should.

When we look at AIDS, the disparity in AIDS also exists. There is a tremendous amount of AIDS. We see the statistics of Hispanics based on their population figures. It is beginning to hit those populations that are poor. We know in the area of AIDS there is some new information that you can begin to test yourself, and you can identify

whether you have AIDS or not much earlier, which has a direct impact on being able to take care of yourself and taking care of those persons that are inflicted with that disease.

It is important that we do that as quickly as possible. Once again, one of the problems that exists is with the poor. It is one thing to know that they have diabetes or AIDS, but it does not do any good unless patients have access to good care. It becomes more important with infectious diseases such as tuberculosis and AIDS that we provide that access. One might say why should I care about that, it is not in my area. We should all care because eventually if we do not take care of it, we are going to find some strands that we will not be able to defeat, such as the strands in tuberculosis that we need to come down on.

Mr. Speaker, as we talk about the border States of Arizona, New Mexico, and Texas, we find the same problems in terms of the demographics, in terms of the lack of access to good quality care, the problems of not having access to insurance, and we do have Medicaid for our indigent, but one of the things that we find is if you are not indigent and you are working on the border, and a lot of times small companies do not have access to insurance. If you do not have access to insurance and you are trying to make ends meet, you find yourself in a situation if you get sick or your child gets sick, you find yourself in trouble. Thank God we were able to establish the CHIPs program which has helped a lot of youngsters of parents who are working and trying to make ends meet to get covered with insurance, but we need some additional efforts in that area. We do need to do the outreach. We need educational programs. We have done some good studies on diabetes. In fact, some initial studies on diabetes were on the border, Starr County, where we have been able to detect it earlier in life. The only way it is good information is if we do something about it. As we have found a way of being able to identify whether a person has diabetes or not, now we have to provide access to care and the possibility of being able to get rid of those problems that they encounter.

I want to take this opportunity to mention the current border population is a little over 11 million. In the first 5 years up to July 2000, the border area population has continued to increase by 25 percent.

If you look at the year 1986, 806 maquiladoras existed in the six border States. But a decade later, we have over 1,500 maquiladoras. 1997 estimates show that over 2,000 plants employed more than 600,000 Mexican workers on the borders. We have a good deal of growth on both sides.

One of the larger metropolitan areas is the city of Laredo, and it continues to grow on the U.S. side. On the Mexican side we have similar growth throughout the border region. Although poverty is a common element

shared with both United States and Mexico, the U.S. side of the border is more impoverished than the rest of the United States, with over 33 percent of the families living at or below poverty levels. In Texas the statistics are 35 percent of all of the families, and 40 to 50 percent of the families in some of the border counties are living at or below that poverty level.

Three of the U.S. border counties are among the 10 poorest counties in the United States. As I indicated, Starr County, that I represent, is one of the poorest. Tonight what I want to share is that there is a need for us to look at the border. We need to look at it from the perspective of also being part of this United States. We have to look at the colonias that are out there.

There has been a great deal of efforts on the part of the States to stop that type of growth, and we do need to stop that growth from that perspective because it is growth that is not planned growth, is without good quality water, and we need to make every effort to make sure that those people, those individuals that still reside on the border, have access to good housing. It becomes important that we provide them with that access without the stumbling blocks of having those colonias that exist on the border.

Mr. Speaker, I want to take this opportunity to give a little data on California's border. One the issues talks about the problem of diabetes all along the border, and the fact that people have gone blind. The sad thing is that it could have been prevented. Now we have gotten to the disease so we can prevent a great deal of blindness that occurs through diabetes. And amputation, people have lost their limbs as a result of diabetes. In a lot of those cases, it is preventable. Some it is not, but in most cases it is preventable. It could be worked on, and these are important things for us to remember.

On the HIV-AIDS situation, as we all know, we can look at the data and say it is looking great. We have made some inroads, but the bottom line is the numbers are increasing for the socioeconomic areas of our country. Those increases are going to be more harshly hit because these are the people who do not have access to good quality care. These are people who do not have access to the resources needed to respond to issues such as AIDS. If you are wealthy and have insurance, you can almost survive AIDS. But if you do not, you are going to find yourself not being able to sustain life and also not even knowing about it until it is almost too late.

