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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

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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. INOUYE, 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 addition 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 erroneous 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 include 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 noncontroversial 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 jurisdiction) 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 statement 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 therefor) 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)''; and

(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),''; and

(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),''; and

(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 programmatic 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*l*–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 Department 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 and 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 within 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 gentlewoman 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 gentlewoman 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 provision that directs the Department of Justice to submit all reports it is required to submitted, 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 movement 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 hardworking, 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, thee 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 provisions to statutorily create a permanent Violence Against Women Office within the Department of Justice.

Curently, 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 3286 of title 18, United States Code, is amended by inserting "section" before "2332b".

(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 of 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)(A) 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.

□ 1500

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 amended 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 noncontroversial, 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 commonsense 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 gentlewoman 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
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
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)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Abercrombie
Baca
Barr
Berman
Boucher
Burr
Callahan
Capps
Carson (IN)
Crane
Deal
DeGette
Delahunt
Doyle
Ehlers
Engel
Fattah
Fossella
Gallegly
Gillmor
Green (WI)
Gutierrez
Hansen
Hastings (WA)
Herger
Hoekstra
Hunter
Istook
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Lipinski
Manzullo
Matheson
Meeks (NY)
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

□ 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 detained. 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
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
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)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

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
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
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)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—52

Abercrombie
Baca
Barr
Berman
Boucher
Callahan
Capps
Carson (IN)
Crane
Deal
DeGette
Delahunt
Doyle
Engel
Fattah
Fossella
Gallegly
Green (WI)
Gutierrez
Hansen
Hastings (WA)
Istook
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Lipinski
Manzullo
Menendez
Miller, Gary
Mollohan
Ney
Nussle
Pascrell
Pelosi
Reynolds
Riley
Roemer
Roybal-Allard
Rush
Ryun (KS)
Scarborough
Schakowsky
Sherman
Solis
Spence
Stark
Tauzin
Taylor (NC)
Waters
Waxman
Wynn

□ 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 gentlewoman 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.

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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 nature 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 antidiscrimination 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.''

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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 national 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 moment 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.

□ 1945

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 insurance, 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.

□ 2000

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 gentlewoman'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 gentlewoman'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 gentlewoman has. The gentlewoman 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 gentlewoman'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 gentlewoman 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 shenanigans to get a big decision.

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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 Connecticut (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 access 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.

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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, because 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 gentlewoman 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 cardiological 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 maquilladoras existed in the six border States. But a decade later, we have over 1,500 maquilladoras. 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. GEPHART) for today on account of medical reasons.

Ms. WATERS (at the request of Mr. GEPHART) 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 Administator, 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 Decisions 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's 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 Minneosta 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 Chatham 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 diability 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 memorializing 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. ROHRABACHER, 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. FALEOMAVAEGA.
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. MCCRERY, 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. GALLEGLY.
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 Nonresident 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.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, MONDAY, JULY 23, 2001 No. 103

Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, replenish our energies so that we can give ourselves unreservedly to the challenges of this new week. Give us gusto to confront problems and work to apply Your solutions. Replace our fears with vibrant faith. Most important of all, give us such a clear assurance of Your guidance that we will have the courage of our convictions.

Bless the women and men of this Senate with a profound personal experience of Your grace, an infilling of Your Spirit of wisdom, and a vision of Your will in all that must be decided this week. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, I have been asked by the majority leader to indicate that we are to be in morning business for 2 hours today. Following that, we will return to legislative business. We will be on the Transportation appropriations bill. There will be an amendment offered at or about 4 o'clock today, with a vote to occur at about 5:45 today. We hope those who have amendments to offer to the bill will be ready to do so. We know there is at least one difficult issue. We are going to work on that.

Senator MURRAY and Senator SHELBY have spent a great deal of time on this legislation. We hope to complete this matter and one or two other appropriations bills this week.

The recess is fast approaching, a week from this Friday. We are going to have a number of things we have to do, in addition to appropriations bills, that the majority leader and the minority leader have talked about and recognize have to be done before the recess. So we have asked everyone to be cooperative. We are going to move as quickly as we can to try to satisfy the many different desires of the two caucuses.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: The Senator from Arizona, Mr. KYL, from 2 to 3 p.m., and the Senator from West Virginia, Mr. BYRD, from 3 to 4 p.m.

The Senator from Arizona, Mr. KYL.

Mr. KYL. Thank you, Mr. President.

When my colleague, the Senator from Idaho, arrives, I will stop my presentation and give him an opportunity to join me in our comments today. We intend to take this hour to both talk about the same general subject.

NOMINATIONS

Mr. KYL. Mr. President, when we first came back and began this Congress in January, there was a lot of talk about bipartisanship at that time due primarily to the fact that the Senate was equally divided between Republicans and Democrats, and we knew we better act in a bipartisan way or not a lot would get done.

Since that time, of course, the Democratic Party has taken the majority, by virtue of the transfer from a Republican to an independent status, and we now have 50 Democrats, 49 Republicans, and one independent in the Senate; therefore, the Senate is under the control of the Democratic Party as the majority party. But we have a Republican administration and no less of a requirement to work together in a bipartisan fashion.

The distinguished President pro tempore chairs a committee which, by its very nature, requires bipartisanship. I think I was presiding in the chair the day the distinguished President pro tempore and his counterpart, the ranking member, the Senator from Alaska, talked about the fact that without the kind of bipartisan cooperation in that committee that has characterized its work, it would be hard for the Senate to get its work done.

That is also true of some other things, some housekeeping, if you will, that the Senate has to do as part of its constitutional responsibilities and, frankly, are among the most important of its responsibilities. That includes the advice and consent that we provide with respect to nominees from the executive branch.

When a new President comes into power, there is also a certain transition that takes place because the new President nominates his own people for his executive branch department, his Cabinet officers and subcabinet officers, and also, of course, judicial nominations.

In order for those departments to be fully staffed and up and operating, it is necessary for the Senate, as quickly as possible, to hold hearings on those

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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nominees, to act on them one way or the other, and then those that it approves—the vast majority—can join the President and begin work in the executive branch of Government. Ordinarily, that is a somewhat lengthy process but not a particularly difficult process.

Most of the nominations are relatively routine. After they finish their FBI check, there is a hearing. There is almost never any controversy and therefore it is not difficult for the Senate to confirm those nominees. In fact, for the benefit of a lot of folks who would not be aware of the process, we do not take time in this Chamber to debate each and every nominee and hold a rollcall vote on each and every nominee. Instead, most of them are not controversial, and the leader will ask that a group of them be considered in a group, at the end of the day; and if no Senator objects to the nominations, they are all approved, and they are approved unanimously.

That is the way it is done for most of the nominees. There are well over 600—I don't know the exact number—that we have to confirm. The problem is, this year, because of the election difficulties in Florida, the administration did not have as much time during the transition to get these people selected. As a result, we started out about a month behind in terms of the nominations from the Bush administration. Fortunately, the administration has worked very quickly and has actually caught up and even surpassed some previous administrations in the number of nominations that have been sent to the Senate.

But the Senate has not acted very quickly either. Part of that was due to the fact we had this change from an equally divided Senate to a Senate controlled by the Democratic Party, and there was a period when the reorganization resolution had not yet been adopted.

People might say: Why is all that important? Let's just get these nominees approved. Sometimes there are certain steps the Senate has to take before it can do things. The fact is, now we have had quite a period of time within which to act on these nominees, and we are beginning to act on some of them, but, frankly, they are not occurring as fast as I think they should occur and many of us believe should occur.

There are still far too many nominees we have not confirmed, and we are afraid will not be confirmed by the beginning of the August recess, in less than 2 weeks from now. That means it would not be until after Labor Day that the President would have his full complement of Cabinet officers in place, and subcabinet officers. That is far too long.

As of this month, over one-eighth of the Bush administration term is now gone, and many of the people he would have working for him are not even confirmed. The Senate has, so far, confirmed 210 Bush administration nominees, and that includes the 77 that we have confirmed just in the last 11 days. But even with that progress, it is just 58 percent of the nominees that President Bush has sent to us so far.

This chart represents the 58 percent of nominees confirmed by the Senate from George W. Bush. At this same time during the Bill Clinton administration, the Senate had confirmed 74 percent; and in the Reagan administration, 72 percent. These are administrations that took over from a previous party.

Ronald Reagan took over from Jimmy Carter. Bill Clinton took over from George Bush. And George Bush, of course, took over from Bill Clinton—each changing parties in the process.

So as we can see, the Bush nominees have not been approved, have not been confirmed at the same rate as the Senate confirmed previous Presidents' nominees. That is putting a real burden on this White House.

Incidentally, even though it wasn't a change from Reagan to the first George Bush in terms of party, the percentage was exactly the same as with regard to George W. Bush. Clearly, the Senate has to do a better job getting these nominations heard, getting them to the Senate floor, and getting them approved.

The same thing is true with respect to judicial nominations. We are going to need to hold hearings and confirm judges at a much faster pace, or we are going to be way behind in terms of judgeships. I will talk about that in just a little bit.

The bottom line, the first point I am trying to make is that we would literally have had to confirm about 83 nominations last week to match the nominations that we confirmed for the Clinton administration. We confirmed only 23. We were literally 50 nominations behind as of last week.

The Bush administration has nominated 365 people to date. With the 210 confirmed, that leaves 155. We have less than 2 weeks before the August recess. We would have to do about 75 per week to get these all confirmed. The fact is, 27 of those are judicial nominees. There is no way we can hold all of the hearings on them. So let's subtract the 27 judicial nominees; that still leaves 128 nonjudicial nominees. Those are the people the President needs to help run his Cabinet and his Cabinet agencies. That would mean we would have to do about 65 per week, this week and next week, in order to be done.

We are hopeful the Democratic leadership will cooperate in a bipartisan way to get these nominees confirmed. Because of what I explained earlier, it is not difficult to accomplish this. We can walk and chew gum at the same time. We can do both appropriations bills and nominations because nominations usually don't require a lot of time for debate on the Senate floor, and they don't require rollcall votes in most cases. In most cases, they are bundled together because they are not controversial. The leader asks unanimous consent at the end of the day that they be approved. That consent is given. They are approved, and it doesn't take very much time at all.

The good news is, the Senate can do both things at the same time. It can both pursue legislative business, which in the case of the next 2 weeks is going to consist mostly of appropriations bills, and at the same time we can do these nominations. That is the good news.

Let me try to give you a little bit of an idea of some of the agencies that have nominations pending and why these are important. As I said, there are 27 judicial nominations pending, 26 or 27. Everybody understands the importance of the judiciary. Tomorrow, the Judiciary Committee is going to hold a hearing on three nominees, but only one of them is a judge. The other two are nominees for the Department of Justice.

We have only confirmed three judicial nominees this entire year for President Bush. There is now a vacancy rate that is far higher than it was at the end of the last administration. In fact, there are today 108 vacancies in Federal courts. This is about 45 or so more than there were at the end of the Clinton administration.

Just to quote a couple of my colleagues to illustrate the significance of these judicial nominees, Senator LEAHY is the chairman of the Senate Judiciary Committee and has always been a very strong advocate for filling these judicial positions. When Bill Clinton was President, this is something Senator LEAHY said:

> Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis. Any fortnight in which we have gone without a judicial confirmation hearing marks 2 weeks in which the Senate is falling further behind.

Senator LEAHY is right about that. He said this in January of 1998. When he made that statement, there were fewer than 85 vacancies. Today there are 108 vacancies. As lawyers would say, a fortiori, it is important for us to begin confirming these judges. Moreover, as he pointed out, you can't confirm them until you have had hearings, and we are not having hearings on these judges.

We are supposed to have a hearing this week, but only one judge is on the panel. I remember the last three or four hearings of last year, we had five or six judges per panel. To have only 1 judge on the panel when there are 26 others on which we could have a hearing—their FBI clearances have been done; they are ready to have their hearing—is simply to slow down the process. There is no reason why we can't add more judges to the hearing calendar. We should be doing that.

I respectfully request that the chairman of the Judiciary Committee get on with the scheduling of these hearings.

Our majority leader, the distinguished Senator from South Dakota, last year said:

Today there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as judicial emergencies. The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country. This cannot continue.

That was in March of 2000. When he made that statement, there were 76 vacancies, 29 of which were categorized as ''judicial emergencies.'' Today there are 108 vacancies, 40 of which are classified as ''judicial emergencies.''

It is clear the Judiciary Committee needs to begin holding more hearings, that we need to get these judges to the Senate floor for confirmation, and that the Senate needs to act more quickly on these very important judicial nominations, 40 of which are classified right now as ''emergencies.'' In other words, according to the administrative office of the U.S. courts, these are the positions which need to be filled immediately or the administration of justice will suffer. It represents 12.6 percent of the judicial positions in our country today. That is the vacancy rate, and of those, just under 40 percent, are classified as ''judicial emergencies.'' Clearly, we have to get working on these nominations.

I note that my colleague, Senator CRAIG, has arrived. I was going to begin discussing some of the specific nominees who are not judicial nominees that have been pending for a long time that we want to get cleared. Before I do that, perhaps my colleague is ready to make a presentation. I am happy to wait and go into some of the specific names after a little bit.

I yield to the Senator from Idaho.

The PRESIDENT pro tempore. How much time does the Senator yield?

Mr. KYL. As much time as the Senator takes.

The PRESIDENT pro tempore. The Senator is recognized for as much time as he consumes.

Mr. CRAIG. I thank my colleague from Arizona for yielding. Most importantly, let me thank him for coming to the floor this afternoon to talk about what, without question, is a critically important issue to our country. That is that a President, once elected and sworn in by a Nation, has the right to govern the executive branch of the Government.

We all know that takes a good many hands at the tiller, talented people from all walks of life who can help a President in all of the agencies of the Government make the right determinations and decisions as they relate to how policy ultimately gets implemented into law. We have watched over the years as this has become a most cumbersome approach. It has become increasingly involved, a combination of legislative action on the part of the Congress—the Senate playing a role—executive orders on the part of the President, all coming together in a critical mass. That takes the process a very long while to work. I am talking about simply the selection of, the vetting of, the background checking of an individual whom a President is going to nominate prior to that individual getting to the Senate, and then for the committees of jurisdiction to hold the proper hearings that are necessary to look at all of the material and ultimately to pass judgment on this individual for recommendation before the full Senate.

The reason I talk about that at the outset is that we are not talking about that today. We are talking about the second step—the Senate process, the responsibility we have as Senators to review, confirm, and/or reject these nominees, based on cause, whom a President sends before us.

We are in a situation where the Senate has confirmed about 210 Bush nominees so far this year, including the 77 we have confirmed in the last 11 days. During the Fourth of July break, I was home in my State of Idaho and I was hearing from many constituents who were saying: LARRY, when are we going to get this person? Senator, when are we going to get that person?'' Or they would say: Senator, do you realize that Clinton people are still in power at the regional levels of the National Marine Fisheries—or U.S. Fish and Wildlife Service, or the EPA—and those decisions are still being made, based on, if you will, the philosophy and attitude of that administration versus the one the American public has just elected to power? When are those things going to happen or change? We elected a new President; we want a new direction. We expect that. That is why we did what we did last November.

It was during that time, in listening to my constituents and trying to explain, that I began to examine the second phase—this phase, the one we are in now as Senators, doing our responsible job and constitutionally mandated job to review and confirm or reject appointments, nominations made by a President.

Coming back from the Fourth of July break, I began to examine the numbers involved to see what the problem was, why we had not moved more. Yes, there was a time when we had a change of power and that took time. I don't argue that. But clearly, if you examine the amount of time involved with all of the nominees who are before us, there were a good many languishing before committees who had not had hearings, nor were hearings scheduled. As a result of that, I began to look at it in the context of how do we make this system work to accelerate itself, to do what it should do responsibly, but to do so in a timely fashion, so that our President can have the people he sent forth to help govern our country at the executive level.

It was at that time that my colleague from Arizona and I teamed up, using the rules of the Senate appropriately, to discuss this issue and to cause the Senate to work in a more expeditious fashion. Even with the recent progress we have made—those 11 days and 77 confirmations—that is just 58 percent of all of the nominees President Bush has sent to us so far. How does that compare with past Presidents' transitions? As of July 20, the Senate had confirmed, as I say, about 58 percent of the Bush nominees. As of July 20, 1993, the Senate had confirmed, as the chart shows, about 74 percent of President Clinton's. As of July 20, 1981, the Republican-controlled Senate had confirmed 72 percent of President Ronald Reagan's nominations. So somewhere in the seventies is probably a figure that is right and reasonable—if there is a ''right and reasonable''. Or should the Senate operate clearly in a more expeditious fashion? To keep pace with the record we have shown by the chart this afternoon, we would have had to have confirmed 83 nominees last week to match the Clinton record, instead of the 23 for whom we fought hard to get the majority to work with us on, to ultimately get before the Senate in confirmation.

The transition in power in the Senate, as I mentioned, caused some delays. I accept that, and I am willingly able to talk about that, and I should because that is right and that is fair. The uncertain outcome of a Presidential election stalled any President or President-elect out 36 days before they could begin to actually move in any fashion. Yet the Bush administration has recovered from its delays, and it had sent a record 365 nominations as of last week. I think the Senate now must step up the pace if we are going to deal with this matter in a timely fashion.

As important as all of that is, as my colleague from Arizona knows so well, to allow this President to govern, to set the course in the policy direction that is set by these key people, and also to establish the kind of relationships and esprit de corps that occurs within an agency between administrators of that agency and the rank-and-file civil servant, our goal—the goal of the Senator from Arizona and myself, working with the leadership of Republicans and Democrats in the Senate—is to get the Bush administration fully staffed with qualified people as quickly as possible.

A week and a half ago I told the majority leader, TOM DASCHLE, that our goal was, if you will, to cleanse the Senate of nominees by the August recess. Why? Because we are going to be gone for a month. If there is anyone languishing without cause simply because committee chairmen could not act or would not act, then shame on them, shame on the Senate, and shame on the leadership of the Senate for simply not moving the process along in the next 2 weeks to get the hearings done, to vet these people, to get them voted on, and get them to the floor.

As we know, it is only in a rare case that a nominee actually brings about aggressive debate on the floor of the Senate. Why? Because, in a bipartisan manner, all of us believe that a President has the right to choose, to select.

While it is our responsibility to confirm, very seldom does the Senate actually reject. So why should there be delay, as long as the process is thorough, responsible—and it should be timely. Based on the workload of the Senate today, there is really no reason for a lack of timeliness.

There are 499 positions in the executive branch requiring Senate confirmation, not counting judicial nominees. As the Senator from Arizona knows, while he was tackling the judicial nominees, I looked at all the other agencies as my target, believing that those were the ones we could get out to the administration most quickly. Of those, according to the Brookings Institution, there are 313 positions currently vacant. That is 6 out of 10 positions in Government today. In other words, 6 out of 10 people are not ''on the ground,'' not working with the President and the Vice President to govern our country.

That is what we are talking about—making critical decisions about how policy gets implemented. For those who are the victims of the lack of people being in place, it is the rank-and-file citizens out there in Arizona or in Idaho who find themselves in contests with or in conflict with a given rule or regulation and having someone outside the system make a judgment, or someone who has a given philosophical bent, instead of this administration. That is why what we do here and what the Senate does in the next 2 weeks is so absolutely critical to the American people.

Mr. KYL. Mr. President, will the Senator yield for a question?

Mr. CRAIG. Yes, I am happy to yield.

Mr. KYL. I think the Senator just hit the nail on the head. This isn't an abstract proposition, the fact that the President needs to have his team in place; I think everybody recognizes that. But it has real ''on the ground'' meaning for everyday decisions that are made affecting all Americans. Maybe we can talk for a little bit about some of the specific positions that are vacant, the people who have been nominated for those positions, why they are important for the American people, and what can happen if these positions are not filled.

Would the Senator like to initiate discussion on that? I can certainly do the same.

Mr. CRAIG. Let me give an example. I thank my colleague. I will reclaim my time and give an example. Some weeks ago, an acting regional administrator of National Marine Fisheries told the largest utility in Idaho, which is a hydro-based utility, that they had to dump their water; they could not generate with it. It just so happens that Idaho and the Pacific Northwest are in a drought at this moment. The 320,000 acre feet of water impounded for the purpose of generating power for Boise, ID, and the surrounding area was being ordered to be dumped in the name of fish and fish recovery. The power company thought it was inappropriate to do and unnecessary under the law, even recognizing the need to protect the fish.

When they refused, that acting agent sent a letter to the Federal Energy Regulatory Commission asking they order the water be dumped. At that time, I and other members of the Idaho congressional delegation got involved. We began to examine it. Frankly, we found an individual who was operating and making decisions in a manner that we thought inconsistent with the law, much more consistent with their philosophical bent than the legal responsibility and the right administration of the law. We asked for a conference. We asked that all the parties be brought to Washington to solve this problem.

Under the law, it was decided that the utility could continue to operate normally, and in so flowing the water through its pin stocks and turbines, it could not only generate power—and we know what has happened in the Pacific Northwest, with a real absence of power.

To make a long story short, but a very dramatic example for Idaho, instead of following the edicts of someone whom I felt was philosophically driven by a past administration's attitudes of how that agency ought to operate, under a negotiated settlement and within the law, this utility was allowed to operate, manage the water accordingly so there would be no blackouts in Boise, ID, and the surrounding area this year, save the fish, and solve the problem.

I do believe that if the regional director for National Marine Fisheries had been in place, the request to spill or dump water would never have occurred. That problem could have been solved at the regional level through reasonable negotiation. That is an example, and there are a myriad of others going on out there at this moment.

Let me give another example, and while this one cannot be blamed on the Senate at this moment, it is a perfect example of not having people in place at the right time. It really cannot be blamed on the administration, either. I am talking about our Ambassador to the United Nations, Negroponte, and the stalled nomination and the unwieldy system that impacts this. With no permanent Ambassador, the United States mission at the United Nations has had to rely on a career diplomat, Mr. Cunningham, who was the acting Ambassador in January when Richard Holbrooke resigned.

What happened in the meantime? The problem became a public one because of the unwillingness, in my opinion, to be aggressive in holding the Nation's position as it relates to our role in the United Nations and in the General Assembly.

The problem became public on May 3 when the United Nations lost two influential U.S. Commissioners: one for human rights and one for narcotics control.

According to a source close to the U.S. Commission, diplomats were unaware that positions on either panel were in jeopardy until the final hour. In other words, somebody was not doing their homework and somebody was not watching and dealing with it. It appeared that a last-minute campaign effort would have secured the United States one of the three open Western seats in the U.N. Commission on Human Rights. The U.S. diplomat had expected to get a 43–53 vote in favor.

They did not get it, and we know the rest of that story. For the first time since the Commission's inception in 1947, the United States has lost positions. That speaks to the problems and complications of the system.

I cannot lay the blame at the feet of the Senate on that issue, but the reason I bring it up, I tell the Senator from Arizona, is to express the dramatic consequences that can occur when we do not act timely to get the right people in the right place to make the decisions and to administer the role of Government as we would want it done.

I will be happy to yield to my colleague from Arizona.

(Mr. REED assumed the chair.)

Mr. KYL. Mr. President, if I may pursue this, it is an excellent example of one of the nominees who has been pending for a long time. John Negroponte was nominated on May 14. As the distinguished Senator from Idaho pointed out, it was very shortly thereafter that this problem in the United Nations occurred. Many people had said if John Negroponte had been there, this would not have happened. We do not know, as the Senator said.

I do know about a month ago Secretary of State Colin Powell was on national television, on one of these Sunday morning talk shows. He was asked about the nomination of John Negroponte, and Secretary Powell made an eloquent plea to the Senate to please confirm John Negroponte. He said the United States needs him at the United Nations, that we needed to get him confirmed. That was, I believe, over a month ago.

His nomination has been pending since May 14. It is now July 23. The President is going to be speaking to the United Nations this fall, I believe in September. He is going to be addressing the United Nations. For the United States not to have our Ambassador in place would be a breach of significant diplomatic protocol, as well as an important loss to U.S. interests.

I note that because the Senator from Idaho brought up the name of John Negroponte, another perfect example of someone we have had plenty of time to confirm, and we have not yet taken up his nomination for confirmation, and we need to do so.

I thank the Senator for yielding.

Mr. CRAIG. I talked about what could have happened in Idaho if, in fact, we had not been able to move the issue to Washington and those who had been left to administer at the regional level had won.

What the Senator from Arizona and I just talked about is an international problem and clearly an image problem on the part of the United States. How does it look for the United States not to be able to act in a timely and responsible manner to put key diplomats in place to do the work of our country? What does it say to the rest of the world? What does it say to the United Nations as it relates to how we prioritize the value of the U.N. and these very important commissions, the question of drugs being trafficked internationally, the question of human rights that this Senate has spent a great deal of time on over the years—human rights in this country and human rights around the world—and we have now lost key positions because we did not have people in place to lobby effectively for the position of this country, to make sure we had a voice on these key commissions.