As we look at the border, we look at our children's health and the importance of vaccinations in providing access to good quality health care, there have been some efforts with community mental health centers in assuring that we provide that care. I do want to take this opportunity to thank those centers for their efforts throughout the country, and especially on the border

in providing access to health care. They have people working out there, people working in communities providing that access to that care, and making sure that those people have access. We still need a lot more resources.

In addition to that, we have talked about the environment. We talked about water pollution. Remember that on both sides we still need sewage plants, not only on the United States side but the Mexican side also. We drink water from the Rio Grande. We find ourselves in a real bind in terms of the quality of that water. So every effort needs to be made to make sure we have good quality drinking water.

When we look at air pollution, it is no coincidence that El Paso has not been able to meet EPA standards. No matter what El Paso does, they are going to have difficulty meeting those standards mainly because of colonias. So colonias needs to be considered when looking at the formulas. You cannot consider one side of the river without looking at the other side, and making sure that good quality care exists on both sides because we breathe the same air and drink the same water and we are affected as we communicate with each other.

Mr. Speaker, the border has a lot of positives. It has a lot of enthusiasm. It has a lot of people moving forward. There are a lot of things happening that are great, but part of that is making sure that we have good quality care. I want to take this opportunity and maybe I will do it at a later date, to talk about the information regarding some of the other States. I know in New Mexico there are 167 miles along the Mexican border area comprised of five counties in that region. You will find some disparities that exist in the area of health care, and those disparities are evident not only in New Mexico but throughout. I want to mention a couple of other things.

I know one of the main disparities that exist in New Mexico when you look at tuberculosis cases, they find that you have a large number of tuberculosis cases also all along the border, and New Mexico is no exception. As well as Arizona. Arizona finds itself in the same situation, as well as California. So the whole border region is an area that we need to continue to focus on.

Mr. Speaker, I am very pleased if nothing else with the issue of NAFTA. For those who opposed NAFTA, you have to admit that at least NAFTA has allowed us an opportunity to focus. In Texas, very seldom did we talk about the border. The State of Texas never focused on it. It continued to neglect it, and because of the importance of trade, because they saw the value of our neighbor to the South, now there is a great deal of focus.

Along with that focus once again should come the real concern of meeting the needs of the community in that area, and those needs are translated in

the form of resources for access to good quality care.

I am hoping as we move forward, we will continue to look at getting resources for access to health care; and I am hoping as that county judge from El Paso testified, that we can start looking at those disparities and making sure that those resources when they come to Texas, and those States on the border, that they come to those regions where they are needed the most and allow them to be able to leverage those resources in order for them to be able to fight the diseases I have mentioned.

□ 2200

I want to thank everyone who has been here tonight. I know that we had some opportunities to be able to dialogue about the importance of these issues. I want to just indicate that there has been some discussion on the issue of medication. I just want to briefly indicate that along the border, there is a study that was done where nearly 40 percent of a survey reported that someone in the immediate household, 40 percent, received their medications on the border from Mexico. We find a population that is seeking out for access to health care, they are not finding it on this side, they are seeking it elsewhere in Mexico, and there are some pitfalls to that. There are some positives also, but there are some pitfalls. Some of the pitfalls that I have indicated are like the problems that we find with tuberculosis that in Mexico is not treated in the same way that we treat it. We provide it with a lot more medication than they do. That could create some serious problems for all of us if it is not treated appropriately. Secondly, as they go across, one of the main prescriptions that they get deals with uses for colds and some uses, 30 percent, were for blood pressure, 50 percent were for heart disease, 20 percent for diabetes.

As we move forward, I am hoping that Congress at the national level, that there is a responsibility to meet and that when people live on the border and people come across the border that we as a Nation have a responsibility to also provide access to good quality care for not only all the people on the border but also those people that get impacted by people from the other side of the border.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of a death in the family.

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

Mr. CRANE of Illinois (at the request of Mr. ARMEY) for today on account of travel delays.

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

Ms. PELOSI (at the request of Mr. GEPHARDT) for today on account of a flight delay.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today, July 24, and July 25 on account of attending a memorial services for a former staffer.

Mr. SHERMAN (at the request of Mr. GEPHARDT) for today on account of airline mechanical problems.

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of medical reasons.

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

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. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. WICKER, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

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

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 20, 2001 he presented to the President of the United States, for his approval, the following bill.

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

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 24, 2001, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

2993. A letter from the the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 2001, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 107—105); to the Committee on Appropriations and ordered to be printed.

2994. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Assistance Regulations; Administrative Amendment (RIN: 1991-AB58) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2995. A letter from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting the Department's final rule—Connectivity to Atmospheric Release Advisory Capability [DOE N 153.1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2996. A letter from the Assistant General Counsel for Regulatory Law, Office of Management and Administration, Department of Energy, transmitting the Department's final rule—Work for Others (Non-Department of Energy Funded Work) [DOE O 481.1A] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2997. A letter from the Assistant General Counsel for Regulatory Law, Office of the Chief Information Officer, Department of Energy, transmitting the Department's final rule—Cyber Security Architecture Guidelines [DOE G 205.1-1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2998. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Beverages: Bottled Water; Technical Amendment; Confirmation of Effective Date [Docket No. 01N-0126] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2999. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 123-1123a; FRL-7015-9] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3000. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 119-1119a; FRL-7015-8] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3001. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Promulgation of Implementation Plans; Indiana [IN137-1a; FRL-7004-1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3002. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Solicitation—received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3003. A letter from the Deputy Secretary, Department of Defense, transmitting a report on the Initial Plan pursuant to section 5 of the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Government Reform.

3004. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3005. A letter from the Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3006. A letter from the Acting Inspector General, General Services Administration, transmitting an Audit Report Register, including all financial recommendations, for the period ending March 31, 2001; to the Committee on Government Reform.

3007. A letter from the Executive Services Staff, Social Security Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3008. A letter from the Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Law and Order on Indian Reservations (RIN: 1076-AE19) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3009. 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 (HMS) Fisheries; Large Coastal, Pelagic, and Small Coastal Shark Species [I.D. 061101A] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3010. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30253; Amdt. No. 2055] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3011. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30255; Amdt. No. 2057] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3012. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30254; Amdt. No. 2056] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3013. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30256; Amdt. No. 2058] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3014. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30252; Amdt. No. 2054] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3015. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Request for Preproposals: For the operation of the Integrated Atmospheric Deposition Network—received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3016. A letter from the Director, Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice—Notification of Representatives in Connection with Motions for Revision of De-

terminations on Grounds of Clear and Unmistakable Error (RIN: 2900-AJ75) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3017. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Determination Regarding State Statutes adopting Revised Article 9 of the Uniform Commercial Code; Determination Regarding Rhode Island [Department of the Treasury Circular, Public Debt Series, No. 2-86] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3018. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Update to the Prospective Payment System for Home Health Agencies for FY 2002 [HCFA-1147-NC] (RIN: 0938-AK51) received July 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3019. A letter from the Acting General Counsel, Department of Defense, transmitting proposed legislation relating to civilian personnel, property disposal or transfer, and contractor claims; jointly to the Committees on Government Reform, the Judiciary, Armed Services, and 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. HANSEN: Committee on Resources. H.R. 451. A bill to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes; with an amendment (Rept. 107-150). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 427. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes (Rept. 107-151 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISTOOK: Committee on Appropriations. H.R. 2590. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-152). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107-153). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. House Joint Resolution 55. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam (Rept. 107-154); adversely. Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 427 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. 427. Referral to the Committee on Agriculture extended for a period ending not later than July 23, 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:

[Omitted from the Record of July 18, 2001]

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. SIMPSON, Mr. REYES, Mr. STUMP, Mr. FILNER, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. BUYER, Mr. RODRIGUEZ, Mr. BAKER, Mr. SHOWS, Mr. SIMMONS, Mr. UDALL of New Mexico, Mr. BROWN of South Carolina, and Mrs. CAPPS):

H.R. 2540. A bill to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KENNEDY of Minnesota:

H.R. 2552. A bill to require the payment of an indemnity to sugar beet producers in the State of Minnesota for losses sustained to the 2000 crop of sugar beets as a result of a late season freeze when the damage to the sugar beets did not fully manifest itself until after delivery of the crop to the processor; to the Committee on Agriculture.