It speaks volumes about not only our inability to operate but the cumbersome nature of the system we have allowed to be created.

Mr. KYL. Mr. President, I ask the Senator from Idaho to yield again, primarily to make a point.

Mr. CRAIG. I will be happy to respond.

Mr. KYL. The Senator from Idaho was instrumental at the end of the week in getting an agreement from the Democratic leadership to take up the nomination of Jack Crouch, sometimes known as J.D. Crouch, a distinguished expert in, among other things, missile defense. I had breakfast a couple of months ago, along with other Senators, with Secretary of Defense Rumsfeld. He pleaded with us at that time: Please send me my troops. Please confirm the people we have nominated for the Cabinet and subcabinet positions for the Department of Defense.

Now the President is busy in negotiations with the Russians, with Putin, and with others regarding missile defense, and the nomination of a distinguished member of his subcabinet, Jack Crouch, has not been taken up. He was nominated on May 7. He was nominated even before John Negroponte. Still no confirmation.

I ask the Senator from Idaho, since the Senator was instrumental in getting the agreement of the Democratic leadership to have a vote on J.D. Crouch sometime before the end of the August recess, does the Senator think it is important in this case to get this vote scheduled as soon as we possibly can so we can send Secretary Rumsfeld the team he needs to help provide for the national security of the United States?

Mr. CRAIG. Certainly, I agree with the Senator from Arizona. There is nothing more important to our country; now that these men and women have gone through their background checks and have been thoroughly vetted and sent to us, we ought to act in the most timely fashion.

Where there are objections—there happen to be a few on our side and some on the other side. Let's solve those, bring them to the floor. If a Senator objects, let he or she come to the floor and defend their position. There is nothing wrong with that. I say that for Republicans and Democrats alike. They can express their opposition; they can vote no. There is nothing wrong if you feel passionately about one of the nominees, in telling the President, who happens to be your President: Mr. President, I vote no.

Why openly and aggressively deny the President the right to select the people he thinks are necessary to work with him in the governance of this country?

I know the Senator went through the list of those key and important individuals still languishing in committee. I understand there are a total of 127 nominees who have had no hearings and no markups, as close as we can determine. There were 48 who came up this month; 46 came up in June; 27 came up in May; 6 came up in April. That is the time that these names have been before the appropriate committees.

The question is, where is that chairman? And why can't we hold hearings and give these people an opportunity to testify? Hector Barreto was nominated to head the SBA on May 1, just Friday. He was placed on the Senate's Executive Calendar. The Executive Calendar is at the desk. It is the calendar that nominations reside on before they are considered by the Senate as a whole. He was reported out of committee by a unanimous vote. This is the head of the Small Business Administration. He got a unanimous vote out of committee, but he came there May 1.

The most modern phrase I can come up with is, ''duh.'' It is kind of a ''duh'' issue to the chairman of the committee why this man has been before them since May 1, and got a unanimous vote coming out of committee. We will now, I trust, take up Hector Barreto this week. Certainly the Senate, I hope, can act timely. This is the man who will run the Small Business Administration of our country, which we rely on heavily in dealing with the small businesses of our State, those starting up, the problems they might have in trying to create start-up businesses.

The Senator from Arizona and I know first hand, as his is a border State, and border States by definition are oftentimes caught in the backlash of drug trafficking that flows across their borders and into the United States, John Walters was nominated on June 5 to be the Nation's drug czar. We know that problem. We are extremely pleased the Bush Administration is reemphasizing the drug problem as an enforcement problem for the citizens of our country. The Judiciary Committee has neither held hearings nor reported out this Cabinet-level appointee. They have had him since June 5. I don't know if it meets the ''duh'' test. I am not sure what it meets.

The Judiciary Committee does not appear to be functioning well. We have had changes in chairmanships, but the new chairman has had plenty of time. Just send out a notice, bring down the gavel, listen to this man and question this man about what he will do as the new drug czar for our country at a time when drug use is high, lives are being destroyed, and we as a country want to put special emphasis on control and detection and certainly all of the counseling, and the remediation efforts involved in helping our citizens cope.

I hope the Judiciary Committee gets the message that they need to act expeditiously to allow this man the right to begin to administer the antidrug programs of this country.

I thank my colleague from Arizona for yielding. There are other points that can be made. We will continue to make the points as we work with Democrat and Republican leadership to recognize and deal in a timely fashion with all of these nominees. My test, the test of my colleague from Arizona, is to move as many as possible before the August recess so we do not then wait clear until September to see the men and women on the ground managing and doing what they have been asked to do on behalf of this administration.

There is a lot of work to be done. But there are 2 weeks left. In 2 weeks' time, these committees can clearly convene and hold the hearings, make their recommendations, and allow the men and women nominated by President Bush to get to the floor for the purpose of our consideration and our constitutional responsibility of confirming or denying these nominations.

I thank my colleague for the effort he has put forth in the last several weeks. We have worked together as a team to assure that many of the nominees have been moved in a timely manner. In all fairness, I think part of our message and concern is getting out. I have had two chairmen this week in Agriculture and in Veterans' tell me they will attempt to move expeditiously. Hearings are being scheduled.

When I see 127 nominees who have not had hearings, and there are 2 weeks left, that says there is an awful lot of work to be done in the next 2 weeks. I hope our chairmen are up to it. I think the committees and the committee staffs have had adequate time to do the necessary work to prepare for appropriate and necessary hearings.

I thank my colleague from Arizona for securing the time and yielding to me on this issue.

Mr. KYL. Mr. President, I thank the Senator from Idaho for being instrumental in bringing this issue to this Chamber. He helped to prove we can do more than one thing at once. We can do our legislative work on the appropriations bills that come before the Senate, and at the same time have the committees meeting on the nominees and holding hearings and bringing them to the Senate floor, in most cases for a quick unanimous consent vote that does not require a lot of Senate time.

I know he and I will continue to work to see we complete this list of nominees for confirmation before we leave for the August recess. It would be a shame to leave here with that unfinished business, leaving the President without the team he needs to help in the important responsibilities he has.

The Senator from Idaho pointed out he has visited with different committee chairmen—for example, the Agriculture Committee chairman. There are 10 nominees pending before the Agriculture Committee. They need hearings and need to be acted upon. There are 9 pending before the Armed Services Committee, and in addition to that, J.D. Crouch, on whom we need to vote.

In the Banking Committee, there are 7 pending; in the Commerce Committee, there are 8; in the Energy Committee, there are 3; before the EPW Committee, there are 8; before the Finance Committee, there are 12; Foreign Relations has 41, many of whom are important nominees to Ambassadorial positions to various countries. What do these countries think when that we sit on these nominations for so long before confirming them and sending them on to serve the United States abroad?

There are 4 pending before the Governmental Affairs Committee, 6 before the health committee; as I said, before the Judiciary Committee, there are 27 judicial nominees and either 12 or 13, depending on my count of positions, to other judicial branch appointments, and 3 before the Veterans' Affairs Committee, and another before the Judiciary Committee, since the Senator from Idaho singled out the Judiciary Committee out.

I am on that committee and the Judiciary Committee has not done its job either with the executive branch nominees or the judiciary, the judges. John Gillis was nominated in April to head the Office of Victims of Crime. He would be the Director of the Office for Victims of Crime at the Department of Justice. He has had no hearing. John Gillis is an extraordinary man. He is an African American, former police officer from the Los Angeles police force. His daughter was killed, murdered.

John Gillis became a very strong advocate for victims' rights. He is a national hero in this regard. He is a man of great character, of passion for the cause of victims of crime.

President Bush has also strongly advocated the rights of victims of crime. My colleagues know that has been one of my passions, as it has been of Senator FEINSTEIN from California.

In April, John Gillis was nominated. It is critical that he join the team at the Justice Department—no hearing. He has not been approved by the Senate.

Mary Sheila Gall, this is another interesting nominee, interesting in the sense of the position she would hold. She was nominated back on May 8. Apparently there may be a hearing for her on July 25. But she would chair the Consumer Product Safety Commission. This is only the Commission that is responsible for the regulations and enforcement of regulations that protect the public against unreasonable risks of injuries and deaths associated with consumer products—a very important position for children as well as adult men and women in our country. It is an independent, Federal regulatory agency, and it has jurisdiction over about 15,000 different types of consumer products. Let me give you a couple of examples of things they have been doing:

This past month, the month of July, a Columbus, OH, firm voluntarily recalled 32,000 hand trucks with faulty tires that can explode under intense pressure and injure bystanders or users. A Los Angeles company voluntarily recalled 600 baby walkers that will fit through standard doorways but are not designed to stop at the edge of a step. A Pennsylvania firm announced a voluntary replacement program providing free parts and labor to replace faulty sprinkler heads that relate to the ability for firefighting equipment to work, and so on and so on.

I could go down a long list here.

Mr. CRAIG. Will the Senator yield? I am pleased he is mentioning this one because at times I have been at odds with the Consumer Product Safety Commission as it relates to some of the work they have done. One of the most significant findings they made, and one of the largest recall/replacement efforts was just mentioned by the Senator from Arizona and that was the sprinkler head that you see in new code buildings around the country that fire professionals will tell you is the single greatest way to put out a fire. What they found was that over a period of time a rubber gasket that controlled the release of water would simply rot away. This company that makes them, because of the Consumer Product Safety Commission's oversight and review, is voluntarily replacing these faulty sprinkler heads all across the Nation.

Why can't we hold a hearing in Judiciary to get the head of this Commission in place? How long has that person been before the committee?

Mr. KYL. Mr. President, Mary Gall was nominated as chair of the Consumer Product Safety Commission on May 8. She is pending before the Commerce Committee to this day.

Mr. CRAIG. May, June, July—3 months now—that person has languished before the committee. Both the Senator from Arizona and I have openly discussed the time we lost through the transition when we had one of our colleagues become Independent and the leadership of the Senate changed. At the same time there is no excuse, because staffs didn't change dramatically. We really just passed the gavel over and the total number of members on the committee changed. Yes, we had to wait for an administrative process that allowed a new regulation to be written—a resolution of the Senate, what we call an organizational resolution—but still, that committee could have gone on, and many did, to hold hearings. They could have voted them out immediately, then, after the hearing record was established because none of us were calling for votes on key committees. But some committees did function. And here, now, we have this critical position languishing because of failure to act.

I thank my colleague for bringing that point forward.

Mr. KYL. Mr. President, let me mention a couple more before my time is up. One would think we would want to have in place the Solicitor for the Department of Labor to ensure the Nation's labor laws are fairly and forcefully adhered to. Eugene Scalia was nominated back in April—April 30—to be Solicitor for the Department of Labor. There have been no hearings for his nomination. Yet that person is responsible, at the Department of Labor, for monitoring agency activities, providing advice and opinions to ensure Department of Labor employees and agencies fully comply with laws and regulations, and to assist in the development of regulations and standards to protect workers in this country.

This is another very important position, Eugene Scalia. We need to have a hearing on him and he needs to be brought to the Senate floor for confirmation before we leave here for our August recess.

Brian Jones, general counsel of the Department of Education: We all like to talk a good game when it comes to education. This is for the children. We need to help them. We need to staff up the Department of Education. It needs to be able to do the work we have asked it to do. Brian Jones was nominated back in April as well, April 30. He has had no hearing. Yet his responsibilities as the general counsel for the Department of Education are to help support equal access to education and education excellence around the country by providing sound, understandable, and useful legal services and effectively managing the Department on all of the ethics and legal issues that come before it as well as to serve as the principal adviser to the Secretary on all legal matters affecting the Department's programs and activities.

I mentioned another individual who was nominated more recently but whose name has really been before the Senate for a long time: Otto Reich. This is one of the key priorities for President Bush because, as everyone, I think, knows, the President has paid special attention to Mexico and the countries of Central and South America. Otto Reich would be the Assistant Secretary of State for Western Hemisphere Affairs. It is an extraordinarily important position to manage and promote U.S. interests in that region by supporting democracy, trade, and sustainable economic development in dealing with a whole range of problems from drug trafficking to crime and poverty reduction and environmental protection. Otto Reich deserves to have a

hearing and deserves to be considered by the Senate before we go out in August.

The Senator from Idaho and I could go through each of these names, well over a hundred. In every case, we are dealing with an important position and we are dealing with people whose lives have basically been held in abeyance. They do not know whether or not to move their families or to do what is necessary to prepare to serve the President. The Senator from Idaho told me of a meeting he had with people who were about ready to give up because their nominations had simply been languishing for so long. I think the Senator from Idaho said: Persevere; the Senate is going to do its work.

I might ask the Senator to recount that brief experience.

Mr. CRAIG. I thank the Senator from Arizona for mentioning that situation. I did visit with a gentleman who was slated to go to Justice, and will in time. But you know there is an image problem here. Oftentimes, or at least sometimes, the public thinks these people who serve a President and are nominated are wealthy people or people of substantial means who can do as they wish. That is not true. They come from all walks of life and all experiences. They fit the situation and/or the responsibility they are going to undertake. A lot of them are young, family people with children in school.

The question is, Are we going to be confirmed and can we bring our kids to Washington and get them into the schools here in the area because remember what happens at the end of August? Kids go back to school. I understand the other day in this city there was a breakfast of about 20 of them, trying to make up their minds whether to tough it out, wondering when the Senate might operate, or if they were going to have to pick up the phone and call the President and say: Mr. President, I am sorry; I really did want to serve you and I wanted to serve the American people, but I have to get on with my life. I have been 3 or 4 months in limbo now, and because of the risk of conflicts of interest, I cannot continue in my current job or my current capacity and I have kids to get in school this fall. I have a home I have to sell and/or a home to buy. What do I do? That is the practical, human side of this very real problem that the Senate of the United States has created.

I thank the Senator from Arizona for mentioning that.

Mr. KYL. Mr. President, let me mention one other very practical problem. The Attorney General, John Ashcroft, told me of a situation which I hope by now has been corrected. But he literally was at his farm in Missouri after he became the Attorney General and I think he was the sole executive person at the Department of Justice. An aide had to literally bring a warrant out to Missouri, fly on an airplane from Washington, DC, out to Missouri so he could sign it because he was the only one who had the authority at that point to sign this particular document.

I believe since then we have confirmed some people who also have that authority. But the point here is we have to get the executive team in place. We have 155 people who need to be confirmed; at least about 130 of them need to be confirmed before we leave for the August recess. In the name of bipartisanship, for the good of the American people, for the sake of doing the important jobs we have outlined here before, and for the sake of filling our judiciary, I urge my colleagues to work with us to get these people to the floor and to get them confirmed before we leave for the August recess.

Mr. President, might I inquire, do I have another minute or so left? What is the time?

The PRESIDING OFFICER. The Senator is informed it is 3 o'clock, when Mr. BYRD is to be recognized.

Mr. KYL. I thank the Chair.

I conclude by urging all of my colleagues to work with us so we can get these people to the Senate floor and get them confirmed before the August recess. If we do, we will feel better about doing our job and the country will feel better because we will have served the interests of the American people.

I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

U.S. IMMIGRATION POLICY

Mr. BYRD. Mr. President, in his delightful work ''Democracy in America,'' Alexis de Tocqueville begins his thoughts on the origins of Anglo-Americans with these words: ''The emigrants who came at different periods to occupy the territory now covered by the American Union differed from each other in many respects; their aim was not the same, and they governed themselves on different principles. These men had, however, certain features in common, and they were all placed in an analogous situation. The tie of language is, perhaps, the strongest and the most durable that can unite mankind. All the emigrants spoke the same language; they were all children of the same people.''

For generations, the United States has had the good fortune to be able to draw upon not only the talents of native-born Americans but also upon the talents of foreign-born citizens. Immigrants from many nations built our railroads, worked in our factories, mined our coal, made our steel, advanced our scientific and technological capabilities, and added literature, art, poetry, and music to the fabric of American life.

Of course, many of these new Americans struggled with our language and customs when they first arrived, but they learned our language, they absorbed our constitutional principles, they abided by our laws, and they contributed in a mighty way to our success as a nation.

Indeed, I believe that, particularly in the case of those who came to our shores fleeing tyranny, there has existed a unique appreciation for the freedom and opportunity available in this country, an appreciation which makes those special Americans among our most patriotic citizens.

In other words, do not go to Weirton, WV, and burn the flag. No, not in Weirton. We have at least 25 or 30 different ethnic groups in that small steel town in the Northern Panhandle.

Mr. President, the United States today is in the midst of another immigration wave—the largest since the early 1900s. According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 10 percent of the total U.S. population. That is about 28.4 million immigrants living in the United States.

During the 1990s, an average of more than 1 million immigrants—legal and illegal—settled in the United States each year. Over the next 50 years, the U.S. Census Bureau projects that the U.S. population will increase from its present 284 million to more than 400 million. Immigration is projected to contribute to two-thirds of that growth.

These are unprecedented numbers. When I was born in 1917, there were about 102 million people in this country. When I graduated from high school in 1934, there were about 130 million people in this country. And today, there are 284 million people in America. This nation has never attempted to incorporate more than 28 million newcomers at one time into its society, let alone to prepare for an additional 116 million citizens over the span of the next 50 years.

Although many of the immigrants who have entered our country over the last ten years are skilled and are adjusting quickly, others have had problems. Last year, according to the Center for Immigration Studies, 41.4 percent of established immigrants lived in or near poverty, compared to 28.8 percent of natives. The situation had completely reversed itself from 30 years before, when, in 1970, established immigrants were actually less likely than natives to have low incomes, with about 25.7 percent living in or near poverty compared with 35.1 percent of the native population.

The deterioration in the position of immigrants can be explained, in part, by a significant decline in the education of immigrants relative to natives and by the needs of the U.S. economy. In 1970, 7.1 percentage points separated the high school completion rate of established immigrants versus natives. By 2000, established immigrants were more than three times as likely as natives not to have completed high school, with 34.4 percent of established immigrants and 9.6 percent of natives lacking a high school diploma.

The less skilled the immigrants, the worse their employment prospects, the

bigger the burden on schools, and the greater the demand for social services. The National Research Council recently estimated, in December 1999, that the net fiscal cost of immigration ranges from $11 billion to $20.2 billion per year. That is enough money to fund the operations of the State of West Virginia for nearly 3 to 6 to 8 years.

As chairman of the Appropriations Committee and as a member of the Budget Committee, I well know of the extreme shortage of money to meet the needs of own population today. Because of the 10-year tax cut that was enacted earlier this year, I am wrestling mightily with trying to provide enough money to educate our children, meet our health care needs, provide transportation to our population, and battle crime in our streets.

And, so, Mr. President, I grow increasingly concerned when I read media reports about discussions within the administration to grant amnesty to 3 million Mexican immigrants who illegally reside in the United States.

I am very concerned that an open immigration policy only makes it more difficult to adequately meet the needs of our Nation. I have found the attempt to fund critical needs for America to be among the most frustrating challenges that I have ever undertaken. I have implored this administration to take into account these critical needs.

In many school districts overcrowding is already a major problem. As our classrooms fill to the brim, they are becoming breeding grounds for violence. Economic growth in some regions of the country, and the resulting influx of workers, has created a surge in the number of school-aged children. A less stringent immigration policy will only make this problem worse.

This country's personal and commercial highway travel continues to increase at a faster rate than highway capacity, and our highways cannot sufficiently support our current or projected travel needs. Between 1970 and 1995, passenger travel nearly doubled in the United States, and road use is expected to climb by nearly two-thirds in the next 20 years. This congestion will grow even worse as immigration traffic increases.

And, how will we provide for health care costs of these new citizens? Whether or not they arrive here legally or illegally, immigrants can receive federally funded emergency health care service. As the immigrant population continues to increase, so will health care expenditures to the Federal Government.

We also have an obligation to ensure the safety of the residents living in the United States—both native citizens and immigrants. Yet the Attorney General must soon release from jail and into our streets 3,400 immigrants who have been convicted of such crimes as rape, murder, and assault because their own countries will not take them back. We cannot protect our residents if our country is used as the dumping ground for the criminals of other nations.

We are struggling with ways to preserve and protect our environment. But population growth only exacerbates the increasing demands on our aging water and sewer systems, and further threatens the safety of our drinking water. Our ''green spaces'' are diminishing as more and more homes are being built to house our growing population. We lament the loss of and the damage to our natural resources, yet we seem unable to see the connection to our loose immigration policy.

We have a weakening economy, an increasing unemployment rate, a problem with adequately educating our people, a congested transportation infrastructure, a lack of adequate health care, and an administration that certainly is not totally unsympathetic to these needs. We cannot afford to take on more. I understand the desire to help the millions of people around the world who crave the blessings of freedom that we, as Americans, enjoy. At this time in our history, I do not know how we can possibly afford to provide for additional people who may need assistance with education, health problems, and job skills.

If we invite new masses to citizenship, we have an obligation to adequately provide for them. Yet we are presently frustrated with an inability to even provide for those who have come before and those who have been born in this country.

Mr. President, an interdepartmental group formed by the White House to suggest reforms of immigration policy is expected to include the option of granting legal residency to undocumented Mexican immigrants who have been working in the United States. The report raises the possibility of these illegal immigrants ultimately becoming citizens. Such a proposal would take this Nation's immigration laws in the wrong direction.

The Immigration and Nationality Act, our primary law for regulating immigration into this country, sets out a very specific process by which immigrants may live and work in this country. To capriciously grant amnesty to 3 million immigrants who circumvented these processes, who have resided and worked in this country illegally, sends exactly the wrong message.

Such an amnesty suggests that it is possible to gain permanent residency in the United States regardless of whether you are an alien who arrived here legally or illegally.

That is the message that was sent in 1986 when President Reagan proposed a blanket amnesty to 2.7 million illegal immigrants based largely on the mere fact that they had lived in this country at least since 1982. I supported that amnesty, after accepting the arguments of the Reagan administration that such an amnesty would reduce illegal immigration when combined with tougher sanctions on employers who hire illegal aliens.

What happened instead, was that the United States sent a message to the world that illegal immigrants could gain legal status in the United States without having to go through the normal processes. Consequently, illegal immigration jumped from an estimated 5 million illegals in 1986 to somewhere between 7 million and 13 million illegals today—and these estimates do not even include the 2.7 million illegals who were granted amnesty in 1986.

So, Mr. President, we should not repeat our earlier mistakes.

If amnesty is given to a class on the basis of their having broken the law, then we are rewarding breaking the law, we are rewarding a criminal act.

This is not the message that we should send to those who would consider illegally entering this country. What is worse, such an amnesty undermines our present immigration laws and suggests that these laws mean nothing if, to those who break them, the Federal Government simply grants amnesty with a wink and a nod.

Millions of potential immigrants are waiting patiently for a chance to come to the United States legally. Why should illegal aliens have preference over these aliens who are waiting patiently? Amnesty sends the message that it is far easier and faster to become a U.S. citizen by immigrating illegally than it is to wait for legal approval.

Now, Mr. President, American citizenship should mean something. It should not be something merely handed out as a means of political expediency. It should not be something that one can achieve as some kind of squatter's right, particularly when access to the soil they claim was gained illegally.

Being an American is something to be cherished, something to be revered. Citizenship in the United States brings with it certain inalienable rights. Those who would come to our country to try to establish citizenship are often enticed by the promise of those rights.

The notion that each citizen is guaranteed certain protections is powerfully alluring. But what many fail to understand is that those rights are protected only so long as Americans are willing and able to defend them. Our populace must be constantly vigilant for those things that threaten to endanger our rights, our Constitution, and our form of Government. Such threats go well beyond military invasion. They include the preservation of ideals such as liberty and equality and justice, which can be so easily chipped away.

In order to become a citizen, most aliens are required to devote time to a study of our country and its history. They receive, at least, elementary guidance to help them appreciate the precious title of ''citizen'' and all that it entails. What goes all too often unspoken in this debate is that U.S. citizenship entails much more than rights. It entails responsibilities.

Our citizenry should be instilled with at least a basic understanding of the precepts that formed the foundation for this country. Lacking that, they are ill-prepared to be guardians of our future.

We Americans are justifiably proud of their history as a melting pot. If we go back far enough, we are all products of that melting pot, at least most of us. But the melting must be done in a way that ensures that these new citizens are ready to be productive, functioning Americans. We owe it not only to today's citizens but also to future citizens, including those who come to our shores expecting the opportunity for which America is so renowned.

PRESIDING OVER THE SENATE

Mr. BYRD. Mr. President, every class of Senators seems to have characteristics or qualities that make it distinguishable from other classes. The Senate class of 1946, for example, has been considered the ''post-New Deal Republican Eightieth Congress.'' The Senate Class of 1958, my own class, had qualities to which I devoted an entire chapter in Volume I of my history of the United States Senate. The class of 1974 has been referred to as ''Kennedy children'' because of the influence that President John F. Kennedy had on so many of them, and as the ''Watergate Babies'' because so many of them owed their victories to the fallout from the scandals of the Nixon Administration. The Senate class of 1980 was certainly an integral part the ''Reagan Revolution.''