[Submitted July 23, 2001]

By Mr. STUMP (for himself and Mr. SKELTON) (both by request):

H.R. 2586. A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes; to the Committee on Armed Services.

By Mr. TAUZIN (for himself and Mr. BARTON of Texas):

H.R. 2587. A bill to enhance energy conservation, provide for security and diversity in the energy supply for the American people, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Science, Transportation and Infrastructure, the Budget, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Ms. MCKINNEY, Ms. NORTON, Mr. KILDEE, Mr. FRANK, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. GILMAN, Mrs. MALONEY of New York, Mr. FATTAH, Mr. MCDERMOTT, Mr. FILNER, Mrs. MINK of Hawaii, Mr. SANDERS, Mr. MORAN of Virginia, Mr. FROST, and Mr. HORN):

H.R. 2588. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Government Reform.

By Mrs. ROUKEMA (for herself and Mr. FRANK):

H.R. 2589. A bill to amend the Multifamily Assisted Housing Reform and Affordability Act of 1997 to reauthorize the Office of Multifamily Housing Assistance Restructuring, and for other purposes; to the Committee on Financial Services.

By Mr. ISTOOK:

H.R. 2590. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

By Mr. FLETCHER (for himself, Mr. WHITFIELD, Mr. MCINTYRE, Mr. ROGERS of Kentucky, Mr. JENKINS, Mr. LEWIS of Kentucky, Mrs. CLAYTON, Mr. GOODE, Mr. JONES of North Carolina, and Mr. HAYES):

H.R. 2591. A bill to allow the Secretary of Agriculture to use existing authorities to provide export promotion assistance for tobacco and tobacco products of the United States; to the Committee on Agriculture.

By Mr. FRANK (for himself, Mr. PAUL, Mr. BLUMENAUER, Mr. BONIOR, Mrs. MINK of Hawaii, Mr. NADLER, Mr. STARK, Mr. THOMPSON of California, and Ms. WOOLSEY):

H.R. 2592. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. GEKAS (for himself and Mr. UPTON):

H.R. 2593. A bill to establish a commission to recommend a strategy for the global eradication of disease; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mrs. CLAYTON, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. CRAMER, Mr. STENHOLM, and Mr. GOODE):

H.R. 2594. A bill to amend the Public Health Service Act to establish authority for the inclusion of tertiary-care nurses in the program for the National Health Service Corps, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H.R. 2595. A bill to direct the Secretary of the Army to convey a parcel of land to Chat-ham County, Georgia; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE:

H.R. 2596. A bill to provide for the protection of train employees; to the Committee on Transportation and Infrastructure.

By Mr. MCINNIS (for himself, Mr. TANNER, Mr. FOLEY, and Mr. BLAGOJEVICH):

H.R. 2597. A bill to amend the Internal Revenue Code of 1986 to provide incentives to ensure that all Americans gain timely and equitable access to the Internet and to promote employer and employee participation in telework arrangements; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Mrs. JONES of Ohio, Mr. PALLONE, Mr. MURTHA, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. MCGOVERN, Mr. WAXMAN, Mr. SERRANO, Mr. LANTOS, Ms. NORTON, and Mr. BONIOR):

H.R. 2598. A bill to amend the Public Health Service Act to provide for increased funding for the Centers for Disease Control and Prevention to carry out activities toward increasing the number of medically underserved, at-risk adults and adolescents who are immunized against vaccine-preventable diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOOMEY:

H.R. 2599. A bill to spur job growth by reducing individual capital gains rates and to make permanent the Economic Growth and

Tax Relief Act of 2001; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H. Con. Res. 190. A concurrent resolution supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 191. A concurrent resolution expressing the sense of the Congress regarding the importance of parents and children eating dinner together as a family; to the Committee on Education and the Workforce.

By Mrs. TAUSCHER (for herself, Mr. STARK, and Mr. GEORGE MILLER of California):

H. Con. Res. 192. A concurrent resolution recognizing the many contributions of Timothy John Lynch, Sr., to the East Bay, California, community; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H. Con. Res. 193. A concurrent resolution to express the sense of the Congress that the Secretary of Commerce and the Secretary of the Interior should direct the representatives of their departments who are members of the United States delegation to the International Whaling Commission to remain diligent in their efforts to protect the ability of Native people of the United States, who have been issued quotas by the International Whaling Commission, to continue to legally harvest whales, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

164. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 1 memorializing the United States Congress to enact legislation to allow disabled, military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay; to the Committee on Armed Services.

165. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 13 memorializing the United States Congress prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the Individuals with Disabilities Education Act to ensure all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; to the Committee on Education and the Workforce.

166. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 1 memorializing the United States Congress to expand membership in the American Legion to include all veterans with records of honorable, active duty service in the United States Armed Forces, regardless of dates of service; to the Committee on the Judiciary.

167. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 10 memorializing the United States Congress to preserve the electoral college in the best interest of this nation and all its citizens and any attempt to amend the Constitution to abolish the electoral college should be defeated; jointly to the Committees on House Administration and the Judiciary.

168. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 12 memori-

alizing the United States Congress to enact legislation amending the federal Pipeline Safety Act to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

ADDITIONAL SPONSORS

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

H.R. 17: Mr. ABERCROMBIE.
H.R. 154: Mr. TOOMEY and Mr. SHERMAN.
H.R. 179: Mr. TAUZIN.
H.R. 267: Mr. HUTCHINSON and Mr. PITTS.
H.R. 436: Mr. ALLEN, Mr. PRICE of North Carolina, Mr. BILIRAKIS, and Mr. HYDE.
H.R. 448: Mr. CANTOR.
H.R. 500: Mr. BISHOP.
H.R. 527: Mr. BERMAN.
H.R. 602: Mr. WELDON of Pennsylvania.
H.R. 619: Mr. WEXLER.
H.R. 650: Mr. KELLER.
H.R. 808: Mr. SHUSTER.
H.R. 826: Mr. TURNER, Mr. POMBO, and Mr. KELLER.

H.R. 848: Ms. Watson, Mrs. CAPPS, Mr. BLAGOJEVICH, Mr. WEXLER, and Mr. GILMAN.
H.R. 868: Mr. ROHRBACHER, Mr. KELLER, Mr. BORSKI, and Mr. CLEMENT.
H.R. 877: Mr. OXLEY.
H.R. 914: Mr. HAYWORTH, Mr. NEY, Mr. STENHOLM, Mr. GOODLATTE, Mr. SCHAFFER, and Mr. TURNER.

H.R. 981: Mr. SIMPSON and Mr. BEREUTER.
H.R. 1073: Mr. UDALL of New Mexico.
H.R. 1161: Mr. RAMSTAD.
H.R. 1170: Mr. SCHIFF.
H.R. 1178: Mr. PASCRELL.
H.R. 1254: Mr. KING.
H.R. 1265: Mr. THOMPSON of California.
H.R. 1294: Mr. PASTOR.
H.R. 1305: Mrs. CAPITO.
H.R. 1307: Mrs. JONES of Ohio.
H.R. 1330: Mr. HOLT.
H.R. 1350: Mr. ACKERMAN.
H.R. 1360: Mr. FARR of California, Mr. GREEN of Texas, Mr. WAXMAN, Mr. COYNE, and Ms. SANCHEZ.

H.R. 1377: Mrs. JONES of Ohio, Mr. Platts, and Mr. FALCOMA.
H.R. 1421: Mr. COYNE, Ms. ESHOO, Mr. THOMPSON of California, and Mr. OLVER.

H.R. 1432: Mr. FROST.
H.R. 1424: Mr. KILDEE.
H.R. 1433: Mr. ALLEN.
H.R. 1436: Ms. ROS-LEHTINEN, Mr. UDALL of New Mexico, Mr. HOUGHTON, Mr. BOEHLERT, Mr. GUTIERREZ, Ms. PELOSI, Mr. RODRIGUEZ, Mrs. MEEK of Florida, and Mr. THOMPSON of Mississippi.

H.R. 1452: Mr. ANDREWS.
H.R. 1454: Mr. HORN and Ms. SLAUGHTER.
H.R. 1468: Ms. SANCHEZ.
H.R. 1487: Mr. GORDON.
H.R. 1492: Ms. SANCHEZ.
H.R. 1520: Mrs. JONES of Ohio.
H.R. 1522: Ms. BALDWIN.
H.R. 1556: Mrs. MEEK of Florida, Mr. BARCIA, Mr. FATTAH, and Mr. GILMAN.
H.R. 1609: Mr. MCNULTY, Mr. BOEHLERT, Mr. PICKERING, Mr. SCHROCK, Mr. SHOWS, and Mr. SMITH of Texas.