I daresay that the Senate class of 2000 may well become known for, and distinguished by, a renewed dedication to the Senate as an institution. That is what they have brought to the Senate. I have never seen a freshmen class of Senators demonstrate more pride in understanding the rules, customs, and traditions of the Senate as has the class of 2000.

They first grabbed my attention early in this session when three of them—namely, Senators MARK DAYTON, BILL NELSON, and HILLARY CLINTON—came to me and asked for my advice not only on how the Senate works, but also what makes it work, and what they could do to make it work better.

I have seen and witnessed so much in my lifetime that few things ever impress me any more, but that did. I was impressed by their eagerness and their sincerity, and their interest, not only in their individual Senate careers, but their interest in the Senate as an institution, as well. These new Senators wanted to know how they could contribute to the Senate, how they could be good Senators in the context of being useful, of being efficient, of being Senators who develop and retain an institutional memory, how they could best serve their States in this institution.

At about that same time, our Majority Leader, Mr. DASCHLE, asked me if I would conduct a session with new Senators to discuss some of the elemental rules that would be important to new Members, especially when they are called upon to preside.

I began meeting with these new Senators and discussing Senate rules and Senate traditions and how the Senate operates, how it should operate, how it has operated in the past. These meetings have been well attended.

Now I have enjoyed watching members of the class of 2000 preside over the Senate, and the attentiveness and the pride with which they perform this duty.

I realize that presiding over the Senate is often regarded as a chore. The limitations of the position keep it from being seen as an exciting or glamorous assignment. For example, Senators are restricted in what they can say from the Chair. Even when criticisms are directed to the Chair, the Chair is not supposed to respond. The Chair is only to respond when called upon by way of a parliamentary inquiry or to make a ruling on a point of order, or to restore order in the Senate Chamber or in the galleries.

Perhaps this is why, over the years, I have detected a tendency among some Senators not to take the position of Presiding Officer seriously. This is why, no doubt, some Senators have shied away from serving in the position, and why, when they did preside, they could be seen reading a newspaper or magazine, or reading their mail or writing out their checks—anything but paying attention to what was happening on the floor.

But I want to take this opportunity to stress that the Presiding Officer has a most important, most fundamental responsibility to the Senate and to the people of the United States. The Presiding Officer is the person who maintains the rules and the precedents of the Senate, and from these rules and precedents come the order, civility, and decorum in the Senate. In his farewell speech to the Senate, in 1805, Aaron Burr, who was Vice President, referred to the Senate Chamber as a ''sanctuary.'' He said:

> This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

This is the place where we, the Nation's lawmakers, come together to talk to one another, to listen to one another respectfully, to learn, and to make our best case to the best of our ability.

Order and decorum are needed so that Senators may be properly recognized, the clerk can hear and record the votes, and the people in the galleries—the people who watch silently over our shoulders—can hear the debate. As I was sitting in the chair earlier today and watching the people in the galleries, I thought: Here are the silent auditors. These are the people; sovereign rests in them. They come here; they listen; they watch us; they watch over our shoulders.

And then my imagination carried me from the Atlantic to the Pacific, and I thought: Here are 284 million people represented in this body by 100 men and women. What an honor, what a responsibility, what an opportunity. Order and decorum are needed if our different political parties are to work together in the best interests of our Nation and its people.

So as we conduct our business in front of the galleries and in front of the television cameras, we must keep in mind that the American people are watching. They are watching us. They are the people who send us here. They are the people who pay our salaries. They are watching us. They are evaluating what we do and what we say, and they are pondering not only what is being said but also the way we act. They are looking over our shoulders. They are judging us.

Calling the U.S. Senate the ''citadel of liberty,'' Senate President pro tempore-elect William King of Alabama pointed out that it is ''to this body''—this body—''[that] the intelligent and virtuous, throughout our widespread country, look with confidence for an unwavering and unflinching resistance to the encroachments of power.''

Think of that. The people look to us—the Senate in particular—to guard them, to guard their liberties, to guard their freedoms against the encroachments of power from an overweening Executive.

Senator King then proceeded to explain:

> To insure success . . . in the discharge of our high duties, we must command the confidence and receive the support of the people. Calm deliberations, courtesy toward each other, order and decorum in debate, will go far, very far, to inspire that confidence and command that support.

Now with the televising of Senate proceedings, we are being observed by teachers, by students around the country, by judges, by coal miners, by farmers, by members of legislatures, members of city councils, observing and studying the legislative process. They are watching us. We are being observed by millions of taxpayers in the kitchens, in the living rooms. We are also being viewed by people around the world.

The U.S. Senate is the premier upper Chamber in the world today, and we ought to keep it that and be proud of it. There are over 61 nations in the world that have bicameral legislative bodies. All the others have unicameral legislatures. But the U.S. Senate and the Italian Senate are the only bicameral legislative bodies in the world today in which the upper chamber is not dominated by the lower chamber.

Furthermore, developing democracies are watching us for guidelines on

how a legislature operates in a representative republic, in a democratic republic.

It is imperative, therefore, that the U.S. Senate be seen as a model, and that the Presiding Officer be seen as a model Presiding Officer; order and decorum are essential to that objective. Order and decorum are established in the Senate rules. Of the 20 rules that the Senate first observed in 1789, many of them regulated order and decorum. Yet Senate rules, like order and decorum, I fear, are taken too much for granted.

I am not the first Senator to express that concern. In 1866, Senator Charles Sumner of Massachusetts cautioned his colleagues that they had become so ''accustomed'' to the parliamentary rules that ''govern legislative proceedings'' that they failed to recognize their ''importance in the development of liberal institutions.'' These rules, he maintained, ''are among the precious contributions which England has made to modern civilization. . . . [They] have become a beautiful machine by which business is conducted, legislation is molded, and debate is secured in all possible freedom.'' These rules, he said in a phrase that I have always held dear, are ''the very temple of constitutional liberty.''

Some years later, Vice President Adlai Stevenson reminded his colleagues ''that the rules governing this body [the U.S. Senate] are founded deep in human experience; that they are the result of centuries of tireless effort in [the] legislative hall, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict.''

Our English forebears wrested from tyrannical monarchs the power of the purse and vested it in a body made up of the elected representatives of the people, the House of Commons.

The parliamentary rules that ''govern legislative proceedings'' serve many purposes. They perform many vital functions not only here in the Senate but also in our Government.

Arthur Onslow, whom Thomas Jefferson considered the ''ablest among the Speakers of the [British] House of Commons,'' maintained ''that nothing tended more to throw power into the hands of administration . . . than a neglect of, or departure from, the rules of proceeding.''

We have seen that right here in this Senate.

''By its rules the Senate wisely fixes the limits on its own power,'' declared Vice President Adlai Stevenson.

I have said this time, time, and time again, but this is Vice President Adlai Stevenson saying it this time: ''The right of amendment and of debate.'' The right of amendment and of debate, and how often in recent years have we seen Senators denied these fundamental, basic rights: the right to debate and the right to amend?

''Great evils often result,'' continued Vice President Stevenson, ''from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact, the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured in words.''

I would add, Mr. President, that it is the Senate rules which establish the basis for order and decorum in the Senate.

In his ''Manual of Parliamentary Practice for the Use of the Senate of the United States,'' Thomas Jefferson laid out strict rules for maintaining order and decorum, including a provision that read:

> No one [Senator] is to disturb another in his speech by hissing, coughing, spitting, speaking, or whispering to another, nor to stand up or interrupt him, nor to pass between the Speaker and the speaking member, nor to go across the house, or walk up and down it, or take books or papers from the table, or write there.

That was Jefferson speaking.

The Senate has remained ever attentive to the need for order and decorum, Mr. President. According to the Senate Historian's Office:

> Persistent concern for the chronically disordered state of floor activity in the early 1850s moved the Senate to authorize construction of a new and larger chamber. The chamber—

This Chamber into which the Senators moved in 1859—

> included ample galleries and floor space, and—for the first time—cloakrooms to which members could retire for private conversation and writing.

Ergo, Mr. President, order and decorum are needed because in this Chamber we are dealing with important, often controversial, national issues. We are dealing with precious issues that mean so much to the people we represent and to the Nation's values.

Pressure is constantly building upon us with so much at stake in nearly everything we say and do. As tensions rise and pressures mount, it is essential that we maintain order and decorum as well as mutual respect for one another. Only with respect for and obedience to the rules, especially those governing order and decorum, can the Senate function properly and effectively.

Without observance of these rules, events in the Senate can escalate, and have escalated, out of control. During the decade in which the country approached the Civil War, for example, antagonisms over the difficult issues of the period flared, and so did tempers, and so did disorder in the Chamber.

During a heated argument in 1850, Senator Henry Foote of Mississippi in the Old Senate Chamber just down the hall drew a pistol on Senator Thomas Hart Benton of Missouri. In that same Chamber in 1856 came the caning of Senator Charles Sumner of Massachusetts. In 1859, Senator William Gain of California challenged Senator Henry Wilson of Massachusetts to a duel. In 1863, in this Chamber, William Salisbury of Delaware threatened to shoot the Sergeant at Arms. Several decades after the Civil War, in a heated debate over a treaty, two South Carolina Senators got into a fight. Senator Benjamin Tillman and Senator John McLaurin, both of South Carolina, traded punches on the Senate floor.

We no longer draw pistols on each other, engage in fist fights, or threaten to shoot the Sergeant at Arms, but for a long while I was seriously concerned about the decline of decorum in this body. In December 1995, I came to the floor and expressed my deep concern at the growing incivility in this Chamber. Senators were using what I call ''gutter talk'' and ''fighting words'' that once could have led to fist fights or even duels.

Just last year, I complained of the lack of decorum that had developed over the past few years. Having served in both Houses of the West Virginia State Legislature, I pointed out that the decorum, the order within the House of Delegates of West Virginia and the West Virginia Senate, were far more to be desired than we would find in the United States Senate Chamber.

I was beginning to regret my role in helping to arrange the televising of Senate proceedings. I could not help but believe that the decline in order and decorum fell to a large extent upon the Presiding Officer, the burden of maintaining order and decorum. It is the Chair's responsibility to maintain order in the Senate when disorder arises. It is the duty of the Chair, without being asked from the floor, without a point of order being made from the floor, to maintain order and decorum in the Senate Chamber and in the galleries. When the Presiding Officer fails in the mission, he fails the Senate.

I often say to these new Members: Don't be afraid to use that gavel. Hit the desk hard. Use that gavel. It is made of ivory. It won't crack. Only once has the gavel been broken in more than two centuries of debate in the Chamber. Just tapping is all right. It is all right just to tap the gavel if the pages are being a little noisy or if there are two or three Senators making a noise up here close and if the Chamber is not crowded with Senators. But when there are many Senators in the Chamber, one needs to use that gavel.

I have been very proud of the way these new Senators use the gavel. The Senate ladies here—I am an old-fashioned Senator; I still refer to men as gentlemen and women as ladies—these female Senators use that gavel and they make themselves heard. And they are firm when they ask for order. When they are presiding and they ask for order, they get it. They make that gavel sound. They make the rafters ring with the sound of that gavel. When they ask for order, they get it. I daresay that much of the indecorous ways of the Senate from time to time

come about when the Presiding Officer is not paying attention to the floor, is not enforcing the rule.

My how things have changed in the last few months with the Senate class of 2000. I no longer see the Presiding Officers reading newspapers or signing mail at that desk. They don't do it. They pay attention to the Senate. I have said to the Senators, if you are called upon to preside and you have letters to sign, beg off presiding for that time. We can supply a new Presiding Officer. Don't go to the desk and sign your mail. People are watching you. What are they going to think of you? What do the people in the galleries think of a Presiding Officer who sits up there and reads the newspaper or looks at a periodical?

Our new Senators, when presiding, are not reading the mail. They are paying attention to what is happening on the floor, and they are keenly aware of what is going on. One quick look at them and you realize that they take the responsibility of presiding over the Senate very seriously. They perform very professionally.

To these Senators who are presiding, the class of 2000, it is not just a chore that they must undertake as freshmen. It is a way to learn even more about the Senate, to watch and study the way it works and to learn from it. And perhaps even more importantly, they recognize the importance of the position in keeping the Senate operating and functioning properly.

These Senators are determined to keep order. They are not afraid to pound the gavel to get order in the Senate. Even though they are freshmen Senators, they will pound that gavel against more senior Members when it is called for.

Just the other day I watched as one of the freshman Senators hammered away until he got absolute silence. That is the way it ought to be. I know that sometimes a freshman Senator may hesitate to pound the gavel or to insist that a Senator of great seniority here takes his seat or stops talking. I know just how a freshman Senator feels because I once was in that position as a new Senator. The Chair should pound that gavel. Make it crack. Make it be heard. Make it be heard until it is the only noise in the Chamber.

Because of the efforts of these Presiding Officers to maintain order and decorum, I believe I have detected a Senator or two who would respond with a rather shocked expression.

I have been in that chair and sought order, and I have had a few Senators look at me as though they wondered, who does this fellow think he is? They will give the Chair an impudent stare, but as long as they cease their talking, perhaps the Chair will be done with that. But it is evident. We owe that Chair respect. We owe the gavel, the Presiding Officer, respect. And the leaders can go a long way in helping to get order in this Senate if they, too, listen to the Chair; if they, too, when the Chair asks that the well be cleared, if they, too, will clear the well, they will set a good example to other Senators.

This crop of Senators has not budged. They are not intimidated. They are determined to do their job. They are making a difference. They are restoring a decorum to the Senate that was on the decline for too long. I thank them for their efforts.

Much to the surprise of many Senators, I am sure, there is a resolution No. 480 of the standing rules of the Senate. For those who do not know this order, it requires Senators to vote from their assigned desks. It is there. It is not often enforced, but it can be enforced. I constantly vote from my chair. I try always to vote from my chair. Only a few vote from their desk. That is what Senators are supposed to do, vote from their desk. I constantly observe Senators going into the well and milling around. As I have stated before, this makes the Senate look more like the floor of the stock exchange than the world's greatest deliberative body.

When I came here, there were giants in the Senate. I did not see the giants of the Senate—Senators Everett Dirksen of Illinois, Styles Bridges of New Hampshire, Richard Russell of Georgia, Stuart Symington of Missouri, Norris Cotton, George Aiken—get into the well and mill around. They may have walked through the well or they may have walked up to the desk and asked something about a vote, but they did not gather in the well and carry on long conversations. They sat in their seats or they moved to the back of the Chamber or moved outside the Chamber. There are plenty of places where Senators can go to converse.

I know how it is. You come to the floor, we have been in committees. It has been a while since you last saw a Senate colleague and we greet other Senators and we sometimes begin talking about the business of the Senate and we become oblivious to the fact there is being business transacted. We become oblivious to the fact we are making a noise. I have been the culprit in many instances. But once that Chair sounds the gavel and asks for order, I try to obey that Chair.

Mr. President, I ask for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there are plenty of places where Senators can converse. Think how different it is on those occasions when Senators do vote from their seats. There is less noise and less chaos and voting goes so much faster. Think how impressive it is when the United States acts and votes in accordance with the standing rules and orders of the Senate.

I want the American people to revere the Senate. If they respect this body, they will have more respect for the laws that we enact. I am not suggesting that it is the fault of the Presiding Officer when Senators fail to vote from their seats, but I must say that when I first came to the Senate I watched the Senate. And even in escorting the Chaplain to the podium at the opening of the Senate, daily, the way those Senators—the way the President pro tempore did that in those days was very impressive. I watched Senator Richard Russell of Georgia escort the Chaplain to the dais. Senator Russell did not walk up on that platform with the Chaplain. Senator Russell paused on the step just below the platform, allowing the Chaplain to stand alone on the platform.

I was really moved by this act. Senator Russell did not stand behind the Chaplain. He did not stand beside the Chaplain, thus crowding the space. He was not hovering over the Chaplain like an old hen watching over her chicks. Senator Russell remained out of the picture until the Chaplain had finished. I kept thinking how proper that was. He was giving the Chaplain the platform. This was God's moment, God's moment before the Senate, and the Presiding Officer was honoring and respecting God's moment. That was class. By Senator Russell's actions, he, too, was according proper homage to the Supreme Being. And people liked that. People liked that.

Nothing we do here in the Senate is more important than seeking the Lord's blessing and paying our respects to the Creator. When the Chaplain is before us—he may be a guest Chaplain of whatever faith—it is God's time. We should respect it. We should cherish it. We should honor it as did the Presiding Officers in that day. The memory of how that impressed me has been with me through the years so that always when I open the Senate I do it the way those Senators did it in those days, now so long ago.

Back in 1990 I pointed out that:

> [I]f something seems wrong with the Senate from time to time, we, the members, might try looking into the mirror; there, in all probability, we will see where the problem lies. Those who weaken the Senate are members who, in one way or another, bring discredit on the institution.

Those Members, I said, are the ones:

> . . . who never quite understand the Senate [and lack] an appreciation of its customs, its traditions, its rules and precedents, and a pride in having been chosen to serve in it.

Only 1,864 men and women have served in this body. Today, more than a decade later, I want to rephrase that point. Let me say that it is the Members who try to understand the Senate, who try to gain an appreciation of its customs and traditions, its rules and precedents, and who take a pride in having been chosen to serve in the Senate—they are the ones who bring credit to the Senate. They are the Senators who will keep the U.S. Senate as a model to the people of America and the world.

In the few months that they have been here, the class of 2000 is doing that. And, again, I salute them for it.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

Mr. MCCONNELL. Mr. President, will the Senator suspend? Could I ask what the order of business is?

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The order is to resume consideration of H.R. 2299.

Mr. MCCONNELL. Seeing no one else on the floor, I ask unanimous consent I be allowed to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FUNDS FOR ELECTION REFORM

Mr. MCCONNELL. Mr. President, the subject of election reform has been talked about and discussed a great deal during the past 6 or 7 months. In fact, there have already been more than 60 hearings this year in Washington and in the States.

I appreciate the attention that has been paid to this important issue, and commend my colleague on the Senate Rules Committee, Chairman DODD, for his attention to this issue.

I think we can all agree that America needs, wants, and demands action on election reform.

The Senate is in a strong position to act on this issue of tremendous national importance, and in a refreshingly bipartisan manner. On election reform, Republicans and Democrats agree on far more than we disagree.

In fact, 90 senators agree that we need meaningful election reform.

Ninety Senators are cosponsoring either the bipartisan McConnell-Schumer-Torricelli election reform bill leading the election reform pact with 70 Senators on board—38 Republicans, 31 Democrats, and one Independent; the Democrats-only Dodd bill which has all Democrats and one Independent as cosponsors but no Republicans; or the McCain bill—which has 2 cosponsors.

That means 90 Senators are cosponsoring legislation authorizing federal funding to assist the 50 States in improving their election systems. The McConnell-Schumer-Torricelli bill, the Dodd bill, and the McCain bill all have funding in them for election reform. Federal funding is the common denominator which brings the Senate together on this critical issue and makes election reform possible for the American people.

But no money has yet been appropriated for election reform. No election reform money at all—not one thin dime—is yet in any appropriations bill for fiscal year 2002.

I think we can all agree that is unacceptable. We must have election reform money appropriated for fiscal year 2002. Otherwise, any authorization which is passed later this fall will be all-show and no-go, until subsequent appropriations are enacted.

If we do not appropriate election reform money in this round of appropriations—for fiscal year 2002—then election reform will be delayed. Election reform would either be postponed until fiscal year 2003, or be contingent upon an emergency supplemental appropriations bill at some point.

Election reform delayed is election reform denied.

The Republican Leader, Senator LOTT, had planned the election reform debate in the Senate to occur during June. Senators SCHUMER, TORRICELLI, and I were ready to press ahead. The organizations supporting our bill—including Common Cause and the League of Women Voters—were ready to do an all-out push for our election reform bill. Obviously, that floor debate did not happen.

It is not clear now when election reform will pass the Senate in the form of an authorization bill. In any event, any authorization for Federal funding for new voting machines and other enhancements in election systems will require that money be appropriated.

That is why I take the floor today, to announce my plan to pursue a meaningful appropriation for election reform.

The McConnell-Schumer bill authorizes $500 million annually. The Dodd bill authorizes such sums as many be necessary.

While it may be nearly impossible to appropriate several hundred million dollars for the upcoming fiscal year, I do believe that we can come together on both sides of the aisle to find an election reform appropriation that is possible and meaningful. Today, I am pledging my commitment to do just that and calling on my colleagues on the Rules and Appropriations Committees to help me make this happen.

There will have to be an authorization mechanism later on to determine precisely who will administer the funds, how, to whom and for what. But we do know that the sum is substantial. And that time is running out to make a difference for the 2002 elections.

Senators on the Appropriations Committee have already demonstrated great enthusiasm for election reform with nearly all the Republicans and half the Democrats on my bill and all the Democrats on the Dodd bill.

If not successful at the committee stage in the appropriations process, I will offer an amendment on the floor at a suitable time.

One way or another, we need to make sure that the Senate will have the election reform issue before it—sooner rather than later—in the form of the funding that is absolutely essential to make the McConnell-Schumer-Torricelli election reform bill, the Dodd bill, or the McCain bill work.

Let's appropriate election reform money for 2002. We can decide later which election reform bill will become law, who will hand out the money, and whether there will be Federal mandates.

I look forward to working with Chairman DODD on the Rules Committee and Senators BYRD and STEVENS and my fellow members of the Appropriations Committee to ensure that this appropriations season does not pass without setting aside funds for election reform.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2299, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1030

Mr. MCCAIN. Mr. President, I believe the pending business is an amendment by the Senator from Washington; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Mr. President, I rise to speak on the amendment. I will not take very much time because I just discussed with the Senator from Washington an amendment we would have which we would propose, perhaps, as a second-degree amendment to the first-degree amendment of the Senator from Washington. But more importantly, we hope perhaps we can work out an agreement in the areas in which we are in disagreement.

Over the weekend, I examined the language in the Transportation appropriations bill and our concerns about it. I do not think those concerns are unbridgeable. So I would like to speak for just a few moments. And hopefully we can discuss this issue and debate it and then, if necessary, vote on the Murray amendment. If not, hopefully we can work out some agreements which will achieve the goal we all seek.

The goal we all seek is simple: That Mexican trucks that are allowed to come into the United States of America, according to the North American Free Trade Agreement—this is in compliance with the North American Free Trade Agreement. The United States has already been found, by a panel, to be out of compliance with the North American Free Trade Agreement because of our failure to allow trucks

that originate in Mexico to come into the United States. What we need is a way they can come into the United States but that the American people and the Mexican people will have the total and complete confidence that every reasonable safety measure has been employed to prevent needless death on the highways of America. That is the goal we all seek.

As we know, the House has taken action, as part of the 2002 Department of Transportation appropriations bill, that would absolutely prevent the President of the United States from abiding by our NAFTA obligations. It stripped the bill of all funding intended to address motor carrier safety issues along the southern border.

Second, it adopted an amendment to prohibit the approval of any Mexican carriers to operate in this country. That amendment is a blanket prohibition. It is in direct violation of NAFTA, and it is wrong. It is discriminatory, and it must not prevail.

The Senate appropriations subcommittee, under the leadership of the Senator from Washington, has taken a different approach and one that I think is very supportable in part but perhaps not entirely. The bill provides significant funding to enable the Department of Transportation to hire and train more safety inspectors and investigators and to build more inspection facilities at the southern border. I commend the committee for this action.

I have concerns, however, over a number of requirements included in the bill that, if enacted without modification, could effectively prevent the opening of the border indefinitely. My concerns are shared by other colleagues, and those concerns are shared by the administration.

The administration estimates that the Senate provisions would result in a further delay in opening the border for another 2 years or more. This would be a direct violation of NAFTA. It effectively provides a blanket prohibition against allowing any Mexican motor carrier from operating beyond the commercial zones. And this is a view shared by a number of us, as well as the President's senior advisers.

By the way, the present state of play is that if the Mexican Government chose to—since the United States has been found to be in violation of NAFTA—they could impose billions of dollars of sanctions on United States goods. I hasten to add, I have seen no indication that the Mexican Government wishes to take such action. Their object is to try to get their carriers into the United States of America as agreed to under the NAFTA agreement.

As a leading sponsor of the 1999 legislation creating the Federal Motor Carrier Safety Administration, I strongly support proposals to advance truck and bus safety. I recognize the Senate provisions are largely intended to address safety concerns. Unfortunately, some of the provisions' mandates simply are not achievable. The provisions are overly rigid and burdensome. The modifications, I believe, could go a long way toward promoting motor carrier safety in a nondiscriminatory manner.

At a later time, I will discuss a number of the concerns that I and others and the administration have about the bill. I have some very specific ideas as to how we can address these concerns. But at the moment, since I believe we are in some active discussions, I will not take the time of the Senate in going through all these specifics.

I will again point out that the administration, last Thursday, sent over a letter saying that the President had no choice but to veto the bill with the present provisions as contained in the Senate Transportation appropriations bill. I do not think the President wants to veto the Transportation appropriations bill. I do not want the President to do that, nor do a majority of the Members of the Senate.

But let me make it perfectly clear, the House action is totally unacceptable. I hope we can work with the Senator from Washington, and other interested Senators, particularly, I might say, with those who represent border States.

The majority of this traffic, initially, will be crossing, obviously, our southern borders. Already, our Canadian borders are open. Clearly, that is not the issue. So those of us—Senator GRAMM of Texas and I, and my colleague, Senator KYL—and others who represent border States, where the majority of this commercial activity would take place, feel very strongly about this issue.

I might say, also, we are the last ones—the last ones—who would countenance a situation to prevail that would place the lives and property of our citizens in danger. It is across the southern border where most of this activity initially will take place, although I believe I will live to see the day when we will see basically open transportation between Canada and Mexico.

As it has been a boon to the economy in Canada, so it can be across our southern border.

I hope we can deal with this issue in the ensuing hours. I understand the Senator from Washington may be discussing this issue with the Secretary of Transportation. We encourage all Members to get involved in this issue. It is a very important one. We are not talking about a policy dispute. I emphasize, we are talking about a solemn agreement that was entered into between the United States, Canada, and Mexico. That agreement called for certain safety conditions—which I believe we can satisfy, in the view of most objective observers, satisfy the safety issues—to come into compliance with the North American Free Trade Agreement and have the same situation prevail on our southern border as prevails on our northern border, as the Senator from Washington has with Canada on her border.

The Senator from Texas and I would like to see the same situation prevail on our border that prevails on the border of the Senator from Washington with Canada.

I hope we can work it out. We believe this is a very serious and important issue because we are talking about treaty violations, possible sanctions against the United States of America. I am firmly convinced that we can come to a reasonable conclusion and not have to have this thing spill over into a very unfortunate situation where the President of the United States may have to veto it. I hope to avoid that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I see my friend from Texas. I am going to offer an amendment so we have something to vote on this afternoon. If the Senator from Texas wanted to speak first, how long is he going to speak?

Mr. GRAMM. Mr. President, I wasn't planning on speaking more than 5 or 10 minutes.

Mr. REID. I think it would be more convenient, because I need to talk a little bit longer than that, if I yielded the floor to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as usual, our colleague from Nevada is kind and courteous and helpful to everybody. I appreciate his letting me speak.

I wanted to come over today to join my friend and colleague, Senator MCCAIN from Arizona, to raise a concern about the provision in the Transportation appropriations bill that we believe will have the practical impact of making it impossible for a long period of time for us to conform to the agreement that we made with Mexico in NAFTA.

Let me make it clear that the Senator from Washington, the distinguished chairman of the subcommittee, dramatically improved the work done by the House. Even those of us who believe that her amendment would be harmful and would abrogate our agreement with Mexico are convinced that her work is a dramatic improvement over that of the House.

What we are trying to do is to simply work out an agreement where we can meet legitimate safety standards with regard to Mexican trucks, do it in a way that allows us to meet the obligations that we have under NAFTA, and do it in such a way to try to keep out any provisions that may be cloaked in some garb of safety, when in reality they represent an effort to prevent the implementation of our agreement.

I understand Senator MCCAIN has given the distinguished subcommittee chairman a copy of the amendment. I don't see any reason that this should be or has to be a partisan issue. I am hopeful we can work out an agreement.

Let me explain why it is so important that such an agreement be reached and why I feel so strongly

about it. We entered into the most far-reaching trade agreement of the last 20 years when we signed a free trade agreement that encompassed North America—Mexico, Canada, and the United States. Part of that free trade agreement had to do with the ability of trucks to operate within the free trade area. President Clinton was very slow in implementing the agreement, and many people believe that politics was behind that slowness in implementation.

We are now on the verge of seeing the agreement implemented. We are hearing great protests about safety. In that debate, a lot of points have been made that, when you actually look at the facts, are not borne out by the facts.

Let me give an example. First of all, the good news story with regard to Mexican trucks is that a significant amount of inspection is already occurring so that when we supplement that to deal with trucks that will come to the interior of the country, we have something on which to build.

For example, there are 8 million U.S. registered trucks. Last year, there were 2.3 million inspections and so, therefore, about 29 percent of all American trucks were inspected. There are 63,000 Mexican trucks currently operating in the United States, and 46,000 inspections took place last year involving Mexican trucks. Therefore, roughly 73 percent of Mexican trucks were inspected last year, over twice the percentage of American trucks that were inspected.

Some people have used the number, in sort of scare tactics, that only about 1 percent of Mexican trucks were inspected. In trying to figure out where on earth that number could have possibly come from, the best I can figure out is that the people who made up that number simply took the number of border crossings, 4.6 million, and used that as a measure of Mexican trucks.

The plain truth is, Mexican trucks are now operating within a 20-mile limit, 20 miles from the border. They often cross the border many times during the day. That is the only place I can figure this number came from.

Let me make it clear that Senator McCAIN and I are concerned about safety. First of all, both of us already have Mexican trucks operating in our States. Our States are working now to see that those trucks are safe. The commitment of the President to get the Federal Government involved in the process is welcomed from our point of view. We believe it is important that Mexican trucks be safe, that they have trained drivers, that they have good equipment, and that that equipment be well maintained.

We are for safety. We are not for protectionism. We are not for using safety concerns as a ruse for not living up to the commitment that we made in NAFTA.

In addition, we are concerned about a process whereby this provision, both the House provision and the Senate provision, is occurring on appropriations bills, not in the committees that have jurisdiction over this area. It is a very dangerous precedent when we are starting to amend trade agreements as riders to appropriations bills.

Having said all that, Senator McCAIN and I and others have put together an amendment that we believe deals with legitimate safety concerns. We have put together an amendment where every truck coming into the United States from Mexico would be inspected. But it is not an amendment that will guarantee that for at least 2 years we will not be able to implement the trade agreement. Basically what we are trying to do is to implement a workable program where the level of safety required at the border, at least initially, with regard to Mexican trucks will be far greater than the requirements we currently have for Canadian trucks.

Not every truck coming into the United States from Canada is inspected. We proposed that we have an inspection of every Mexican truck, that that inspected truck then be licensed with a decal, and that it be periodically inspected. I believe the Senator from Arizona has given us a workable way of dealing with legitimate safety concerns without effectively abrogating our trade agreement with Mexico.

I know there are strong special interests that don't want to implement this agreement. But it is very important for us to remember in the Senate that all over the world today other legislative bodies are debating whether to live up to agreements they have made with the United States of America. Other legislative bodies are meeting at this very moment, trying to decide whether to implement an agreement they made with the United States that may not at that very moment, or this very moment, be politically popular in their country.

It seems to me that since we are the world's biggest beneficiary of trade, we are the world's largest exporter and importer of goods and services by a huge margin, it is important we live up to the letter and the spirit of our trade agreements so that we can have moral standing in dealing with countries that do not live up to their agreements with us.

So, in a time when all over the world similar agreements are being debated, it is very important in dealing with our neighbor to the south that we live up to the agreement we have made. I do not believe the House provision lives up to that agreement. I think there are very real problems with the current bill. I think Senator McCAIN has offered an amendment that provides safety but does not create problems that will delay implementation beyond legitimate requirements of safety. I hope this can be worked out. But the NAFTA agreement is an important agreement. It is vital to my State, vital to the country, and I cannot imagine, if we can't work this out, that we would want to move forward with this bill.

So I urge my colleagues to look at the language that has been proposed. We are not saying this is the only way it has to be done or we are not going to be satisfied. We have simply raised some concerns with the current bill. I am hopeful in working together with the administration that we can reach a compromise. It will hardly serve anybody's purpose to pass a bill that the President will veto and we will have to start all over again.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the Murray amendment be temporarily set side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1037 TO AMENDMENT NO. 1025

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Ms. MIKULSKI, and Mr. SARBANES, proposes an amendment numbered 1037 to amendment No. 1025.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a study of the hazards and risks to public health and safety, the environment, and the economy of the transportation of hazardous chemicals and radioactive material, the improvements to transportation infrastructure necessary to prevent accidents in the transportation of such chemicals and material, and the preparedness of Federal, State, and local emergency response and medical personnel to response to and mitigate accidents in the transportation of such chemicals and material)

On page 81, at the end of line 13, insert the following:

SEC. 350. (a) FINDINGS.—Congress makes the following findings:

(1) The condition of highway, railway, and waterway infrastructure across the Nation varies widely and is in need of improvement and investment.

(2) Thousands of tons of hazardous chemicals, and a very small amount of high level radioactive material, is transported along the Nation's highways, railways, and waterways each year.

(3) The volume of hazardous chemical transport increased by over one-third in the last 25 years and is expected to continue to increase. Some propose significantly increasing radioactive material transport.

(4) Approximately 261,000 people were evacuated across the Nation because of rail-related accidental releases of hazardous chemicals between 1978 and 1995, and during that period industry reported 8 transportation accidents involving the small volume of high level radioactive waste transported during that period.

(5) The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since

1993 to assure the structural integrity of railroad bridges. Train derailments have increased by 18 percent over roughly the same period.

(6) The poor condition of highway, railway, and waterway infrastructure, increases in the volume of hazardous chemical transport, and proposed increases in radioactive material transport increase the risk of accidents involving such chemicals and materials.

(7) Measuring the risks of hazardous chemical or radioactive material accidents and preventing such accidents requires specific information concerning the condition and suitability of specific transportation routes contemplated for such transport to inform and enable investment in related infrastructure.

(8) Mitigating the impact of hazardous chemical and radioactive material transportation accidents requires skilled, localized, and well-equipped emergency response personnel along all specifically identified transportation routes.

(9) Accidents involving hazardous chemical or radioactive material transport pose threats to the public health and safety, the environment, and the economy.

(b) STUDY.—The Secretary of Transportation shall, in consultation with the Comptroller General of the United States, conduct a study of the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

(c) MATTERS TO BE ADDRESSED.—The study under subsection (b) shall address the following matters:

(1) Whether the Federal Government conducts individualized and detailed evaluations and inspections of the condition and suitability of specific transportation routes for the current, and any anticipated or proposed, transport of hazardous chemicals and radioactive material, including whether resources and information are adequate to conduct such evaluations and inspections.

(2) The costs and time required to ensure adequate inspection of specific transportation routes and related infrastructure and to complete the infrastructure improvements necessary to ensure the safety of current, and any anticipated or proposed, hazardous chemical and radioactive material transport.

(3) Whether Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(4) The costs and time required to ensure that Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(5) The availability of, or requirements to establish, information collection and dissemination systems adequate to provide the public, in an accessible manner, with timely, complete, specific, and accurate information (including databases) concerning actual, proposed, or anticipated shipments by highway, railway, or waterway of hazardous chemicals and radioactive materials, including accidents involving the transportation of such chemicals and materials by those means.

(d) DEADLINE FOR COMPLETION.—The study under subsection (b) shall be completed not later than six months after the date of the enactment of this Act.

(e) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report on the study.

Mr. REID. Mr. President, I just left a hearing of the Environment and Public Works Committee, the Subcommittee on Transportation and Infrastructure. In fact, the hearing is still going on. Senators VOINOVICH and INHOFE are there completing the hearing.

At the hearing today, we had four mayors of very important cities in America—the mayor of New Orleans, Mayor Marc Morial; the mayor or Atlanta, Mayor Campbell; the mayor of Las Vegas, Mayor Goodman; and the mayor of the District of Columbia, Mayor Williams. The purpose of the hearing is to talk about the decaying infrastructure of our country, especially in our urban areas.

It is tragic—''tragic'' is not too powerful a word to describe what they have talked about. We have all kinds of problems. The mayor of the District of Columbia—the Federal city—talked about water pipes that carry water that are over 100 years old. Some of them are wooden. The mayor of Atlanta said they have pipes over 100 years old. He said most mayors are term limited, and their desire is: Please, let me make it through my term and leave the problem to somebody else. They do not have the money to handle the problems facing American cities.

The tunnel we have all seen so often in the news in the past 5 days or 6 days—actually, it was Wednesday at 3 o'clock that the derailment took place in the tunnel in Baltimore. That tunnel is a mile and a half long. It is 100 years old. So that tunnel was created through that area in about 1900. What kind of equipment did they have then? Most of it was done by hand; very little machinery was available for digging a tunnel around the turn of the century. That tunnel has had almost nothing done to it since then. It is the same tunnel.

This amendment is on behalf of myself, Senator SARBANES, and Senator MIKULSKI. It is an amendment to protect against the dangers posed by the transportation of hazardous substances. The amendment requires the Secretary of the Department of Transportation, in consultation with the Comptroller General of the United States, to study the risk to the public health and safety associated with the transportation of these dangerous substances.

My amendment requires the Department of Transportation and the General Accounting Office to study whether our transportation system can safely transport these dangerous substances and ask how it might improve the safety track record.

If you read my amendment, you will see a number of interesting things. The volume of hazardous chemical transport has increased by over one-third in the last 25 years and is expected to continue. Approximately 261,000 people were evacuated across this Nation because of rail-related accidents during the past 20 years—no, that is not in the last 20 years. It is from the period of 1978 to 1995—less than 20 years. So 261,000 people were evacuated from their homes because of rail-related accidents.

During that period, the industry reported eight transportation accidents involving small volumes of high-level radioactive waste transported during that period.

The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since 1993 to assure the structural integrity of railroad bridges.

One of the mayors today testified that 70 percent of the bridges in America won't meet basic safety standards—70 percent of the bridges. Maybe he is 10 percent wrong. Maybe it is only 60 percent; maybe it is 80 percent. We know there are bridges in America today where schoolbuses stop and let the kids walk across, and the bus will come over and pick them up. We have all kinds of trouble with our infrastructure in America today. We need to do something about it, and that is what this amendment is all about.

It is saying let's at least have some knowledge of what is out there when we are seeing these treks of very hazardous materials. As you know, in Baltimore, which we all saw, the substance there was hydrochloric acid. Hydrochloric acid is extremely dangerous. One of the important things was that it was far enough away from people that it wasn't an immediate danger. Had the accident occurred closer to the populated area, of course, it would have been.

I can remember a number of years ago being in Ely, NV, a rural part of the State of Nevada. One of the men I went to high school with was a police officer there. I always tried to stop him when I came through Ely. He has since retired. I was in the police station and a teletype came through and he looked at it and said: Why do they even send me this stuff? They were telling him there was a transport of hazardous materials coming through Ely. His point was: So what. I could not do anything about it. The only thing that telling me about it does is frighten me. We have no ability to respond to a chemical accident spilled in Ely, NV.

Mr. President, this is an extremely important question: How can the Department of Transportation and the General Accounting Office—we know how they can and they should—study the ability of personnel to respond to transportation accidents involving dangerous substances?

My friend, the police officer in Ely, NV, did what most police officers in rural America would do: They throw the report away. They cannot do anything about it. In fact, Rick said he would rather not know. All it does is frighten him.

While emergency response teams might be equipped and available in

urban areas such as Baltimore—that was interesting. That occurred so they had the ability—and we may hear further from Senators SARBANES and MIKULSKI—that was a great deal of teamwork among county, city, State, and Federal officials in one of our metropolitan areas. They did pretty well from what I can tell.

How prepared are the small rural communities in Nevada? How well prepared are the small rural communities in Nebraska, the State of Washington, all over America? They are not very well prepared.

What resources do they need to protect against the danger of a hazardous accident? I have to say candidly that this is not just a rural America problem; it is a major city problem also. But I guess the answer to both my questions is, we really do not know. We have no idea. That is why this study is important.

Finally, my amendment instructs DOT and GAO to evaluate the way we communicate with the public about accidents involving dangerous substances. As chairman of this subcommittee I talked about earlier, I am confident we are going to have to develop information, as I told the four mayors, and we also had the manager of the port authority there and somebody from the General Accounting Office—I told those people assembled today that we need to be aware of what is wrong with our infrastructure. It is time they were more forceful and told us what is wrong with our infrastructure.

I also told them this is the first of a number of hearings. We have to start identifying what is wrong with the infrastructure. Senator VOINOVICH talked about a 1981 study which showed the problems with our infrastructure. Shortly after that, there were statements about the problems of our decaying infrastructure, but we have done nothing about it. Literally, we have done nothing, except as a Federal Government giving cities and States more responsibilities, these unfunded mandates they talked about today. We give them the responsibility, but we do not join with them in true partnership to help pay for these things.

Some will say these are not national problems; why should the Federal Government be involved? They are national problems. Our decaying infrastructure is a national problem. Our water systems—the mayor of New Orleans indicated that the city of New Orleans is basically in a basin and they are pumping every minute of every day to keep the water from inundating this beautiful city. They have 100 pumping stations in New Orleans. The pumps are 100 years old—100 years old. Those pumps were put there at the beginning of the last century. The mayor of Atlanta said the life expectancy of modern pumps is about 40 years. This is a patchwork network, to say the least, in one of our great cities of America, pumping every day, every hour, with pumps 100 years old.

As events in Baltimore over the last few days have shown us, the need to have an investigation about whether we can transport these dangerous substances is something we certainly need to talk about. I expect my colleagues from Maryland will provide accounts of the train derailment that crippled Baltimore.

I have an article from the Baltimore Sun which gives a day-by-day blow of how this terrible accident played out in the Baltimore area. It is very scary that more people were not hurt and there was not more damage done. The damage is significant. I do not know how much it will wind up costing.

I ask unanimous consent that this article from the Baltimore Sun, July 21, Saturday, Final Edition, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 21, 2001]

CHEMICAL TRAIN FIRE

(By Dan Fesperman)

The first sign of trouble was an unsettling rumble from beneath the streets, a trembling, grinding sensation that lasted several seconds.

Dan Stone felt it on the fifth floor of the cast-iron building he owns at 300 W. Pratt St. In a tavern downstairs, manager Christine Groller felt it, too, believing it was an earthquake.

It wasn't like that for Chad Cadden, but he was in a tunnel some 30 feet underground, the engineer of a thrumming diesel hauling 60 freight cars of paper, chemicals, wood pulp, soy oil, bricks and steel north to New Jersey.

Cadden felt the train lurch, then a light flashed on the instrument panel—the pneumatic control indicator—signaling that the emergency brakes were on. The train groaned to a halt in the darkness. Something had gone wrong.

It was 3:07 Wednesday afternoon, and an exhausting drama of fire, flood, worry and disruption had begun to unfold beneath the heart of Baltimore. At its south end, thousands of baseball fans sat unaware, watching the final innings of an Orioles loss. At its north end, more than a mile and half away, the manager of a high-rise apartment building watched a plume of black smoke unfurl past the 11th floor, wondering if her longtime fears were about to be confirmed.

Soon, both ends of the tunnel would be cloaked by rolling black smoke. Because of it, the fire would yield its secrets stubbornly, and for an entire night there would be just enough mystery to trigger Civil Defense sirens and fears of a toxic disaster, while fire companies fought a two-front war against an enemy they could neither see nor understand.

But that wasn't all. A water main just above the tunnel would burst three hours after the derailment, gushing so much water that the level of Druid Hill Reservoir would drop 3 feet in four hours.

Only by sundown of the next day would the consequences seem clearer—a derailed tanker car leaking hydrochloric acid, several downtown buildings flooded by a torrent of 60 million gallons, enough broken telecommunications lines to disrupt e-mail around the world, two postponed Orioles baseball games (and another yesterday), and enough downtown gridlock to produce a year's worth of headaches and missed appointments.

Yet, for all the smoke and bother, not a single life would be lost, pending the unforeseen discovery of anyone who might have hopped aboard an empty boxcar. In this disaster, for once, every member of the cast would come out alive. But not without a few second thoughts about what might have been, had their luck turned for the worse.

3:07: THE EARTH MOVES

It takes only a crew of two to run a freight train. The engineer mans the controls of the diesel engines while the conductor generally operate the brake, calls out passing signals and maintains the waybill, which carries the information of what's on board.

Cadden, 27, of Stewartstown, Pa., and conductor Edward Brown, 52, of West Baltimore, had just boarded the train a few minutes earlier, six miles short of the tunnel during a crew change at Curtis Bay. If there was trouble ahead you wouldn't expect to encounter it in the tunnel, as straight a stretch of railway as you'll find on the CSX route through the city.

A signal just before the tunnel indicated the track ahead was clear, so the train continued. It was 3:04, and the train was lumbering along at just over 20 mph, black exhaust snorting from three engines at the front.

Looming to the left were the grandstands and warehouse of Camden Yards. The train entered the tunnel, its four headlights on, accelerating on a slight downgrade to about 23 mph before beginning the long, slow climb on the gradual rise beneath Howard Street.

That's when Stone and Groller were at work, in the building just above the tunnel at Howard and Pratt streets. And at 3:07, the earth moved.

''It seemed to be a grinding noise and a grinding sensation,'' Stone said. ''I've been here for 11 years, and I've never felt anything like it.''

''It lasted maybe 10 seconds,'' Groller said. ''I honestly thought it was an earthquake.''

Cadden and Brown weren't sure what to think, according to federal transportation officials who interviewed them. There was the lurch, then the flashing indicator, then the stopping of the train. Black fumes were everywhere, but that's often the case when three engines are running in a tunnel.

They tried to radio the CSX dispatcher, but no luck, probably because they were underground. Cadden used his cell phone, reaching the train master. It was 3:15. They were still unaware of the brewing disaster to their rear.

With the fumes growing worse. they shut down two engines, then uncoupled all three from their cargo. and drove them out the tunnel's north end underneath the high roof of the old Mount Royal Station at the foot of Bolton Hill. Now the radio worked and they reached the dispatcher. It was 3:25.

By then they'd begun checking the waybill, reviewing what they'd left behind. And that's what troubled them when they began to notice the black smoke pouring out of the tunnel. Something was on fire, and it might be anything from paper to toxic chemicals.

4:15: NO FALSE ALARM

Seven blocks away, on the other side of Bolton Hill, Capt. James Smith, 34, sat in the firehouse for Engine Co. 13, at 405 McMechen St.

A call came in: smoke pouring from the train tunnel. Ho hum. Probably yet another panicky person who'd seen diesel fumes, a common concurrence. But when the truck pulled beneath the Mount Royal shed at 4:15 p.m., Smith said, the volume of smoke made it clear this was no false alarm.

''That,'' Smith said, ''knocked it up a notch.''

''IT'S THE TUNNEL''

A block away, Elaine Macklin wondered what all the fuss was about. As resident

manager for 21 years of the high-rise Sutton Place Apartments, it's been her job to find out such things, and the sirens were blowing. She, too, was familiar with the frequent false alarms, but she'd read enough newspaper stories about the sort of cargo that came and went on those tracks to wonder if one day a call might be for real.

''I just had a feeling,'' said Macklin, 72. Years ago, she'd told her three scoffing children, ''Someday, something will happen in that tunnel.''

Now, after more than two decades of living and working next door, that day had come. But she didn't know until she rode an elevator to an empty apartment on the 11th floor for a better look. She was joined by her longtime assistance, Patricia Stanitski, who said: ''The school's on fire,'' referring to the old Mount Royal Station, which houses part of the Maryland Institute, College of Art.

''No,'' Macklin said, watching the smoke rise part the top floor. ''It's the tunnel.''

She hoped there was nothing hazardous burning.

A FORAY INTO DARKNESS

Chief Terry Ryer wondered the same thing when he heard the call go out to Engine Co. 13.

Ryer, 49, was listening to the radio at the firehouse in Brooklyn, where he commands the 6th Battalion, with its hazardous materials squad.

It was a later part of the call that sent him into action. Not only had a train possibly derailed, but hazardous materials might be involved. Ryer opened his office door and told the firefighters relaxing in the bay to stand ready. Less than a minute later they got the call.

The son of a city firefighter, Ryer, like his dad, signed on for duty at age 18, so he's been around long enough to know that some fires aren't the sort that should be rushed into, and this sounded like just such a fire.

Captain Smith was discovering that firsthand. He and three others were the first to enter the tunnel. Within a few feet they were submerged in darkness. Each wore 80 pounds of equipment, picking his way across rail ties, chunky stones and the rails themselves. They talked to each other, touching, anything to keep from separating in the blackness, while wondering what would happen if the fire suddenly intensified. They weren't even sure what was burning.

A situation like this ran counter to almost all their training, which teaches them to constantly be aware of ''escape routes'' and ''safety zones.''

''In a dwelling fire,'' Smith said, ''you're usually never more than 12 feet from a window or some stair, a door, a ladder. This really played with your mind. . . . We were concerned it may have been a caustic (substance).

They made it a hundred yards, at most, before agreeing to back out. A second attempt also failed.