H.R. 1629: Mrs. DAVIS of California.
H.R. 1650: Mr. FATTAH.
H.R. 1672: Mr. WU, Mr. RANGEL, and Mr. PRICE of North Carolina.
H.R. 1733: Ms. BALDWIN and Ms. Norton.
H.R. 1770: Mr. SHERWOOD.
H.R. 1773: Mr. SCHROCK, Mr. KILDEE, and Mr. TANCREDO.
H.R. 1839: Mr. LEVIN.
H.R. 1851: Mr. FATTAH.

H.R. 1861: Ms. WOOLSEY.
 H.R. 1863: Mr. BURR of North Carolina.
 H.R. 1864: Mr. PLATTS and Mr. ROGERS of Michigan.
 H.R. 1896: Mr. CUMMINGS, Ms. WOOLSEY, Mr. SANDERS, Mr. ENGLISH, Mr. FRANK, and Mr. KUCINICH.
 H.R. 1911: Mr. GORDON, Mr. MCGOVERN, and Mr. RYUN of Kansas.
 H.R. 1928: Ms. SLAUGHTER.
 H.R. 1948: Mr. HYDE.
 H.R. 1990: Mrs. MEEK of Florida.
 H.R. 2036: Mr. JEFFERSON, Mr. THORNBERRY, Mr. LUCAS of Kentucky, Mr. PLATTS, Ms. DELAURO, Ms. DEGETTE, and Mr. KILDEE.
 H.R. 2058: Mrs. MALONEY of New York, Ms. WOOLSEY, Mr. FROST, Mr. ACKERMAN, and Mr. MATSUI.
 H.R. 2074: Mrs. MINK of Hawaii.
 H.R. 2095: Mr. THOMPSON of Mississippi.
 H.R. 2109: Mr. DEUTSCH.
 H.R. 2145: Mr. ANDREWS.
 H.R. 2148: Mr. BOUCHER, Ms. HARMAN, and Mr. EHLERS.
 H.R. 2166: Ms. PELOSI.
 H.R. 2173: Mr. WEXLER, Mr. OBERSTAR, Mr. BOUCHER, Mr. BONIOR, Ms. ESHOO, and Mr. MATSUI.
 H.R. 2175: Mrs. NORTHUP, Mr. KENNEDY of Minnesota, and Mr. MOLLOHAN.
 H.R. 2181: Ms. MCKINNEY, Mr. FILNER, and Mr. LANTOS.
 H.R. 2235: Mr. CALLAHAN and Mr. ROSS.
 H.R. 2240: Mr. YOUNG of Florida and Mrs. MEEK of Florida.
 H.R. 2258: Mr. GUTIERREZ, Mr. OLVER, Mr. BLAGOJEVICH, Mr. RUSH, Mr. FILNER, Ms. BROWN of Florida, Mr. BERMAN, Mr. HOLT, Mr. JACKSON of Illinois, Ms. WATERS, Mr. FRANK, Mr. BACA, Mr. GONZALEZ, and Mr. MATSUI.
 H.R. 2269: Mr. CHAMBLISS, Mr. TIBERI, Mr. MCCREERY, Mr. BALLENGER, Mr. FLETCHER, Mr. BROWN of Ohio, Mr. MCKEON, Mr. SHAYS, Mr. CANTOR, Mrs. BIGGERT, and Mr. PLATTS.
 H.R. 2294: Ms. BALDWIN, Ms. SCHAKOWSKY, Mr. RODRIGUEZ, Mr. FROST, and Mr. DOYLE.
 H.R. 2315: Mr. HAYWORTH, Mr. CRANE, Mr. TANCREDO, and Mr. BRYANT.
 H.R. 2335: Mrs. JO ANN DAVIS of Virginia.
 H.R. 2339: Ms. LOFGREN.
 H.R. 2348: Mr. HASTINGS of Florida, Mr. LANTOS, Ms. MCCOLLUM, Mr. CARSON of Oklahoma, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Mr. FORD, Mr. GONZALEZ, Mr. FROST, and Mr. OBERSTAR.
 H.R. 2369: Mr. INSLEE and Ms. ESHOO.
 H.R. 2390: Mr. VITTER.
 H.R. 2413: Mr. RYUN of Kansas.
 H.R. 2450: Ms. NORTON, Mr. HOLDEN, Mr. CRAMER, Mr. CROWLEY, Mr. GILMAN, Mr. McNULTY, and Mr. NADLER.
 H.R. 2482: Mr. MATSUI, Ms. MCKINNEY, Mr. BERMAN, Mr. FROST, Mr. WAXMAN, and Ms. HARMAN.
 H.R. 2486: Mr. FROST, Mrs. CAPITO, and Mr. ORTIZ.
 H.R. 2505: Mr. FLAKE.
 H.R. 2521: Mr. WAMP.
 H.R. 2540: Mr. PICKERING, Mr. MANZULLO, and Mr. GALLEGLEY.
 H.R. 2560: Mr. BLAGOJEVICH.
 H.R. 2573: Mr. KENNEDY of Rhode Island, Ms. MCCOLLUM, Mr. SABO, Mr. TIERNEY, Ms.