By then, news media were gathering at both ends of the tunnel, and the word going out wasn't good. Chemicals, including three types of acid, were on board, and no one knew yet what was in all that black smoke. The Orioles had just canceled the second game of their day-night doubleheader.

At Sutton Place, Macklin tried to calm the tenants, though most didn't seem too concerned. Then, in walked seven firefighters in full gear, fanning out floor by floor to tell everyone to shut their windows and stay indoors.

Miles to the southeast, somewhere near the Bay Bridge, Mayor Martin O'Malley was on his way home from the annual J. Millard Tawes Crab and Clambake in Crisfield, talking on the phone with officials who were trying to assess the situation. Police had shut down Howard Street, rerouting traffic, with cars stacked up all over downtown. Civil Defense sirens sounded the alarm, blasting like some warning from the Cold War.

But what was burning? Nobody had the answer. Nor did anyone know that the city's problems were about to get worse.

6:15: HOWARD STREET FLOOD

It was 6:30 when Dan Stone, who'd felt that first troubling rumble beneath his feet more than three hours earlier, noticed something new happening outside his office at Pratt and Howard Streets.

Water was coming down Howard Street. Buckets of it. Barrels of it. Rivers of it. Something else had erupted underground, and on meters at city reservoirs the event announced itself like a blip on a seismograph.

It had happened at 6:15, almost certainly due to the fire. A water main nearly 3½ feet in diameter burst, blowing open a jagged hole several feet long. Darrell Owens, 41, a supervisor for west-side maintenance with the city's Department of Public Works, was the first to arrive at the scene.

Owens thought he'd seen it all—burst mains creating huge sinkholes that devoured city blocks; urban streets raging like canyons in a flash flood. But this was a new one—a flood on top of a fire.

''It was a swimming pool, two, three and a half feet deep.'' Fire hydrants were submerged. A block away, the torrent swamped the first floor of the Prudential Securities Building.

Deb and Paul Pelaia, meanwhile, had left Lombard and Howard streets a few minutes earlier.

As guests from Thomasville, Pa., staying at the Holiday Inn, they were beginning to wonder what they'd gotten into by visiting Baltimore. Deb had come for a three-day nursing conference. Paul came along for a boat cruise and an Orioles game.

What they got instead was a front-row seat at an urban disaster. The Holiday Inn overlooked the flood, itself perhaps 30 feet above the derailed and burning train. Already, Paul's baseball game had been canceled. The bus that was to take them to the harbor cruise got stuck in traffic. So, they walked to the Inner Harbor, wondering at the smoke pouring from manholes.

During their cruise on the Bay Lady, word of the flood spread. Someone said they'd heard the Holiday Inn was closed. The boat returned to find the Coast Guard had closed the Inner Harbor, and docked instead at Pier 5. It was 10 p.m., but traffic was still bumper to bumper, and the bus had to drop them off short of the hotel—still open after all—because of the river in the street. They returned to their room to find water in the tap running brown, at low pressure. Welcome to Charm City.

WHITE SMOKE RAISES FEARS

At the ends of the tunnels, where news of the water main break was a little slower in arriving, the first effects of the flood were cause for alarm.

One thing firefighters always pay attention to is the color of the smoke, and suddenly the smoke had gone from black to white. Did it mean something toxic was on fire? The answer was the same as before. No one knew.

However, readings taken by the Maryland Department of the Environment soon put fears to rest. It was steam, caused by water from the burst main. Fire crews asked Owens to leave the line open. Used to simply shutting things off as soon as possible, he was now faced with an unenviable assignment akin to that of a basketball player asked to guard a high-scoring superstar: You can't stop it, you can only hope to contain it. He said he'd do what he could.

THIRD TRY, FIRST CONTACT

Within a few hours more, it was time for firefighters to make a third attempt to reach the train from the north end. The south end was out of the question due to flooding. Captain Smith and Chief Ryer were on the team of six men. So was Dan MacFarlane, 32, another member of Smith's Engine Co. 13.

By now, their faces were blackened by soot and they knew what to expect. This time they rode in slowly on a CSX truck equipped with railway wheels. Each man took two oxygen bottles, a 70-minute supply. After a while, the truck stopped and four of the six set out on foot, flashlights pointed at their feet to light the way. Over the radio, someone at the mouth of the tunnel called out the elapsed time every five minutes. It took a half-hour to go 2,200 feet, Ryer said.

MacFarlane was ready to give up. ''We're going to pull out,'' he radioed. But they took two more steps, and firefighter Pat Hoban, just in front of MacFarlane and Smith, touched the first boxcar. Contact. It wasn't much, but they'd take it. Now the work of removing the train cars could begin.

''MOM, YOU WERE RIGHT''

Fourteen floors above, in her apartment at Sutton Place, Elaine Macklin was ready to turn in at midnight after an uneasy night of watching TV news accounts, windows shut tight.

All of downtown was sealed up. You could leave, but you couldn't come back. Police had closed every major road. Helping lessen the sense of isolation, Macklin had heard by telephone from friends and family, some of whom called after radio and TV stations reported that Sutton Place was being evacuated. Officials were standing by to move residents to cots in the Baltimore Convention Center, but never did.

The most satisfying call came from her son Victor, 45, a television producer in California. He'd seen the news on CNN. ''He said, 'Mom, you were absolutely right. You told us 21 years ago something would happen in that tunnel.' ''

Perhaps by morning, she hoped, everything would be fixed. But she arose Thursday to see white smoke still rising from the tunnel. When she walked close to her living room window, she could smell it.

THANK MOTHER NATURE

A few blocks south, at the Holiday Inn, the Pelaias and other lodgers saw that the impromptu hotel ''swimming pool'' was finally under control. Owens and public works crews had contained it, digging a hole in the street that exposed the ruptured pipe. Water was still dumping into the tunnel.

Overnight, a new guest had checked into the hotel. It was Dan Stone, who hadn't wanted to desert his building at Pratt and Howard streets. Water in the basement had peaked at 9 feet by 11 p.m., when city workers began pumping it out. He hadn't reached the hotel until 4:20 a.m.

Other workers, meanwhile, were just beginning to head home as the new day's rush hour began, ending shifts that had continued while the rest of the city slept. Ryer got home at 6:30 a.m., Smith and MacFarlane around 8. Owens made it by 9:30. But for all of the night's heroes, one of the more unsung ones might have been Mother Nature, in the form of a geological stroke of luck.

Since the first hour of the derailment, hydrochloric acid had been leaking from one of the tanker cars. Yet, there hadn't been a single problem with air or water flowing from the spot. The possible reason, according to state environmental officials, was the limestone bedrock beneath the tunnel. Being an

alkali, it reacts with acid sort of like water with fire, neutralizing its caustic nature.

DAY 2: A NEW STRATEGY

The fire, while still burning, no longer seemed an imminent threat to blow into an environmental disaster. By late afternoon, a firefighting force that had peaked at 150 was down to 50. Not that their jobs were getting much easier.

Some boxcars had already been removed from the tunnel. Others would soon follow. But some were still baking at 400 degrees, and smoke still poured from the north end. The next day, two men—a state official and a chemical consultant—were overcome by smoke.

But it was on Thursday afternoon that the firefighters hatched a new strategy. Dan Stone got a preview of it from his office, when three firemen asked if there might be an entrance to the tunnel through his building. There wasn't, but they eventually found another: through a manhole, where they poked a hose to douse the fire's midsection. It was also the entry point for hazardous waste crews that pumped hydrochloric acid from the leaking tanker.

Outnumbering fire crews by then were street crews, digging into the pavement five blocks east of Howard Street to lay new fiber-optic cable. Lines near or through the tunnel had been damaged or destroyed, disrupting e-mail. Internet and phone service from Baltimore to New York to Africa.

SORTING OUT EVENTS

By nightfall Thursday, another force had arrived on the scene. The National Transportation Safety Board plays an important role in sorting out such events, ultimately assigning blame. Yesterday, the NTSB made itself known to the public through board member John Hammerschmidt, whose briefings were minor masterpieces of bureaucratic jargon.

On for the day's final briefing was CSX President Michael Ward, who grew up not far from Terry Ryer's 6th Battalion fire headquarters in Brooklyn.

Ward praised the city, praised the mayor and said his company would continue to err on the side of caution. Then came a question. Once this mess was cleaned up, would his company consider installing sprinklers in the tunnel?

Ward testily called any such question ''premature.''

''Hindsight is 20–20,'' offered the Fire Department's Mike Maybin, affirming his department's skills.

What about foresight? They must have forgotten to ask Elaine Macklin, at Sutton Place, who again went to bed with smoke pouring past her 14th-floor window.

Mr. REID. Mr. President, this article, among other things, details how this train derailment threatened to leak hazardous chemicals, such as hydrochloric acid, into the main tunnel running under downtown Baltimore. They were able to stop that leak. This train derailment closed roads, broke fiberoptic communications cables, generated a water main break, caused evacuation of residents, and injured workers. While it was not one of the more serious things, it indicates how widespread this was: They canceled three Baltimore Orioles baseball games. They simply could not play with hazardous materials around. People could not get to the game. Baltimore was basically shut off.

To show the cost to the business community, we have only to look at what happened to the Baltimore Orioles. Damages associated with just the lost baseball revenues are estimated at almost $5 million for the Baltimore Orioles.

Is Baltimore an isolated example? Of course not. Between 1978 and 1995, as I said, over 260,000 people were evacuated across the Nation due to transportation accidents involving trains. There are some reasons why. The Federal Railroad Administration increased inspections and allocated few resources to ensure bridge safety across the Nation. Train derailments during that period increased 18 percent.

Unfortunately, we do not have good statistics about the prevalence or damages associated with accidents such as the one in Baltimore. We do know from press reports that transportation-related accidents involving dangerous substances occur around the Nation each year. A quick search revealed many.

For example, I found an exploding boxcar in Kansas City sending its hazardous contents, potassium nitrate, into a nearby school. I am told that is one of the things that was used in the bomb in Kansas City.

I found other reports in Charleston, SC, of a train derailment that spilled 300 gallons of formaldehyde and forced the evacuation of 100 families and hospitalized 7.

I know of the train derailment in California where hazardous substances were dumped in a river and endangered the life and property of millions of people in California.

While we do not have a complete count of all the accidents, we do have data to show transportation of dangerous substances is on the rise. With increased transportation comes an increased risk unless we step back and evaluate how well our transportation infrastructure is handling this dangerous cargo.

We need to know whether our emergency response personnel are trained and equipped to deal with hazardous accidents, not only in urban Baltimore but in rural Nevada. We need to know whether we adequately convey information on dangerous accidents to the public in time to ensure their safety.

We do not have reliable estimates of the need to upgrade infrastructure in order to handle unique threats posed by accidents involving dangerous substances. We will need these estimates to prepare a new transportation bill which we are going to begin next year, our every-5-year bill. The study required by this amendment offered by this Senator and the two Senators from Maryland is an important first step in that effort.

It was coincidental that I had the hearing today—it had been scheduled for some time—dealing with our decaying infrastructure. We need to do something, and one of the things we can do will be focused as a result of this amendment, which will cause the Department of Transportation and the General Accounting Office to take a look at how safe it is to transport and, if not, what do they recommend to make it more safe.

We are going to try to vote on this at 5:45 p.m. today.

There is going to be a vote today and we would like to keep it on Transportation. When we hear from the minority, we will be in a position to offer a unanimous consent in that regard. I hope this amendment will be supported. I think it should be an overwhelming affirmative vote.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am pleased to join with my colleague, the very able Senator from Nevada, Mr. REID, in cosponsoring this amendment to the fiscal year 2002 Transportation appropriations bill which calls for a study of the hazards and risks associated with the transportation of hazardous chemicals or radioactive material on our rail and highway network.

According to the U.S. Department of Transportation, more than 800,000 shipments of hazardous materials, or hazmats, occur each day on our highways, railroads, and waterways. The total volume of hazardous materials such as flammable liquids and corrosive chemicals exceeds some 3 billion tons a year. While the vast majority of these shipments are transported safely, without any release, the number of hazmat incidents reported to the Department of Transportation has nearly doubled in the past decade.

As Senator REID has already noted, last Wednesday a 60-car freight train, including several cars containing hazardous chemicals, derailed and caught fire in the Howard Street tunnel right through downtown Baltimore. The cause of the derailment and fire are still under investigation, but according to news reports, some fire officials speculate the fire started in a car carrying tripropylene, a caustic and flammable chemical used for making detergents and plastics.

I take this opportunity to commend the members of the Baltimore City Fire Department for their heroic efforts in managing the fire and protecting the health and safety of the citizens of our city. For nearly 5 days, the city firefighters undertook tremendous risks, courageously entering the dark tunnel, vision impaired by smoke, to face the fire and the volatile chemicals and hazardous materials that burned within. During the height of the incident, over 150 of the city's firefighters were on the scene and many more obviously reported for duty throughout the course of this incident.

The fact that injuries were kept to a minimum is a testament to the skill and professionalism with which the Baltimore City firefighters performed their jobs. I also express my appreciation to the Coast Guard Strike Force, the Maryland Department of Environment, and all the other members of the team who worked around the clock to

protect public health and the environment.

Firefighters' activities were largely completed last night. This morning, the last of the 60 railcars was pulled out of the tunnel. The tunnel is now free of the train and examination will now take place with respect to the structural status of this tunnel.

As Senator REID and I discussed last week on the Senate floor, this accident underscores the potential dangers to public health and safety, the environment and the economy in connection with the transportation of hazardous materials, but it also makes clear the need to invest in our Nation's infrastructure.

I very much welcome the amendment of my colleague. I want to underscore this is an issue in which he has taken considerable interest. In fact, he held a hearing this morning which had been scheduled, as I understand it, well before this incident took place. Senator REID and others who have been concerned about the infrastructure, and I know it is a concern the chairman of the Appropriations Committee, Senator BYRD, shares with us, have for quite some time tried to focus attention on the necessity to improve the Nation's infrastructure.

Later in the consideration of this bill I will join with my colleague, Senator MIKULSKI, in offering an amendment to specifically begin to address the aging rail infrastructure in the Baltimore area. Our amendment would provide up to $750,000 in Federal matching funds for the Department of Transportation, in cooperation with Amtrak, Norfolk Southern, CSX, the State of Maryland, and the City of Baltimore, to conduct a comprehensive study to assess the existing problems in the freight and passenger rail infrastructure in the Baltimore region. The study would assess the condition, track, limitation, and efficiency of the existing tunnels, bridges, and other railroad facilities owned and operated by the railroads. It would also examine the benefits and costs of various alternatives, including shared usage of track. It would make recommendations regarding improvements to the rail infrastructure in the Baltimore region or the construction of new facilities to reduce congestion and improve safety and efficiency. The availability of the funds would be contingent upon CSX, Norfolk Southern and the State of Maryland providing equal amounts to conduct the study.

Next year marks the 175th year of railroad in America commemorating the history of railroading that actually began in Baltimore with the Baltimore and Ohio Railroad. While it is an honor to have this historic commemoration, this commemoration also serves to date our railroad infrastructure in Maryland as amongst the oldest, of course, in the country. Indeed, major rail improvements made in the latter part of the 19th century, including rail corridors, bridges and tunnels, continue even to this day to serve by providing routes for significant inner-city passenger and freight traffic moving up and down the east coast, as well as providing links from the ports to the Midwest and points beyond.

Two major main line corridors traverse Baltimore. Amtrak operates more than 100 trains a day through Baltimore, traversing through two sets of major tunnels, the Union tunnel and the Baltimore and Potomac tunnel, immediately northeast and southwest of Penn Station. These tunnels were built in the 1870s when the Pennsylvania Railroad extended its reach south to Washington. A second parallel Union tunnel was built in the early part of the 20th century. Amtrak's corridor is also used by MARC commuter rail trains linking Baltimore and Washington and Norfolk and Southern freight trains.

While a number of improvements have been made to the corridor since the 1970s, the basic infrastructure of the route, including the tunnels and bridges over the numerous rivers north of Baltimore, is virtually the same as that in place some 75 to 100 years ago. CSX, the descendent of the original Baltimore and Ohio Railroad also operates its main line through Baltimore. The main line serves traffic traveling north and south up and down the east coast and traffic which is ultimately headed west to the Ohio River Valley. Both movements converge between Washington and Baltimore and use the main line through the latter city. It is CSX's main line which passes through Baltimore by the 1.7-mile-long Howard Street tunnel where the accident occurred on Wednesday night. Most of this was built in the 1890s on a single track. Numerous other short tunnels and bridges are also along the route north and east of the central city.

The physical condition of the rail infrastructure and the mix of trains that use it cause various problems for the movement of freight and passengers. There are inadequate vertical clearances for the passage of certain types of freight since high-cube, double-stacked container trains. There are numerous chokepoints and there is capacity-related congestion on the Northeast Corridor and the CSX main line.

So the purpose of this study, this additional amendment that Senator MIKULSKI and I will offer, is to assess these and other problems in the freight and passenger rail infrastructure in the Baltimore region, and to identify potential solutions to those problems. We need to get some sense of what the possibilities are, what the costs associated with them are, and what might be a reasonable course of action in order to address this situation. I very much hope when that amendment is offered our colleagues will be supportive of it.

I do want to have printed in the RECORD at the end of my remarks an editorial from the Baltimore Sun about the effort of our firefighters and other authorities who responded to this emergency entitled, ''There when you need them.'' I ask unanimous consent that be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, I want to conclude by, again, underscoring the very important contribution that my colleague from Nevada has made in alerting us, not just now but over a sustained period of time, to the importance of addressing the much broader issue. I, of course, have focused today on this Baltimore tunnel problem, but that is only illustrative, as it were, simply an example of the kind of situation we are confronting in many, many parts of the country. My colleague from Nevada, Senator REID, has repeatedly stressed the importance of addressing this question. His amendment, which I join in cosponsoring, to require a study of the hazards and risks to the public health and safety, the environment, and the economy flowing from the transportation of hazardous chemicals and radioactive materials, and the improvements necessary to our infrastructure, I think, is a very important contribution. I strongly support it, and I trust when it comes to a vote it will receive the overwhelming support of this body.

I yield the floor.

EXHIBIT 1

[From the Baltimore Sun, July 20, 2001]

THERE WHEN YOU NEED THEM

Without warning: Emergency responses were generally good, but luck was better, the worst did not happen.

Baltimore had a close call Wednesday. It could have been so much worse.

Industrial chemicals that caught fire, or that did not, might have sent toxic fumes into the downtown atmosphere, damaging lungs and skin, invading work places and residences.

On the whole, the ugly billows from both ends of the tunnel proved to be benign.

The whole metropolitan population is in debt to the courageous firefighters who entered the tunnel, into the unknown, to deal with a fire they could not locate. Also the police, hazardous materials experts and public works workers who toiled on no notice through the night to cope with the fire, train mishap, water main break and power outage that paralyzed a great city.

They had other plans for the evening. But this was their job and they did it.

City, state and federal authorities were right to err on the side of caution in closing roads, waterways, baseball, business and normal life until public safety was secured.

The one thing that did not work well was the civil defense siren. In nearly a half-century it has been tested but never before used for a real emergency. Those who heard it did not know what it conveyed.

Were they to duck beneath desks in event of nuclear attack? If not, what was the loud siren saying? For those who were just trying to go home in the evening rush hour, the best response was to carry on doing it, assuming they heard a mere malfunction.

People have long since learned to turn on radio, television or the Internet—or battery-operated radios in the event of power outage—to learn if something big is happening. The siren probably did not alert anyone who did not already know about it.

The emergency showed just how interconnected modern society is, how dependent

we all are on everyone else functioning normally.

The disruptions to city life and to East Coast commerce will go on for some time, More lessons will be learned in ensuing days.

New York, Philadelphia, Boston, Washington, Norfolk and the rest had better pay attention. Here, but for the grace of God, go they.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Maryland.

Ms. MIKULSKI. Madam President, I join with my colleagues, Senator REID and Senator SARBANES, as an enthusiastic cosponsor of their respective amendments that I believe, should they be agreed to, will make America safer.

Last week in Baltimore we had a terrible train wreck in something called the Baltimore tunnel. A train overturned. It was a freight train. Immediately, we were not sure what was in it; what were the consequences of a fire; were we going to have an explosion; and whether the smoke billowing out of the tunnel was going to be a toxic plume over Baltimore. The civil defense alarm sounded for the first time in Baltimore in 50 years. The mayor jumped into action immediately, as did our brave firefighters and emergency management people because we had to both contain the fire and we had to contain panic.

I salute the mayor and the Governor for the support he gave the mayor, and the brave men and women of our public safety organizations, our firefighters, emergency management, public works, and also the citizens of Baltimore.

The railroad worked in a hands-on fashion with our mayor. I am happy to report that, as of now, we have pulled the railroad cars out, the smoke is clearing, but now the next phase needs to begin. During this saga that was unfolding, both in Baltimore and in the national media, our first fear was for the firefighters, the first responders, the ones who had to go in there and who initially were not sure what they were going into. The temperatures were reading 1,500 degrees. You could not get in through the smoke. They went down through manholes—let me tell you, through a manhole to a 8-foot platform, then down another ladder to see what the deal was. Our firefighters had to be tethered so we did not lose them in the smoke.

You know what. They did it. They did it without flinching. They did it without hesitation. They did it with skill. They did it with integrity and unparalleled courage. We salute them. And also a salute to their spouses who were there to support people doing such daring deeds.

Yes, the railroad worked, chemhazmat worked, but now we have to get back to our work so we can protect the first responders, protect property, and also protect the nearby neighborhoods.

This accident, which shut down much of Baltimore and the freight movement in the Northeast Corridor, really was a wake-up call to take a close look at the practice of transporting hazardous materials through roads and tunnels. Because we do use railroads, we do use trucks, we do need to be sure that we know what is going through our communities. What made our quick response possible was that we had a manifest and we knew what was happening.

We do not know the consequences of these new kinds of materials going through together, the synergistic effects. One car had paper, the other car had hydrochloric acid, and the other car had other hazardous waste. One needs to be fought with water. One could have caused other problems if you fought the fire with water. I am not evaluating the best way to transport these items, but we have to do our homework so we can protect our people. This is why I join with my esteemed colleague, Senator REID of Nevada. He has an amendment that calls upon the Secretary of Transportation, in consultation with the Comptroller General, to conduct a study evaluating the hazards and risks to public health, safety, the environment, and the economy associated with the transportation of hazardous chemical and radioactive materials; and to take a look at our transportation infrastructure and the improvements necessary to prevent accidents involving such chemicals and other materials, and to examine the preparedness of Federal, State, and local emergency and medical personnel to respond to these accidents.

Well done, Senator REID. This is exactly the kind of amendment we need. This is exactly the kind of amendment we need so we show we are standing sentry over our communities and making sure we have the infrastructure necessary to protect our communities.

That Baltimore tunnel is over 100 years old. It was built when railroads were built. The Garret family created the B&O Railroad and it went west. It was one of the first railroads to go west. We want those railroads to continue to run. The Port of Baltimore will not exist without our railroads, so we are not saying don't do it. But when we are going to do our transportation, let's do it right.

The whole idea of examining the preparedness of Federal, State, and local emergency and medical personnel is also appropriate. As the chairperson of the subcommittee on VA/HUD that funds FEMA, this is also how we need to make sure our first responders and our emergency management people are ready. We have to have them ready as ''all hazards'' personnel. We could have something that was an accident, which was a chemical accident, where there are other things where there are attacks on the United States. This is where we need to be prepared. This is where we need to be prepared.

We salute this amendment. I hope my colleagues will endorse it.

Also, my colleague, Senator SARBANES, has taken the leadership role of directing the Secretary of Transportation to study existing rail infrastructure in the Baltimore metropolitan area. It directs the Secretary to make those recommendations because we are worried about our rail infrastructure, including improvements in tunnels, bridges, and other rail facilities. We want them to do it in conjunction with the FRA, the chair of the Surface Transportation Board, the State of Maryland, our railroad folks, CSX, Norfolk Southern, and Amtrak.

The amendment calls for a study to be used, and it provides that the railroads in the State of Maryland also join in this joint partnership. I believe they will. These studies need to be done with a sense of timeliness and a sense of urgency.

Thank God we escaped without the loss of life. We thank God that there was no major loss of property. Thank God we didn't have to evacuate communities. But an incredible economic toll resulted. It was not only the Orioles game being canceled, but it was the delay of freight which slowed down the corridor with enormous consequences. But the consequences would have been even more severe had we not had the current infrastructure in place.

I believe the best way we say thank you to the emergency management people, our firefighters, and for the excellent job our people did in responding is to have a parade, which I hope Baltimore has—I hope not only with banners, which we ought to display with pride, but I also think we should say it with deeds. And these two studies are a good way to do it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before my friend leaves the floor, I want to express my appreciation to her, and also the senior Senator from Maryland for joining in this amendment.

The two Senators from Maryland can describe better than anyone here the terror of those brave firefighters facing a tunnel a mile and a half long, knowing there was a train in there and not knowing what was on the train but knowing there was a lot of smoke coming from it.

This was a real act of courage, as the Senators have indicated. I can't imagine the terror that these men and women had in fighting this fire. From all of the accounts I have read—I have followed it very closely—it appears that it was a picture book attack on a very dangerous fire.

Mr. SARBANES. Madam President, will the Senator yield?

Mr. REID. Yes.

Mr. SARBANES. Actually, they knew what was in the train because they had the railroad manifest of what was contained in the railroad cars. They knew, in fact, there was hazardous material being carried in some of the 60 cars that were on that train. Firefighters do a great job day in and day out all across the country. We generally sort of simply come to accept as a matter of

course the tremendous risk they run. A high profile incident like this, of course, focuses attention back on it. There was tremendous heroism there. But there is also tremendous heroism on the part of firefighters taking place every day all across America in extremely dangerous circumstances.

Mr. REID. Madam President, I again express my appreciation to the two Senators from Maryland who have so aptly kept us on top of what was going on there. I also join with them on this amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the time between now and 5:55 p.m. today be equally divided and controlled in the usual form with respect to the amendment now pending; that at 5:55 p.m. the Senate vote in relation to the amendment, with no amendment in order to the amendment prior to the vote, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent the time during the quorum call I will suggest in just a moment be equally charged against both the proponents and the opponents of this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent that the previously scheduled vote for 5:55 now occur at 5:50 under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask for the yeas and nays on the Reid amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1037. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. SMITH) would vote ''yea.''

The PRESIDING OFFICER (Mrs. CARNAHAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—96

Akaka	Dorgan	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feingold	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Gramm	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Byrd	Hatch	Santorum
Campbell	Helms	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Corzine	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Dodd	Lott	Wyden

NOT VOTING—4

Domenici	Kennedy
Durbin	Smith (NH)

The amendment (No. 1037) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1038 TO AMENDMENT NO. 1025

Mrs. MURRAY. Madam President, I ask unanimous consent the Murray amendment be laid aside, and I send an amendment to the desk on behalf of Senator SARBANES and Senator MIKULSKI and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY, for Mr. SARBANES, for himself and Ms. MIKULSKI, proposes an amendment numbered 1038.

Mrs. MURRAY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for a joint study of rail infrastructure in the vicinity of Baltimore, Maryland)

At the appropriate place, insert:

SEC. . (a) Of the funds appropriated by title I for the Federal Railroad Administration under the heading ''RAILROAD RESEARCH AND DEVELOPMENT'', up to $750,000 may be expended to pay 25 percent of the total cost of a comprehensive study to assess existing problems in the freight and passenger rail infrastructure in the vicinity of Baltimore, Maryland, that the Secretary of Transportation shall carry out through the Federal Railroad Administration in cooperation with, and with a total amount of equal funding contributed by, Norfolk-Southern Corporation, CSX Corporation, and the State of Maryland.

(b)(1) The study shall include an analysis of the condition, track, and clearance limitations and efficiency of the existing tunnels, bridges, and other railroad facilities owned or operated by CSX Corporation, Amtrak, and Norfolk-Southern Corporation in the Baltimore area.

(2) The study shall examine the benefits and costs of various alternatives for reducing congestion and improving safety and efficiency in the operations on the rail infrastructure in the vicinity of Baltimore, including such alternatives for improving operations as shared usage of track, and such alternatives for improving the rail infrastructure as possible improvements to existing tunnels, bridges, and other railroad facilities, or construction of new facilities.

(c) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to Congress. The report shall include recommendations on the matters described in subsection (b)(2).

Mrs. MURRAY. Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1038.

The amendment (No. 1038) was agreed to.

Mr. SARBANES. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1039

Mrs. MURRAY. Madam President, I ask the pending amendment be set aside, and I send an amendment to the desk on behalf of Mr. THOMAS. I ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be set aside and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington (Mrs. MURRAY), for Mr. THOMAS, proposes an amendment numbered 1039.

Mrs. MURRAY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 66, line 8, after the word ''bus'', insert the following phrase: '', as that term is defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12181)'';

On page 66, line 9 strike ''; and'' and insert in lieu thereof ''.''; and

On page 66, beginning with line 10, strike all through page 70, line 14.

Mrs. MURRAY. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1039

The amendment (No. 1039) was agreed to.

Mr. SARBANES. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Madam President, I rise to speak on the pending Reid amendment regarding a Department of Transportation/General Accounting Office study on the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

In light of the recent events in Baltimore, it is entirely understandable that Senators from Maryland would join the Senator from Nevada in offering this amendment. Many of our urban areas suffer from inadequate and perhaps unsafe transportation infrastructure. However, I hasten to point out that if this derailment had happened to a train carrying spent nuclear fuel or other radioactive material, none of the havoc we saw in Baltimore would have occurred. The Orioles would not have had to cancel games and there would have been no threat to the general public health and safety. That's because the casks used to transport such material are subjected to rigorous safety standards by the Nuclear Regulatory Commission and are tested is such a manner to ensure that a train derailment and any number of other accidents that could befall the casks would neither damage the casks or allow the release of any radioactive material.

As many of you well know, transportation is one of the key issues that arises in the discussions we have had here on the Senate floor when we debate the matter of how to deal with the disposal of our spent nuclear fuel. But I need to remind everyone that we already transport such material—and have been doing so for over 30 years. There have been close to 3,000 shipments in this country and no fatality, injury or environmental damage has ever occurred because of radioactive cargo. That is not to say there have not been accidents. There have—but the casks have performed as designed. They haven't broken open. They have not leaked. We have done a hood job transporting spent nuclear fuel and radioactive waste and we will continue to do so. Great precautions are taken to avoid accidents and when and if Yucca Mountain is declared suitable as a repository for fuel, additional transportation safety provisions under the Nuclear Waste Policy Act will kick in to ensure that the additional transportation of spent fuel will continue in a safe manner.

But we don't have to wait for Yucca to open to have safety measures in place—we already have them. Shipments are happening now and are safe. A nuclear fuel container consists of literally tons of shielding inside a thick steel cylinder. Any container design must be licensed by the U.S. Nuclear Regulatory Commission before the container is used for shipment. The NRC will not certify the container until it undergoes a series of rigorous tests demonstrating that it is invulnerable to impact, flames, submersion and puncture.

In addition to the safety of the casks, spent nuclear fuel may be shipped only along specified highway routes. Shippers submit routes to the NRC for approval ahead of time. The NRC checks that a route conforms to U.S. Department of Transportation regulations, requiring the most direct interstate route, and avoiding large cities when a bypass or beltway is available. NRC officials drive the route ahead of time if it has not been previously approved before or used within the past few years. They will check for law enforcement and emergency response capability as well as secure facilities for emergency stops. DOT regulations also require that the shipper notify the governor of each State on the route seven days be fore the trip.

Specialized trucking companies handle spent nuclear fuel shipments in the United States. These experienced, specially licensed companies haul all kinds of hazardous materials more than 50 million miles annually. Vehicles are state of the art, equipped with computers that provide an instantaneous update on the truck's location and convey messages between driver and dispatcher through a satellite communications network. Drivers receive extensive training and must be certified.

The DOT and NRC establish emergency preparedness requirements for radioactive materials. The Federal Emergency Management Agency and the DOE provide emergency response training for state and local law enforcement officials, fire fighters, and rescue squads, covering preparedness planningandaccid4nt handling. In addition, DOE radiological assistance teams provide expertise and equipment, including mobile laboratories, to every region of the country. Also, according to a voluntary mutual assistance agreement, utilities respond to incidents in their area until emergency personnel from the shipper and shipping utility arrive.

I have no objection to the overall purpose of the amendment however, in having a study done on infrastructure and training. My colleagues should be award that we already do that continuously for nuclear fuel and high-level radioactive waste.

AMENDMENT NO. 1037

MICHIGAN CORRIDOR PROJECTS

Ms. STABENOW. Madam President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chairwoman of the Transportation Appropriations Subcommittee. As the chairwoman knows, over the past few years, the State of Michigan has competed for funds under the Coordinated Border and Corridor Program of the Transportation Equity Act (TEA 21). However, because of increased earmarking, discretionary funds have been greatly diminished. This year, both House and Senate did not contain any discretionary funds, eliminating an important discretionary funding source for the State of Michigan.

I would ask the distinguished chairwoman to give consideration to a particularly important project on our U.S.-Canadian border in Michigan. The Ambassador Bridge Gateway Project which will provide direct interstate access to the Ambassador Bridge and improve overall traffic flow to and from our U.S.-Canadian border, needs $10 million this year to keep the project on schedule. To date, there has been a total of $30.2 million in federal funds either spent or committed with a state match of $7 million. Any consideration that the distinguished chairwoman can provide is much appreciated.

Mr. LEVIN. I join the distinguished Senator from Michigan in asking the distinguished chairwoman to give this important project consideration in conference. The Ambassador Bridge in Detroit, MI is a critical project for the State's trade infrastructure. It is one of the three busiest border crossings in North America, and more trade moves over this bridge than the country exports to Japan. It is crucial that we keep traffic moving safely and efficiently at this crossing. The Ambassador Bridge Gateway project will provide direct interstate access to the bridge, and improve overall traffic flow to and from the Ambassador Bridge. This project also has a wide range of

support from the state, local government, metropolitan planning and the business community.

Ms. MURRAY. I thank the distinguished Senators from Michigan, and I will be happy to work with them in conference on this important corridor project.

MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent the Senate move to a period of morning business with Senators permitted to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, is the order that we are in morning business with Senators allowed to speak for up to 5 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Thank you, Madam President.

SAFE TRUCKS ON AMERICAN HIGHWAYS

Mrs. HUTCHISON. Madam President, I commend Senator MURRAY and Senator SHELBY for drafting an amendment that is attempting to address the issue of safe trucks on American highways. This is an issue that has caused a lot of disagreement. I know it is a very controversial issue. I want to speak about it because my State is most certainly affected. But I think every State is affected by whether we have safe trucks on our highways.

We do not yet have an agreement on this issue that everyone can live with, but I think we are a lot closer than anyone thinks. I ask Senators MURRAY, SHELBY, MCCAIN, GRAMM, and the administration to work together to try to make sure we come out with regulations that will assure that we have the facilities and manpower to inspect every truck coming into our country, whether it is from Mexico or from Canada.

Second, we must make sure we have foreign-owned trucks and drivers meet U.S. safety standards, while ensuring fair treatment for our trading partners. That is our responsibility and our commitment under NAFTA.

Third, I think it is very important that we commit to providing the financial resources for the inspection stations and other border infrastructure. The administration asked for about $88 million for this purpose. The Murray-Shelby committee report that is on the floor has more than $100 million to make sure we have the border inspection stations, without which we couldn't possibly comply with NAFTA.

If we have good regulations and the money to conduct the inspections, I think we can come up with language that will be acceptable to everyone and keep our commitment under NAFTA.

I voted for NAFTA. I support free trade. But there are provisions in the underlying bill that I think could keep the United States from keeping its commitment under NAFTA.

I also believe the Department of Transportation regulations are not quite strong enough to assure that we will have inspections of every truck. I don't think we have been able to fix this yet. I hope we will be able to work together on language that will assure that we will have real inspections, that will ensure safety on our highways, and comply with our commitments under NAFTA. I don't think we are there yet, but I think we are working on it.

I ask everyone to come to the table. Senator STEVENS has been a leader on this issue. Senator MCCAIN, chairman of the Commerce Committee, certainly is a leader on this issue. Senator SHELBY and Senator MURRAY as the chairman and ranking member of the Appropriations Transportation Subcommittee are leaders on this issue.

I am a member of the Appropriations Transportation Subcommittee as well as the Commerce Committee. But mostly I am a person who is going to be on highways where there is going to be a lot of NAFTA traffic. When we are looking at 8,500 Mexican commercial trucking companies having the authority to operate in commercial zones today, I think we are talking about a lot of Mexican traffic on our freeways. We want a lot of Mexican and Canadian commerce, as long as the trucks meet our standards. We have to assure that those inspection stations are there to make sure it happens.

In 1999, both United States and Mexican commercial motor vehicles made an estimated 4.5 million crossings on the border. Seventy percent of those were in Texas.

This debate is not merely hypothetical to Texas, nor to the other border States. The added burden of overweight and potentially unsafe trucks is a daily reality in south Texas.

The reason for low inspection statistics is the lack of adequate space to conduct safety inspections. Currently, the only permanent inspection facilities at the United States-Mexico border are at the State facilities in Calexico and Otay Mesa, CA. At the other 25 border crossings, Federal and State inspectors have limited access to the existing U.S. Customs lots.

Federal Motor Carrier Safety Administration inspectors do not have the equipment nor the space they need to do the job. Those inspectors have space to inspect only one or two trucks at a time. The construction of dedicated motor carrier safety inspection facilities at or near the existing Federal border crossing would improve inspection statistics.

Working with the Department of Public Safety in Texas, we have identified funding needs of $100 million to construct safety inspection stations. So it is very important that all of us focus on this issue and that we all look for a resolution of this issue.

I think we are very close, but we are not there yet. I hope everyone will come together either to fashion an answer right now in this bill before it goes out of this Chamber or agree that we will not do that now, that we will write something in conference, but most certainly we would not stand on the language that is in the underlying bill nor the language that is in the House underlying bill that was passed that would prohibit Mexican trucks from coming into the United States at all.

I think we can come up with language that will be acceptable to the administration and acceptable to our Mexican counterparts. But the bottom line is, we are not going to have unsafe trucks on our highways as long as I have a voice in the Senate, because we have standards. The whole concept of NAFTA was that we would have parity, parity of our truck standards with the truck standards of Canada and Mexico. That means there would be a level playing field in trucking company competition, so that there would not be an unfair advantage to another country and, secondly, so that there would be safety on all of our highways, to make sure we are not in any way discriminating against any country nor are we lowering the standards that we have in our country.

So I intend to be very active in this debate. I intend to be very active in bringing the groups together to try to come to that compromise. My bottom line is only one; and that is that there is parity, safety, and a level playing field for the truckers of our country and the countries in NAFTA with whom we trade.

ILSA EXTENSION ACT

Mr. SARBANES. Madam President, I ask unanimous consent that the CBO cost estimate with respect to S. 1218, a bill to extend the authorities of the Iran and Libya Sanctions Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 20, 2001.

Hon. PAUL S. SARBANES,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for the ILSA Extension Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Joseph C.

Whitehill (for federal costs) and Paige Piper/Bach (for the private-sector impact).

Sincerely,

BARRY B. ANDERSON

(For Dan L. Crippen, Director).

Enclosure.

ILSA Extension Act of 2001

The ILSA Extension Act of 2001 would extend the authorities of the Iran and Libya Sanctions Act (ILSA) of 1996 for an additional five years through 2006. The bill would lower the threshold of investments in Libya that could trigger sanctions under the act from $40 million to $20 million, and it would revise the definition of investment to include any amendment or modification of existing contracts that would exceed the threshold amount. CBO estimates that implementing the bill would not significantly affect discretionary spending. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

Based on information from the Department of State, CBO estimates that the ILSA Extension Act of 2001 would result in a substantial increase in the number of investments in Libya that could be subject to the sanctions in ILSA. CBO estimates that the additional workload necessary to identify such investments would increase the department's spending by less than $500,000 annually, assuming the availability of appropriated funds.

By extending the Iran and Libya Sanctions Act, the ILSA Extension Act of 2001 could impose a private-sector mandate as defined by the Unfunded Mandates Reform Act (UMRA). The President would be required to impose certain sanctions of U.S. entities or foreign companies that invest over a specific amount of money in developing the petroleum and natural gas resources of Iran or Libya. Among the sanctions available under the act, the President could impose certain restrictions on U.S. offices of a sanctioned company or on entities and financial institutions engaged in business transactions with a sanctioned entity. The act does, however, allow the President the discretion to make exceptions in applying such sanctions. Since passage of ILSA, no such sanctions have been imposed. Consequently, CBO expects that sanctions are unlikely to be imposed under the extension and that the direct cost of the mandate would fall below the annual threshold established by UMRA for private-sector mandates ($113 million in 2001, adjusted annually for inflation).

The ILSA Extension Act of 2001 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

CBO prepared two estimates for the House companion bill, H.R. 1954. The first estimate was for H.R. 1954 as ordered by the House Committee on International Relations on June 20, 2001. The second estimate was for H.R. 1954 as ordered reported by the House Committee on Ways and Means on July 12, 2001. The International Relations Committee versions of H.R. 1954 is similar to the Senate bill. The Ways and Means Committee version would require the President to report to the Congress on the effectiveness of actions taken under ILSA within 18 months after enactment, and it would provide for the early termination of that act of any time after submission of the report. CBO estimated that implementing either version of H.R. 1954 would not significantly affect discretionary spending and that the cost of the private-sector mandate would fall below the annual threshold established by UMRA.

The CBO staff contact for federal costs is Joseph C. Whitehill. The CBO staff contact for private-sector mandates is Paige Piper/Bach. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

MUSCULAR DYSTROPHY RESEARCH

Mr. BURNS. Madam President, S. 805, introduced on May 1, is a vital step toward the day when advanced research will find ways to halt, and even cure, life-threatening muscular dystrophy.

Muscular dystrophy is a genetic disorder, actually a number of separate disorders, that are characterized by weakening and eventual wasting of muscles throughout the body. A quarter of a million Americans of all ages are affected by these disorders. One form, Duchenne, strikes young boys and usually takes their lives before they reach their twenties. Other forms that affect adults are also severely debilitating and can be devastating to the victims and their families.

Since 1966, entertainer Jerry Lewis has hosted the annual Muscular Dystrophy Labor Day Telethon, calling the Nation's attention to the muscular dystrophies and seeking help for individuals and families affected by these diseases. Jerry Lewis is the National Chairman of the Muscular Dystrophy Association which, through its Telethon and year-round fund raising activities, has raised hundreds of millions of dollars for programs of direct patient services, research and summer camp. The MDA program supports a nationwide network of 230 clinics, which are affiliated with hospitals and universities, sends more than 4,000 youngsters it serves to MDA summer camps, and helps pay for wheelchairs, braces, and various therapies for people with muscular dystrophy.

In addition to providing these direct patient and family services, MDA expends about $30 million per year to support scientific research. Over the past half century, MDA has funded research that was vital in developing the protocols that resulted in groundbreaking discoveries in genetic mapping. This extraordinary organization has played a key role in identifying the gene defects that cause virtually all of the forms of muscular dystrophy. The Muscular Dystrophy Association is to be commended for its work and can be justifiably proud of the very positive role it has in assisting those affected by neuromuscular disease. In fact, the implications of their research extend to all of the estimated 5,000 genetic-based diseases affecting all of mankind. With all of the research insights and opportunities made available by this organization, it is time for us to help.

The next critical phase in muscular dystrophy research is to apply these basic scientific discoveries to the development of effective therapies. That will require substantial Federal funding. Authorizing such a vigorous Federal effort is the purpose of S. 805. The bill calls upon NIH and the Centers for Disease Control to establish Centers of Excellence in which intensified clinical research can be conducted which will speed the discovery of treatments and cures for the various forms of muscular dystrophy.

S. 805 provides the Director of the NIH and the Directors of the several institutes within NIH that conduct muscular dystrophy research with the authority and responsibility to concentrate and intensify that research effort. The bill also authorizes the funds needed to conduct essential clinical trials. In short, it gives NIH the organization and the mandate to exploit recent advances in gene therapy. The goal is the swiftest possible rescue for children and adults whose lives will otherwise be lost or badly damaged by muscular dystrophy.

Mr. President, the Congress has responded generously and often to the demands for research funding aimed at other diseases that shorten or impair the lives of Americans. It is time to add muscular dystrophy to the list of those diseases. I commend my colleagues for introducing S. 805, and I regret that I am just now getting the opportunity to deliver this statement, two weeks after my name was added to this important legislation as a cosponsor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 23, 1994 in Buena Park, California. Two men parked near a gay bar were slashed with broken bottles and beaten by a group of men who shouted anti-gay epithets and stole the victims' car.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE TRADE ADJUSTMENT ASSISTANCE FOR WORKERS, FARMERS, COMMUNITIES, AND FIRMS ACT OF 2001

Mr. ROCKEFELLER. Madam President, I rise today to lend my full support to the Trade Adjustment Assistance for Workers, Farmers, Communities, and Firms Act of 2001, which I introduced today along with Senators BINGAMAN, BAUCUS, and DASCHLE. I particularly want to congratulate Senator BINGAMAN on all the hard work and dedication that he has shown on this

issue over the past several months in crafting this piece of legislation, which is so critical to American workers and their families.

Improving and expanding TAA is a priority for us, and we hope it will become a priority for Congress and for the President as well. This bill is not just a reauthorization but an improvement to our current TAA program—and not a moment too soon. Earlier this week, the Chairman of the Federal Reserve told us our economic outlook remains troubling. We know that means there will be more and more workers and families who will need to turn to TAA for help to rebuild their futures.

In addition to reauthorizing TAA for an additional five years, this bill makes substantial improvements to the TAA program as a whole. The bill extends possible TAA benefits for an additional 26 weeks, provides wage insurance for many displaced workers over 50, and expands coverage for secondary workers and workers whose jobs were lost when companies shifted their operations overseas.

Given the massive legacy cost issue facing our steel companies, I particularly wanted to take action to provide health care and child care benefits for workers who have lost their jobs due to imports. At my urging, the bill contains several health care provisions, including a refundable tax credit for 50 percent of COBRA benefits and a provision that links TAA beneficiaries to child care and health benefits that they are entitled to under TANF.

As we expand coverage and benefits available under TAA, however, we still have to remember what's really important in this debate: TAA cannot substitute for a good job, and too many good jobs are being lost due to our current trade policies. That's what we really need to focus on, although we still need TAA because there will always be workers who need it.

As Governor of West Virginia in the 1980's and later as a U.S. Senator, I have seen firsthand the devastation that import surges have wrought on manufacturing communities. I have walked the streets of Welch, knowing that one in four people I met that day were unemployed. I have been to Weirton and Wheeling and seen the impact of the recent surge of dumped and subsidized steel imports on the economic landscape and the collective psyche of those communities as thousands of steelworkers, as well as workers whose jobs depend on those steel companies staying open, have been laid off. I have seen jean factories in Elkins and Phillippi, a shoe plant in Marlington, a glassworks in Huntington, and a shirt factory in Morgantown, close down because of foreign competition, throwing hundreds of people—many of whom had never held another job—out of work.

Many of the unemployed are in their 20's and 30's with young children to support. Others are in their 40's and 50's and have held the same job for more than 20 years. A few may never find work again. For those who do, it will be at a vastly reduced salary with fewer benefits. And as plants continue to close down, who knows if the health care and pension benefits that were guaranteed by their employers and which those workers thought they could depend on will still be there for them when they retire?

It makes me angry that we as a Nation have not done nearly enough to help those who have been dislocated from foreign trade, through no fault of their own, particularly when our trade policies led to their unemployment. Instead, we have provided a TAA program for which many of our workers do not qualify and which provides too little assistance for workers to retrain so that they can adequately provide for their families. That is just not right.

At the same time, our foreign trade partners continue to engage in unfair and illegal trade practices that throw more and more Americans out of work. For years, the relative market shares of the top Japanese steel firms has never varied by more than 1 percent, regardless of changes in the marketplace, because they have a cartel. Russian steelworkers often do not receive wages. New uneconomic steel capacity continues to come on line around the world, often partially funded by loans from international financial institutions that receive U.S. Government funding.

Yet our steelworkers, glassworkers, and others in the manufacturing sector of our economy are forced to compete on the same playing field with these countries, whose producers are heavily subsidized or who have benefitted from a long legacy of indirect government assistance or toleration of anti-competitive activities. Such practices have allowed foreign steel companies to stay in business long after they would have shut down if they were located in the United States. How are our workers supposed to compete with that, no matter how efficient they are?

It is no wonder that people in this country are beginning to wake up to our trade policies and wonder just what we are doing and what principles, if any, we are using to guide them. You should not need to have an MBA from Harvard in order to get a good job, with good wages and benefits, in this country.

If this Administration wants to negotiate more trade agreements, without dealing with the impact that trade has on our steelworkers and workers in other sectors of our economy who built this country into the economic super power that it is today, then it will fail miserably.

This bill is a good step forward. I urge my colleagues in Congress to help us pass it and the President to sign it into law. But it is only the beginning. We simply cannot ignore the fact that with trade, a rising tide does not always lift all boats. Our laws are not the laws of nature, but rather, the laws of mankind. We cannot say that dislocation through trade is inevitable and just throw up our hands, leaving millions of American workers behind. We have an obligation to them and to their families, to craft trade policies that are to their benefit and which help them prepare for the future. It is an obligation that we simply cannot ignore.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, July 20, 2001, the Federal debt stood at $5,723,280,631,657.09, five trillion, seven hundred twenty-three billion, two hundred eighty million, six hundred thirty-one thousand, six hundred fifty-seven dollars and nine cents.