KILPATRICK, Mr. BROWN of Ohio, and Mr. WEXLER.
 H.J. Res. 15: Mr. WAXMAN, Mr. FROST, and Mr. SMITH of New Jersey.
 H. Con. Res. 26: Mr. SHERMAN.
 H. Con. Res. 60: Mr. GRUCCI, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Ms. ESHOO, and Mr. LANGEVIN.
 H. Con. Res. 164: Mrs. KELLY.
 H. Con. Res. 169: Mr. SABO, Mr. FARR of California, Mr. SANDERS, Ms. RIVERS, Mr. OLVER, and Mr. RANGEL.
 H. Con. Res. 179: Mr. ROGERS of Michigan, Mr. BRADY of Pennsylvania, Mr. UNDERWOOD, Mr. HALL of Texas, Mrs. CLAYTON, Ms. WATSON, Mr. HILLIARD, Mr. PALLONE, Mr. PITTS, Ms. ROS-LEHTINEN, Mrs. NORTHUP, and Mr. PLATTS.
 H. Res. 154: Mrs. MALONEY of New York, Mr. UDALL of New Mexico, Ms. BALDWIN, Mr. BARR of Georgia, Mr. UDALL of Colorado, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. HONDA, Mr. LATHAM, Ms. SOLIS, Mr. PLATTS, and Mr. DEUTSCH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 1109: Mr. TIBERI.

PETITIONS, ETC.

Under clause 3 of rule XII,

31. The SPEAKER presented a petition of resident's of the Thirty-Sixth Congressional District, California, relative to a petition signed by residents of California's 36th Congressional District opposed to oil and gas drilling in the Alaska National Wildlife Refuge; which was referred to the Committee on Resources.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 62: Page 112, after line 22, insert the following:

BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS

SEC. _____. None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of guaranties or insurance for a transaction involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

H.R. 2506

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 63: Page 112, after line 22, insert the following:

BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS

SEC. _____. None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of guaranties or insurance for a limited recourse project or a long-term program involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

H.R. 2590

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. None of the funds made available in this Act may be used to implement, administer, or enforce any of the proposed amendments to part 1 or 31 of title 26 of the Code of Federal Regulations, as published in the Federal Register on January 17, 2001 (66 Fed. Reg. 3925, relating to Guidance on Reporting of Deposit Interest Paid to Non-resident Aliens).

H. R. 2590

OFFERED BY: MR. FLAKE

AMENDMENT NO. 2: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.
 (b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

H.R. 2590

OFFERED BY: MR. LUTHER

AMENDMENT NO. 3: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. (a) None of the funds made available in this or any other Act for fiscal year 2002 may be used to appoint or compensate any political appointee whose appointment would cause the total number of political appointees at any time to exceed 2,000.

(b) For purposes of subsection (a), the term "political appointee" means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service (as defined under section 3132 of title 5, United States Code); or

(3) is employed in a position in the executive branch of the Government under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.