One year ago, July 20, 2000, the Federal debt stood at $5,665,503,000,000, five trillion, six hundred sixty-five billion, five hundred three million.

Twenty-five years ago, July 20, 1976, the Federal debt stood at $619,038,000,000, six hundred nineteen billion, thirty-eight million, which reflects a debt increase of more than $5 trillion, $5,104,242,631,657.09, five trillion, one hundred four billion, two hundred forty-two million, six hundred thirty-one thousand, six hundred fifty-seven dollars and nine cents during the past 25 years.

ADDITIONAL STATEMENTS

MINIMUM WAGE

• Mr. KENNEDY. Madam President, I ask that the following article from the Wall Street Journal, dated July 19, 2001, be printed in the RECORD.

[From the Wall Street Journal, July 19, 2001]

[By Rick Wartzman]

FALLING BEHIND—AS OFFICIALS LOST FAITH IN THE MINIMUM WAGE, PAT WILLIAMS LIVED IT

SHREVEPORT, LA.—Night had fallen by the time Pat Williams, hungry and bone tired, arrived home to find the little red ticket mocking the more than 10 hours of toil she had just put in.

''Oh, Lord,'' she said, reaching into her mailbox, ''what is this?'' She swatted a mosquito, held the ticket to the light above her front stoop and took in the bad news: Reliant Energy Inc. had cut off her gas because her account was $477 overdue.

''I ain't going to sweat it,'' she muttered over and over. Clearly, though, she was wound tight, and soon began puffing on a succession of discount cigarettes.

It was early April, and Ms. Williams was dressed in the dark blue uniform that she wears at her first job, caring for the aged and infirm at a nursing home. Atop that was the gray apron she dons for her second job, cleaning offices at night. The place where she works as a nursing assistant, Harmony House, was paying her $5.55 an hour—barely above the minimum wage—even though she has been there more than 10 years, is a union member and completed college courses to become certified. The cleaning job, which she took up because she couldn't make ends meet, pays right at the federally mandated minimum: $5.15 an hour.

For the 46-year-old single mother with a bright smile and big dimples, life has never been easy. But, as she will tell you, it certainly has been easier.

When she began minimum-wage work more than two decades ago, Ms. Williams says, she had little difficulty paying her bills. Small indulgences for her and her three children—a burger and fries on a Saturday afternoon, a new blouse, the occasional name-brand sneakers—weren't such a stretch. Most of all, Ms. Williams wasn't nearly so stressed over money.

Sometimes, she and her best friend, Ruby Moore, sit in Ms. Williams's back yard and, as trains thunder by, they talk about how they just can't get ahead. Ms. Moore, 51, has earned around the minimum wage for years, first by working in the kitchen of a drug-treatment center, and now by cooking for recovering addicts of a different sort—the gamblers who've surfaced along with the glittering casino boats on the Red River. ''It's much harder than it used to be,'' she says. ''You've got to skip this bill in order to pay that bill.''

''You think you're moving forward,'' adds Ms. Williams, ''but you're just moving backwards.''

There's little wonder why. As a long-time low-wage worker, Ms. Williams has felt the sting of one of the most profound shifts in American economic policy during the past 20 years: a mounting disdain for the minimum wage. Established during the New Deal, the minimum wage was once viewed by Democrats and Republicans alike as an instrument of economic justice—an effort to ''end starvation wages,'' as President Franklin D. Roosevelt himself put it. Now, though, it is seen by much of official Washington as an economic impediment, an undue burden on a marketplace better left unfettered. Where the onus was once on the business owner to pay ''a decent wage,'' it's now more on the worker to demonstrate that he or she deserves one.

This sea change began when Ronald Reagan swept into office. From 1950 through 1982, the minimum wage was allowed to fall below 45% of the average hourly wage in the U.S. in only four separate years. Since 1982, the minimum wage has never reached 45%, and it currently stands at 36%, of that benchmark. Even using a conservative measure of inflation, the minimum wage throughout the '60s and '70s was consistently worth more than $5.50 an hour—and frequently more than $6—in today's terms. After 1980, its value plummeted, sinking to less than $4.50 as President Reagan left office. Two subsequent increases have nudged it back up to its present $5.15.

While the robust job market of the '90s thinned the ranks of minimum-wage workers—only about 1% of hourly employees earn exactly $5.15 an hour now, down from more than 9% in 1980—plenty of people still hover right around the pay floor.

Legislation introduced in Congress last February would elevate the minimum wage to $6.65 an hour by 2003. More than 11 million workers, or about 15% of the hourly labor force, now earn from $5.15 to $6.64. President Bush has signaled that he could accept a moderate increase in the minimum wage—but only if states are allowed to opt out. The Senate, where the Democrats recently gained control, is expected to take up the matter in the coming weeks.

Meanwhile, in communities across the country, low-wage work isn't a relic, but an unremitting reality. A just-published study by two economists—William Carrington, formerly of the Bureau of Labor Statistics, and the Federal Reserve's Bruce Fallick—gives a name to this phenomenon: the ''minimum-wage career.'' They tracked some 3,500 people for 10 years after they had left school and found that more than 8% spent at least half of that time in jobs paying at or near the minimum wage. In Ms. Williams's case, practically everyone she knows has been mired in such occupations their whole working lives.

For them, it's as if the two longest peacetime economic expansions in the nation's history—one under President Reagan, the other under President Clinton—never happened at all.

Ms. Williams earned $10,067 in wages last year. She also received a $2,353 federal tax credit targeted to the working poor. Because her children are all grown and gone, the size of the credit hinges on Ms. Williams's seven-year-old grandson, Kimdrick, staying with her for more than half the year. Caring for Kimdrick is a survival strategy she worked out with her eldest daughter; if she weren't caring for a child, Ms. Williams would have been eligible for a tax credit of only $27—a point at which, she says, she'd likely be on the streets. The daughter claims her other two children for tax purposes.

Through the 1980s, Ms. Williams's wages were so low that she received welfare payments—at times as much as $217 a month—to supplement her income. But she ceased collecting these handouts 12 years ago, partly, she says, because it was a hassle to reapply every few months and partly because of the indignity. ''I just wanted welfare to be a stepping stone,'' she says. ''It made me feel terrible.'' Last summer, Ms. Williams also stopped reapplying for food stamps, which in the past had been worth up to $324 a month, depending on how many of her children were living with her and other factors. The local housing authority still picks up nearly two-thirds of her monthly $525 in rent, and she receives free medical care for her high blood pressure at an indigent clinic.

Inside her small but fastidiously kept house—decorated mostly with bric-a-brac from Good Will and the Dollar Store and pictures cut out of magazines hung on the walls—Ms. Williams ticked off the expenses that she was juggling at the moment. Besides the gas bill, a notice recently arrived reminding her that she was late in paying $142.14 to the electric company. She owed $55.26 to the phone company, $23.47 on the student loan she took out years ago for her nursing classes, and $39.95 for her burglar alarm—a must, she says, in her crime-infested neighborhood.

Violence touched her just last year. Ms. Williams's boyfriend snapped and, according to police records, came at two of her kids with a knife. Ms. Williams shot him with her .25–caliber pistol. He staggered into traffic and was run over and died. The authorities ruled the shooting ''justifiable,'' and Ms. Williams was never charged.

The incident, she says, left a void in her heart. It also left one in her pocketbook. The boyfriend used to chip in on the bills, and his absence has been the main reason that Ms. Williams has had to find a second job—even in Shreveport, where it's relatively cheap to live.

Her budget offers no cushion. The bill from Reliant Energy, swollen in part by unusually cold weather last winter, sent Ms. Williams tearing into her scant savings. She had somehow managed to put away a few dollars in the hopes of eventually moving someplace quieter, out in the country. But in a single stroke, the check to Reliant wiped out most of her nest egg. ''It's devastating,'' she said, ''just devastating.''

A little later, Ms. Williams moved along Hollywood Avenue, a run-down commercial strip near her house, where sin and salvation compete head-on; for every liquor store and bail bondsman, a Baptist church beckons. ''Why is it so hard to get a pay increase?'' she asked. ''If I made $7 an hour, I'd think I was doing good.''

Over on Illinois Avenue, Ms. Williams gazed at the simple wooden house she grew up in. She remembered sitting out on the front porch with her daddy, watching him sell watermelons—three for $1—in the 1950s. ''They were good and sweet,'' she said. It was a different world back then.

One by one, President Eisenhower's top advisers paraded into the Cabinet Room of the White House and took their places around the big mahogany table. The discussion on this morning, Dec. 10, 1954, quickly turned to the workaday business of running the country: an initiative to add 70,000 units of public housing, the Buy American Act, the need for preventive medical care. Yet one subject, above all, seemed to stir the participants' passion: raising the minimum wage.

Mr. Eisenhower—the first Republican to occupy the White House since the minimum wage was enacted—had floated the idea of increasing it from 75 cents an hour early in the year. Now, with the economy humming along, it appeared the perfect time to put the plan in motion. Even the president's economic adviser, the cautious Arthur Burns, agreed that the only question left to decide was what ''the optimum figure'' for the new wage would be.

Handwritten notes from the cabinet meeting, stored at the Eisenhower Library, suggest that the president listened intently to the numbers being bandied about. George Humphrey, the treasury secretary, declared that going to $1 an hour ''would be too much'' and could undermine smooth relations with the business community. All eyes then fell on Labor Secretary Jim Mitchell, a plain-spoken man who had once been in charge of employee relations at Bloomingdale's. One dollar, he countered, ''has great appeal.'' The vice president, Richard Nixon, added that it would be ''unfortunate'' if the administration recommended less than $1 because that would only enhance the odds that Democrats in Congress would ''raise the ante.''

Finally, Mr. Eisenhower spoke up. ''We just have to seek that place where both sides will curse us,'' he said. ''Then we'll be right.''

The law establishing the federal minimum wage, the Fair Labor Standards Act of 1938, had called for just such a balancing act. It stipulated that workers be paid at least enough to maintain a ''minimum standard of living necessary for health, efficiency and general well-being.'' At the same time, though, it sought to do this ''without substantially curtailing employment.''

Mr. Eisenhower ultimately proposed an increase to 90 cents—and the cursing came on cue. The U.S. Chamber of Commerce warned that a 90-cent minimum would be ''self-defeating'' because many mom-and-pop businesses would have to shut their doors and lay people off, hurting the very low-skilled workers who were supposed to benefit. George Meany, the president of the American Federation of Labor, denounced the administration's plan as ''grossly inadequate'' to lift up the poor and pushed for $1.25 an hour.

In many ways, the economic debate hasn't changed much over the years. Opponents have long claimed that imposing a higher minimum wage kills jobs. ''The direct unemployment,'' wrote Prof. George Stigler in a landmark article in the June 1946 American Economic Review, ''is substantial and certain.''

Just yesterday, Federal Reserve Chairman Alan Greenspan told a congressional hearing that he would abolish the minimum wage if he could. ''I'm not in favor of cutting anybody's earnings or preventing them from rising,'' he said, ''but I am against them losing

their jobs because of artificial government intervention, which is essentially what the minimum wage is.''

Yet other analysts have disagreed, touting the minimum wage as an effective means for helping working people to escape poverty. Those in this camp contend that as long as it isn't excessive, an increase in the minimum wage will destroy few, if any, jobs. Their rationale: As businesses raise their wages, they're apt to suffer less turnover and will often find that their employees are more diligent, leading to a jump in output that more than makes up for the extra cost to the payroll.

As the Eisenhower plan moved to Capitol Hill, the action unfolded in a manner typical of the era. Democrats, by and large, wanted a higher minimum wage than did their GOP counterparts. But the divide wasn't purely partisan. Southern Democrats railed against a raise, while ''liberal Republicans'' favored one.

In July 1955, a bill emerged from Congress to increase the minimum wage to $1. A couple of weeks later, Mr. Eisenhower signed the legislation into law. ''I think 'fairness' is a good word'' to express what the president hoped to achieve, says Maxwell Rabb, who was Mr. Eisenhower's cabinet secretary. ''He did not want a divided nation,'' and lifting wages for those at the bottom was part of that larger agenda.

The minimum wage went up again during each of the next two administrations—those of presidents Kennedy and Johnson—and coverage also was extended to more than 12 million workers, including retail and restaurant employees and farm hands, who previously had been exempt. By 1968, as Richard Nixon was elected president, the value of the minimum wage had hit its apex: $6.82 an hour in today's terms.

Many lawmakers fixed their sights on the average wage in the U.S., taking care to keep the minimum at about half that amount. ''People feel poor when their income is less than 50% of the average,'' explained Rep. Al Quie of Minnesota, who served for 11 terms beginning in 1958 and would go on to become ranking Republican on the House Labor Committee.

Mr. Quie and other key players from the minimum-wage wars of yesteryear—including members of both parties—say their advocacy for increases was propelled, in large part, by a fundamental belief: People who get up and go to work each day deserve to make enough money to cover their essential needs. Employers that aren't productive enough to provide such a basic level of compensation—''chiselers,'' some detractors have called them—don't belong in an affluent society.

This way of thinking, recalls Eugene Mittelman, who served as labor counsel for GOP Sen. Jacob Javits of New York from the late 1960s through the mid-1970s, transcended all the conflicting studies about how the minimum wage affected unemployment, inflation and poverty. ''It was more of a general feeling that if people worked, they ought to make a living wage,'' he says. ''This wasn't economically driven. It was morally driven.''

The Shreveport that Pat Williams was born into in the spring of 1955 was an oil-and-gas boomtown, where folks swayed to the music of Elvis Presley, the young star of the ''Louisiana Hayride,'' a radio show aired right from the city's own Municipal Auditorium.

The Williams household didn't partake in the good times, however. The family never had much money, and Pat was raised under the loving but strict hand of a Jehovah's Witness. She was, she says, ''a good kid'' until, at age 13, she made a startling discovery: The couple she thought were her parents—the domestic and retired carpenter she had known her whole life as ''Mommy and Daddy''—were actually her aunt and uncle. Pat's real mother had abandoned her as a baby.

The revelation ''totally messed me up,'' she says. ''I went from getting A's and B's in school to D's and F's, when I showed up at all.''

By 19, Ms. Williams was a 10th-grade dropout with three children, no husband and no job. Then, one day in 1979, she says, ''something inside me clicked.'' Bored with just lounging around, living off welfare, and overwhelmed by a sense that ''I wanted my children to have more than I did,'' Ms. Williams set out to find work.

She landed a job at the Hollywood Tourist Courts, a rooms-by-the-hour motel where she cleaned up and checked in patrons, some of them acquaintances of hers apparently sneaking off for illicit trysts. She received only minimum wage—then $2.90 an hour—but ''it felt good,'' she says, to be bringing in her own money. ''I was proud.''

What's more, Ms. Williams found that even on her salary—which was equivalent to $6.34 an hour in today's dollars—she was able to meet her routine expenses without much of a strain. She usually had enough money left on the weekends to take her brood to Mister Swiss, a hamburger joint next to the motel, where they'd grab lunch and pop the leftover change into the jukebox. Despite being poor, says Ms. Williams, ''those days were more carefree.''

Over the next two years, the minimum wage rose to $3.35 an hour, or $6.08 in today's terms, following a four-step increase that had been passed in 1977. Little did Ms. Williams know that this would mark the last time the minimum wage would be raised for nearly a decade, undoing a practice that had been carried out by seven U.S. presidents—and leaving her further and further behind.

In the summer of 1969, an analysis written by a former commissioner of labor statistics named Ewan Clague crossed President Nixon's desk. It indicated that the minimum wage was exacerbating one of the most vexing problems confronting the nation at the time: a skyrocketing youth unemployment rate. A business owner subject to the minimum wage, Mr. Clague wrote, ''cannot afford to put up with a mediocre job performance by inexperienced youngsters.''

Mr. Nixon's answer—a proposal whose development can be traced through numerous documents culled from the National Archives—was to allow employers to pay 16- and 17–year-olds a ''youth subminimum,'' an amount even lower than the minimum wage. The logic was simple: High-school dropouts could then find entry-level positions much more easily, acquiring the skills and work habits they'd need to eventually secure more-rewarding jobs. Yet the plan faced many critics, who feared that business owners would engage in, as Sen. Javits put it, the ''wholesale replacement'' of adult workers with younger, cheaper employees.

A bill to raise the minimum wage finally passed the Democratic-controlled Congress in August 1973. However, it didn't include a youth subminimum, and it sought to ramp up the wage on a faster timetable than many Republicans thought prudent. The International Ladies' Garment Workers' Union launched a campaign urging Mr. Nixon to sign the bill; the corset and brassiere assemblers from Local 32 in New York alone mailed him more than 1,500 postcards and letters. Unimpressed, Mr. Nixon vetoed the legislation.

Mr. Meany, the AFL-CIO chief, slammed the president's decision as a ''cruel blow'' to low-wage workers, while Harrison Williams of New Jersey, the Democratic chairman of the Senate Labor Committee, accused Mr. Nixon of exhibiting ''a callous disregard'' for the working poor. But in hindsight, what's most striking about the standoff—so bitter and protracted that the legislative history would one day fill a bound volume more than two inches thick—is that few voices ever assailed the minimum wage itself.

''There can be no doubt about the need for a higher minimum wage,'' Mr. Nixon said in his veto message. ''Both fairness and decency require that we act. . . .''

In the spring of 1974, Congress passed a new minimum-wage bill, which still lacked a youth subminimum. But this time, on April 8, Mr. Nixon signed it, a deed that would get a little lost on the next morning's front page given other news out of Atlanta: Hank Aaron had just smashed his record-setting 715th major-league home run.

Few in the president's party protested the raise, which took the minimum wage to $2.30 an hour ($6.25 in 2001 terms) from $1.60 over three years. That made up for much of the inflation that had eaten away at it since the last increase in '68. The president himself proclaimed that, while Congress ''did not go as far as I wished in protecting . . . work opportunities for youth,'' the fight had dragged on long enough. Improving the wages of workers whose earnings have ''remained static for six years,'' he said, ''is now a matter of justice that can no longer be fairly delayed.''

It wouldn't take much of a cynic to dismiss President Nixon's comments as politically motivated, especially given that he signed the bill as the Watergate scandal neared its climax. Surely, he no longer had the muscle to sustain another veto. But several Nixon advisers insist that to read it this way would be mistaken.

''This wasn't a political sop to anybody,'' says Ken Cole, then Mr. Nixon's point man on domestic-policy issues. ''He believed in what he was doing.''

Whenever Labor Department supervisor Willis Nordlund needed some esoteric piece of information on the minimum wage, he knew right where to turn: the big bank of file cabinets inside room C–3319 at the department's cavernous Washington headquarters—a depository so chockfull, he says, it contained handwritten charts going back to the days of the New Deal.

And so, Mr. Nordlund recalls, it was more than a little shocking when one morning, sometime in the late 1980s, he walked into the third-floor file room, only to find all the material thrown out by another supervisor who wanted the space.

For someone who had taken to heart Franklin Roosevelt's assessment that, next to Social Security, the Fair Labor Standards Act ranked as ''the most far-reaching, far-sighted program for the benefit of workers ever adopted,'' it was not an easy period. Mr. Nordlund's budget for research into the minimum wage had been slashed through the Reagan years. Now, the cleaning out of the files, he says, was ''the final kick in the gut''—to him and, symbolically at least, to the minimum wage itself. ''This was an administration,'' he says, ''that just wanted the minimum wage to go away.''

Indeed, it did. A mere six years after Richard Nixon had talked about raising it as ''a matter of justice'' and three years after Jimmy Carter had raised it again, Ronald Reagan blasted the minimum wage as the cause of ''more misery and unemployment than anything since the Great Depression.''

Seen this way, raising the minimum wage wasn't moral; it was downright ''immoral,'' says economist Milton Friedman, the intellectual godfather of the Reagan revolution. ''If you're willing to work for $1.25 an hour,

and I'm willing to pay you $1.25 an hour because that's what you're worth, are you better off being unemployed'' because the government insists on a higher wage?

This wasn't a wholly new line of reasoning, to be sure. But after President Reagan was elected, ''the tone changed,'' says Sen. Edward Kennedy, the Massachusetts Democrat who is a leading champion of a higher minimum wage. ''It was much more ideological.''

For the first time ever, a president and his top aides set out to see the minimum wage wither. ''If we would have had our druthers,'' acknowledges Murray Weidenbaum, the chairman of Mr. Reagan's first Council of Economic Advisers, ''we would have eliminated it.'' However, because that would have been such ''a painful political process,'' Mr. Weidenbaum says that he and other officials were content to let inflation turn the minimum wage into ''an effective dead letter.''

The administration's antipathy was fueled by scholarship similar to that which Mr. Nixon had zeroed in on earlier: The minimum wage, these studies found, was a barrier to employment for low-skilled workers, especially African-American teens.

Much of this research was the product of a ''neoclassical'' movement in economics that had been gaining steam in academic circles since the 1960s, thanks in no small part to the influence of University of Chicago professors, including Mr. Friedman and George Stigler. The school emphasized the virtues of economic efficiency. The concept that every worker is entitled to a ''living wage,'' regardless of his or her skills, ''was no longer part of the discussion,'' says Robert Prasch, who teaches the history of economic thought at Middlebury College.

At one point, Mr. Reagan proposed his own version of a youth subminimum. But unlike President Nixon, whose promotion of a lesser pay scale for teenagers had been tempered by a sense that the minimum wage shouldn't be allowed to erode too much in general, Mr. Reagan saw almost any meddling in the marketplace as anathema. The president ''believed that the government should not have the right to step in and bar employment opportunities for anyone,'' says John Cogan, who served as an assistant secretary in the Reagan Labor Department. ''The moral issue was very clear in his mind.''

It was for others as well. Many of the Republicans who rode on Mr. Reagan's coattails in 1980 ''thought just like he did'' on the minimum wage, says John Motley, who was then a lobbyist for the National Federation of Independent Business, a group representing small enterprise. In fact, he says, about two dozen lawmakers elected to Congress that year—far more than ever before—were NFIB members. On Capitol Hill, entrepreneurs were treated increasingly as ''heroic figures,'' Mr. Motley says. ''The government needed to help them, not saddle them with mandates and regulations.''

As the NFIB and other minimum-wage adversaries such as the National Restaurant Association ascended, the policy's greatest guardian fell on hard times. Following President Reagan's firing of striking air-traffic controllers in 1981, labor unions went on the defensive and were unable to fight as tenaciously as they had in the past for a higher minimum wage. All the while, the portion of the work force that's unionized declined steadily, edging under 20% in 1984.

When Mr. Reagan took office in 1981, the minimum wage was at $3.35 an hour. When he left eight years later, it was still at $3.35. In real terms, its value had sunk almost 27%, to $4.46 in today's dollars.

Back in Shreveport, Pat Williams grappled with the consequences. After a couple of years at the Hollywood Courts, she left the motel for a better job, cooking soul food at a restaurant called the Riverboat Inn for the comparatively lofty pay of $5.75 an hour. But the place shut down in the mid-1980s, and Ms. Williams wound up as a nursing assistant at Harmony House, back on the minimum wage.

As her purchasing power dwindled, Ms. Williams scrimped. Where her family once enjoyed a varied diet, including all sorts of meat, by the late '80s they ate strictly chicken—so much of it that her kids would break out in song around the dinner table:

Chicken fly high
Chicken fly low
Chicken fly Mamma's way
Don't fly no mo'

When the chicken money ran out, the children recall, they subsisted on beans and rice.

The worst, though, was the holidays. Ms. Williams and the kids—Theresa, Youlonda and Darrell—all still vividly remember the Christmas that they couldn't afford a single gift. Youlonda says that she and her siblings tried to comfort their mom, telling her it was all right, that they understood. But Ms. Williams just sat on her bed and cried. Eventually, she came out of her room and turned on the stereo. She doesn't remember exactly what she played that December afternoon, but she's sure it was her favorite music: the blues.

''If you really listen to the blues,'' she says, ''you find out it's nothing but the truth.''

A half dozen Harmony House workers sat on Ms. Williams's threadbare couches one evening last April, sipping beers and peering through a cigarette haze, as union organizer Zack Nauth offered up something rare in their lives: a word of hope.

Louisiana nursing homes, which had been complaining that deficient Medicaid reimbursements were the main culprit for their workers' low pay, were slated to receive a $60 million infusion from the state. Mr. Nauth, of the Service Employees International Union, told the women that they needed to speak up and make sure they got their fair share. The nursing homes, Mr. Nauth said, would ''just as soon put it all into their own bank accounts.''

The women were skeptical that any of it would come their way, however, and spent most of the night venting. One worker, Shirley Vance, was particularly testy and questioned why they even have a union at Harmony House. ''I don't see no results,'' she said, griping about her biweekly dues of $6.50. But Ms. Williams and her friend, Annie Freeman, maintained that the union has been a real plus. Workers had fewer rights and virtually no benefits, they said, before the SEIU got there. ''We've had to fight for what we have,'' said Ms. Williams.

Of the six women at the meeting, all were making less than $6 an hour, including one who has been at Harmony House for 18 years. ''We can't survive on what they pay us,'' said Ms. Freeman, a nursing assistant who, after more than a decade at the home, earns $5.60 an hour.

''We sure can't,'' echoed Ms. Vance. ''It's pitiful.''

Before the meeting broke up, the conversation turned to the minimum wage. Mr. Nauth told the group that he's heard rumblings that Congress may vote on an increase this year. Ms. Williams said she gets ''all excited'' at the prospect but knows better than to count on it. The last time lawmakers deliberated on such legislation, just last year, it died.

Since Ronald Reagan left office, the minimum wage has been raised twice: with great reluctance by President Bush in 1989 and by President Clinton in 1996. Both followed drawn-out battles defined by the kind of partisan sniping that has come with the changed complexion of Congress. Many of the seats once held by Southern Democrats have been seized by Republicans, and the number of GOP moderates who used to support the minimum wage has shriveled in the conservative tide.

One new twist, added to the debate in recent rounds, is that tax breaks for small businesses are now routinely linked to any minimum-wage bill. The only way low-wage workers get help is if company owners do, too. In earlier years, ''that would have been laughed out of the room by both sides,'' says Ken Young, a long-time AFL–CIO official. No one thought about business breaks ''when you were talking about the people at the very bottom end of the economic ladder.''

With the minimum wage worth less today than it was all through the '60s and ' 70s, a backlash has developed around the nation. Ten states and the District of Columbia now have their own minimum wages that are higher than the federal government's. And in a host of cities, so-called living-wage campaigns have been undertaken to raise workers' pay to anywhere from around $8.00 an hour—what it takes for someone to support a family of four above the poverty line—to more than $10.

The immediate aim of the Harmony House workers, though, was far more modest: a $1-an-hour increase. Mr. Nauth asked the women to devise a slogan that they could use to rally the public to their cause. Ms. Freeman's entry: ''Take Care of the People Who Take Care of Yours.''

Several of the women said they think from time to time about finding another job. The Shreveport economy has been strong lately, and most ''anybody that's got some get-up-and-go'' should be able to find work that pays satisfactorily, says Mayor Keith Hightower. The median pay for telemarketers in the area is $8.50 an hour. Housekeepers at the casinos earn up to $7. But for someone like Ms. Williams, who burns up so much energy just trying to make it day to day, job hunting seems hugely daunting.

Besides, she and the others say that, save for their wages, they feel good about what they do. The nursing home residents ''are like family,'' says Ms. Williams, who keeps photographs of her patients who've passed on. In the mid-'90s, Ms. Williams left Harmony House for a hospital job that paid a bit better, but she came back a couple of years later because she didn't like the atmosphere at the new place nearly as much.

Over at Harmony House, a low-slung edifice that's antiseptic-clean inside, officials say they'd love to pay their workers more, but the Medicaid situation has made it impossible. ''We've really been in a pinch,'' says James Shelton, a supervisor at Central Management Co., a Winnfield, La.-based firm whose principals own and operate Harmony House along with other nursing homes around the state. Nevertheless, the company's president saw his own pay go up 44% in 1999. According to the latest available records from the state health department, Teddy Price's salary soared to $402,943 that year from $279,282 in 1998. A spokeswoman says the increase reflects Mr. Price's heightened responsibilities during the past few years as Central Management has added five new facilities to its portfolio.

Less than a week after The Wall Street Journal asked Central Management about its workers' wages, Harmony House announced that ''because of market conditions,'' it was raising the pay of its certified nursing assistants. Housekeepers, laundry workers and kitchen personnel got no increase.

Ms. Williams says she's ''grateful.'' She now makes $6.35 an hour—pay that's about equal in value to that of her first minimum-wage job, 22 years ago.

THE FACES OF LOW-WAGE WORK

Name: Gussie Cannedy.
Age: 76.
Home: Philadelphia.
Occupation: Answers phones at the American Red Cross.
Hourly wage: $5.15.
Ms. Cannedy, a widow who retired as a clothing-factory supervisor in 1985, works at the Red Cross to supplement her $715 in monthly Social Security income. Yet it isn't really enough. ''If it weren't for my children sending money every so often,'' she says, ''I couldn't get over the hump.''

Name: Mary Anne Thomas.
Age: 40.
Home: North Little Rock, Ark.
Occupation: Personal care and home-health aide.
Hourly wage: $5.60.
Ms. Thomas, who works about 18 hours a week, says she is doing okay, thanks to her husband's $7.50–an-hour job as a liquor-store salesman. Still, she has been actively campaigning for a ''living wage'' in her area, after seeing so many colleagues struggling to stay afloat.

Name: Trae Sweeten.
Age: 18.
Home: Newport, Tenn.
Occupation: Does everything from making burgers to cleaning the parking lot at a Wendy's restaurant.
Hourly Wage: $5.60.
Trae, who lives with his father and will soon start community college, says his wage is sufficient for ''putting money in my pocket.'' Besides, he adds, his stint at Wendy's has been ''a nice taste of the working world.''

Name: Celia Gonzalez.
Age: 48.
Home: San Antonio.
Occupation: Sews baseball caps and tennis visors at a hat factory.
Hourly Wage: $6.
Ms. Gonzalez, a single mom, counts on her 21–year-old son, who earns $5.15 an hour at a tortilla factory, to help with the family finances. ''Food is now very expensive,'' says Ms. Gonzalez, who moved to the U.S. from Mexico about 15 years ago. She stays at home on weekends because going out anywhere would burn the fuel she needs to get herself and her son to work.●

CONGRATULATING JUDGE RENA MARIE VAN TINE

● Mr. DURBIN. Madam President, I rise to recognize and congratulate Rena Marie Van Tine of Chicago on her recent appointment as an Associate Judge of the Circuit Court of Cook County, IL. When she was sworn in on June 12, 2001, Ms. Van Tine became not only the first judge in Illinois of South Asian heritage, but the first female Indian American judge in the Nation.

With a fast-growing community of Asian Americans in Cook County, it is important that the Judiciary reflects the diversity of the people it serves. I applaud Chief Judge Donald P. O'Connell and other Circuit Judges of Cook County for electing this outstanding lawyer to join them on the bench.

Judge Van Tine is a highly experienced attorney with a distinguished record of service to the people of Illinois. She most recently served as Special Counsel to Illinois State Comptroller Daniel W. Hynes, in a position where she oversaw the regulation of approximately one billion dollars in Illinois consumer trust funds entrusted pursuant to the laws governing the cemetery and funeral industries.

Prior to joining the Comptroller's Office, Judge Van Tine was a Cook County Assistant State's Attorney for 12 years. In this capacity she tried hundreds of cases, both in the Criminal Division where she prosecuted violent offenders, as well as in the Civil Division where she saved taxpayers millions of dollars in lawsuits.

In addition to her public service positions, Judge Van Tine has been active with voluntary bar activities. A past president of the Asian American Bar Association and a former executive committee member of the Alliance of Bar Associations for Judicial Screening, she is currently on the board of the Women's Bar Association of Illinois, and is a founding member of the Chicago chapter of the Indian-American Bar Association.

Her contributions to the legal profession are extensive. Judge Van Tine was an adjunct professor for Trial Advocacy at the Chicago-Kent College of Law, and has served as a mock judge for local and national moot court competitions. She has written a book chapter in the American Bar Association's publication of ''Dear Sisters, Dear Daughters: Words of Wisdom from Multicultural Women Attorneys Who've Been There and Done That.'' She also assisted in establishing a legal clinic at the Indo-American Center, which has been providing legal assistance to the Asian American community since 1997.

Judge Van Tine has made numerous appearances at law schools, bar programs, and symposiums to educate law students, attorneys, and community members about various aspects of law and issues affecting Asian Americans, such as hate crimes. She has also discussed the issue of running ethical judicial campaigns on a cable program aired by the Illinois Judges Association.

Judge Van Tine is a member of the Fourth Presbyterian Church where she has participated in conducting Cabrini Green Health workshops for children, serving as a Cook County Hospital candy striper, and volunteering as a Sunday nursery school teacher.

Judge Van Tine earned her law degree at New York Law School and her undergraduate degree from Oakland University. She has completed several graduate courses at Michigan State University focusing on inter-cultural communication. Judge Van Tine has been married for 13 years to Matthew Van Tine, an attorney specializing in commercial and antitrust litigation. They have a young daughter named Kristen.

As the senior Senator of the State of Illinois, I ask my colleagues to join me on the occasion of her appointment to the bench in congratulating Rena Marie Van Tine for all of her accomplishments.●

TRIBUTE TO DONNA CENTRELLA

● Mrs. CLINTON. Madam President, I rise today to pay tribute to Donna Centrella, a very special woman whom I met 2 years ago during my campaign in New York. Donna died on Monday after a long, brave battle with ovarian cancer.

I first met Donna in September 1999 when I visited Massena Memorial Hospital in Massena, NY. Donna had been diagnosed with ovarian cancer in August, but did not have health insurance to cover her treatment. Miraculously, she found a doctor who would treat her without insurance and she was able to afford care through a variety of State programs.

Perhaps even more astounding was her doctor's statement that she was actually better off without managed care coverage because he could better treat her that way. Without HMO constraints, they were free to make the decisions about the best procedures to follow for her treatment and care: Her doctor could keep her in the hospital as long as needed and he would not have to get pre-approval for surgery.

I have retold Donna's unbelievable story many times since meeting this extraordinary woman. Hers is a story that underscores the profound need in this country for immediate reform of the way we provide health coverage to our citizens. We owe it to patients like Donna to sign patient protections into law as soon as possible to ensure that we can provide the best medical treatment possible to everyone who needs it.

We have lost an ally, but I have faith that we will not lose the fight for greater patient protections. It saddens me greatly that Donna will not be here to see it happen. She was an amazing soul whose determination and strength I will never forget.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith 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*.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on July 20, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

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

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–139. A resolution adopted by the National Black Chamber of Commerce, Inc. relative to energy; to the Committee on Energy and Natural Resources.

POM–140. a resolution adopted by the City Council of Berea, Ohio relative to the Domestic Steel Industry; to the Committee on Finance.

POM–141. A petition presented by the Council on Administrative Rights entitled ''Reaffirm America''; to the Committee on Finance.

POM–142. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to the Individuals with disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 13

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, the IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted the Individuals with Disabilities Education act, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 14 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring;

That the New Hampshire general court urges the President and the 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 that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–143. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to authorizing greater state regulation of gas pipelines carrying other hazardous substances; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 12

Whereas, ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the federal government is responsible for the oversight of interstate pipelines; and

Whereas, several significant pipeline spills have occurred in other parts of the nation in recent years, including a major petroleum spill in Bellingham, Washington, resulting in a fire which killed 3 people and destroyed much of a city park; and

Whereas, Washington governor Gary Locke thereafter formed a study team of local and state fuel accident response agencies, which in the course of numerous meetings, briefings, and public hearings learned that current federal oversight of pipeline safety is inadequate in many respects; and

Whereas, the state of Washington is providing an example of how oversight of pipeline safety can be effectively accomplished at the state level by developing a strong, coordinated program of state and local oversight of pipeline safety that will be well integrated with concurrent federal oversight; and

Whereas, such state programs cannot be fully implemented without action by the Congress and the President to modify existing statutes and provide necessary administrative and budgetary support; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That Congress enact legislation amending the federal Pipeline Safety Act (49 U.S.C. Section 60101, et seq.) to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce; and

That such act be further amended to allow states at their option to seek authority to administer and enforce federal pipeline safety standards; and

That as an interim measure pending congressional consideration of such legislative enactments the President direct the federal Office of Pipeline Safety to grant authority to states that qualify to enforce federal standards; and

That Congress increase funding to assist states in responding to pipeline accident emergencies, to implement pipeline safety measures, to support states with delegated authority to enforce federal standards, and to the Office of Pipeline Safety for additional research and development of technologies for testing, leak detection, and oversight operations; and

That the clerk of the New Hampshire house of representatives forward copies of this resolution to the President of the United States, the Secretary of the United States Department of Transportation, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the New Hampshire congressional delegation.

POM–144. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to allowing 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.

HOUSE CONCURRENT RESOLUTION 1

Whereas, American servicemen and women have dedicated their careers to protecting the rights we all enjoy; and

Whereas, military personnel endure hardships, the threat of death and disability, and long separation from their families in service to their country; and

Whereas, career military personnel accrue retirement pay based on longevity of service and rank at retirement; and

Whereas, service-connected disability pay serves a different purpose from longevity retirement pay and is intended to compensate military personnel for pain, suffering, disfigurement, and impaired earning ability to due to disability; and

Whereas, under a 19th century law that is still in effect, military retirees are denied concurrent receipt of full retirement pay and service-connected disability compensation benefits. They must choose receipt of one or the other or waive an amount of retirement pay equal to the amount of disability compensation; and

Whereas, no other federal employees face a reduction in civil service retirement benefits if they also receive compensation for a service-connected disability; and

Whereas, federal legislation has been introduced to amend Title 38 of the U.S. Code to treat career military retirees like other federal retirees and permit them to receive service-connected disability compensation without requiring a concurrent deduction from retirement pay; and

Whereas, it is fundamentally unfair to require military veterans to essentially fund their own disability compensation by offsetting it against retirement benefits earned in service to their country; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby urges 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; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the chairpersons of committees of the United States Congress having jurisdiction over Veterans Affairs, the Secretary of Defense; and each member of the New Hampshire congressional delegation.

POM–145. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to supporting the electoral college; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 10

Whereas, the President of the United States has been elected by the electoral college since the adoption of the Constitution; and

Whereas, the electoral college promotes moderation in the political process by encouraging the consideration of varying perspectives and discouraging the exclusion of minorities of all types, including geographic and philosophical minorities; and

Whereas, the electoral college preserves and recognizes the importance of states as states; and

Whereas, the electoral college promotes the separation of powers, without which a federal system of government cannot successfully function; and

Whereas, the constitutional concepts of the electoral college, the bicameral legislature, and the nonelective judiciary serve to articulate the superiority of fundamental rights over majoritarianism; and

Whereas, the abolition of the electoral college necessarily entails the abandonment of a constitutionally-enshrined and historically-tested system in favor of an uncertain alternative requiring federal control of the electoral process; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the preservation of the electoral college is in the best interests of this nation and all of its citizens; and

That any attempt to amend the Constitution to abolish the electoral college should be defeated; and

That the clerk of the New Hampshire house of representatives forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and to the members of the New Hampshire congressional delegation.

POM–146. A joint resolution adopted by the Legislature of the State of New Hampshire relative to expanding eligibility for membership in the American Legion; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 1

Whereas, membership in the American Legion is restricted to veterans who served during certain periods set by Congress of wartime service; and

Whereas, membership in the American Legion is declining; and

Whereas, many otherwise qualified veterans are prevented from joining the American Legion due to the restrictions on dates of service; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of the state of New Hampshire hereby urges 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; and

That copies of this resolution shall be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

POM–147. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to insurance coverage for loss, damage, or diminution in value to property caused by drought; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 140

Whereas, drought is a complex physical and social phenomenon of widespread significance; and

Whereas, drought damage is unforeseenable and not immediately identifiable; and

Whereas, the ongoing drought in some parts of the country has an adverse impact on the economic growth; and

Whereas, many insurers will not recognize damages to property caused by varied climatic conditions, lack of precipitation for extended periods of time being just one example; and

Whereas, many homeowner insurers do not recognize structural damage caused by foundation shifts due to adjustments in subsurface water levels as covered under their respective policy provisions or within the policy definition as an ''Act of God''; and

Whereas, millions of homeowners are forced to bear the financial burden to repair homes for damage caused by natural circumstances beyond their conrol but for which homeowner insurance policies should protect against: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to study the feasibility of insurance coverage for loss, damage, or diminution in value to property caused by drought: Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–148. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the pending charter boat moratorium in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 50

Whereas, the charter fishing industry in Louisiana is in its infancy but has begun a period of healthy growth which can only be beneficial to the state's overall economic development and the capture of tourist dollars; and

Whereas, the Gulf States Fishery Management Council voted this spring to send to the National Marine Fisheries Service a recommendation for a three-year moratorium on the issuance of new charter vessel permits for reef and coastal migratory pelagic fishing; and

Whereas, the genesis of the recommended moratorium was concern about the area of the Gulf of Mexico near Florida where the charter industry is much more mature, much more widespread, and has created a situation where there are too many boats with too many fishermen competing for too few fish; and

Whereas, the charter industry in Louisiana exists in a significantly different environment, one where there is not an overabundance of permitted charter boat captains and where there is an abundance of habitat and fish which should result in a productive charter industry; and

Whereas, a productive and expanding charter industry would be of great benefit to the economic health of the state, a benefit that would be denied the state of Louisiana if the moratorium were adopted and new charter captains would not be eligible for permitting. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the Louisiana Congressional delegation and the United States Congress to express its desire to the National Marine Fisheries Service that the pending charter boat moratorium in the Gulf of Mexico not be implemented. Be it further

Resolved, That if a moratorium is considered by the National Marine Fisheries Service, that the moratorium be limited to the eastern Gulf of Mexico with an authorization for continued expansion of the industry in the western Gulf of Mexico where there are no issues of overcrowding. Be it further

Resolved, That a copy of this Resolution be forwarded to each member of the Louisiana Congressional delegation and to the presiding officers of the United States House of Representatives and the United States Senate.

POM–149. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 76

Whereas, it has been almost four years since the environmental impact statement was prepared for the Oil and Gas Lease Sales 169, 172, 175, 178, and 182 in the Gulf of Mexico; and

Whereas, as a result of public testimony in response to that environmental impact statement, there was recognition of the significant impact which will be felt relative to the infrastructure in offshore activity focal points such as Port Fourchon and LA Highway 1 through the parish of Lafourche; and

Whereas, at the present time, 40 of the 45 deep water rigs working in the Gulf of Mexico are being serviced through Port Fourchon, as are many of the rigs located on the Outer Continental Shelf, with the accompanying increase in land traffic and inland waterway traffic, all primarily through the parish of Lafourche; and

Whereas, efforts have so far failed to develop plans to mitigate these present and well-documented impacts while efforts to increase the number of leases in the Gulf of Mexico continue with no apparent effort to provide mitigation for current or increased impacts. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the Congress of the United States to direct the Minerals Management Service of the United States Department of the Interior to develop a plan for impact mitigation relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, to each member of the Louisiana Congressional delegation, and to the director of the Minerals Management Service.

POM–150. A resolution adopted by the Senate of the State of Louisiana relative to repealing mandatory minimum sentences; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 75

Whereas, the rising cost of incarceration at all levels is placing an increased fiscal burden on state and local governments; and

Whereas, studies continue to indicate that incarceration is not always the answer or the cure-all for crime and its consequences in the nation; and

Whereas, alternatives to incarceration, such as pre-trial intervention programs, drug courts, and restorative justice, are proving to be more effective in rehabilitation of offenders as well as in lowering incidents of recidivism; and

Whereas, only through rehabilitation, educational opportunities, and re-entry and acceptance into the community can an offender make the transition from societal dropout to community contributor; and

Whereas, each offense and each offender's potential must be judged individually by the court system to determine, within statutory guidelines, the consequence which will be most beneficial to society; and

Whereas, realizing the expense and the limitations placed on sentencing options by minimum mandatory sentencing, the state of Louisiana has removed minimum mandatory sentencing for non-violent crimes in the state through passage of Senate Bill 239 during the 2001 Regular Session; and

Whereas, the repeal of mandatory minimum sentencing on a national level is necessary to fully address the issue. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to repeal mandatory minimum sentences. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–151. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the problem of sexual trafficking; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 29

Whereas, recent headlines have called greater attention to the widespread and growing problem of sexual trafficking in the United States and worldwide; and

Whereas, the selling of young women into sexual slavery is one of the fastest growing criminal enterprises in our global economy with an estimated 45,000 to 50,000 women and children trafficked annually to the United States for "the sex industry and for labor," according to a report by the Center for the Study of Intelligence; and

Whereas, victims have traditionally come from Southeast Asia and Latin America, the trade has been expanded so that victims are increasingly coming from Central and Eastern Europe; and

Whereas, traffickers lure desperately poor young women and their families with false promises of money, jobs, and better opportunities abroad and once in the United States, women find themselves trapped into forced prostitution without money or legal help to escape; and

Whereas, women also are trafficked for forced domestic and sweatshop labor, which often involves sexual violence and exploitation as well; and

Whereas, trafficking victims suffer extreme physical and mental abuse, including rape, imprisonment, forced abortions, and physical brutality, and they also face an enormous risk of HIV infection from male "customers" who seek younger and younger girls for sexual exploitation; and

Whereas, as in many countries, existing United States laws are inadequate to punish traffickers or to protect and assist the women and girls who are their prey. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to address the problem of sexual trafficking and to support the bipartisan federal initiatives to prosecute traffickers and assist victimized women and girls. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001." (Rept. No. 107–44).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002" (Rept. No. 107–45).

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1218: An original bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 1218. An original bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. GRASSLEY:

S. 1219. A bill to amend the Internal Revenue Code of 1986 to include swine and bovine waste nutrients as a renewable energy resource for the renewable electricity production credit, and for other purposes; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. SMITH of Oregon, Mr. SCHUMER, Mr. SPECTER, and Mr. DURBIN):

S. 1220. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 1221. A bill to amend title 38, United States Code, to establish an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for himself, Mr. EDWARDS, Mr. FEINGOLD, Mr. JOHNSON, Mrs. LINCOLN, Mrs. CLINTON, Mr. KENNEDY, Mr. HOLLINGS, Mr. BAYH, Ms. MIKULSKI, Mrs. BOXER, Mr. TORRICELLI, Mr. DURBIN, Mr. CORZINE, Mr. SARBANES, Mr. REID, Ms. LANDRIEU, Mr. SCHUMER, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CLELAND, Mr. KERRY, Mr. INOUYE, Mr. MURKOWSKI, Mr. COCHRAN, Mr. SPECTER, Mr. CRAIG, Mr. THURMOND, Mr. CRAPO, Mr. HELMS, Mr. HATCH, Mr. WARNER, Mr. BROWNBACK, Mr. SHELBY, Mr. SESSIONS, Mr. INHOFE, Mr. ALLEN, Mr. DAYTON, Ms. STABENOW, Mr. REED, Mr. BREAUX, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. GRASSLEY, Mr. ENSIGN, Ms. COLLINS, Mr. STEVENS, Mrs. HUTCHISON, Mr. DEWINE, Ms. SNOWE, Mr. SANTORUM, Mr. HAGEL, and Mr. ROBERTS):

S. Res. 138; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. INOUYE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 159

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 349

At the request of Mr. HUTCHINSON, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 357

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 357, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 358

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 358, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes.

S. 538

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 538, a bill to provide for infant crib safety, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 548

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 584

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 584, a bill to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall States Courthouse''.

S. 615

At the request of Mr. KOHL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 615, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 661

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 662

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 760

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 838

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 932

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 932, a bill to amend the Food Security Act of 1985 to establish the conservation security program.

S. 989

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 989, a bill to prohibit racial profiling.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1075

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1078

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1078, a bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods.

S. 1079

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1079, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 1125

At the request of Mr. MCCONNELL, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. LUGAR), the Senator from Nebraska (Mr. NELSON), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1126

At the request of Mr. BROWNBACK, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1126, a bill to facilitate the deployment of broadband telecommunications services, and for other purposes.

S. 1204

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1204, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1219. A bill to amend the Internal Revenue Code of 1986 to include swine and bovine waste nutrients as a renewable energy resource for the renewable electricity production credit, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, for years I have worked to decrease our reliance on foreign sources of energy and accelerate and diversify domestic energy production. I believe public policy ought to promote renewable domestic production that burns clean energy. For this reason, I will be introducing the Providing Opportunities With Effluent Renewables, or POWER Act today which cultivates another homegrown resource: swine and bovine waste nutrients.

Section 45 of the Internal Revenue Code provides a production tax credit for electricity produced from renewable sources. Currently, the production tax credit is available for wind, closed-loop biomass, and poultry waste. The

POWER Act will modify Section 45 to include swine and bovine waste nutrient as a renewable energy source.

The benefits of swine and bovine waste nutrient as a renewable resource are enormous. Right now, there are at least 20 dairy and hog farms in the United States that use an anaerobic digester or similar systems to convert manure into electricity. These facilities include swine and/or dairy operations in California, Wisconsin, New York, Connecticut, Vermont, North Carolina, Pennsylvania, Virginia, Colorado, Minnesota, and my home State of Iowa.

By using animal waste as an energy source, a livestock producer can reduce or eliminate monthly energy purchases from electric and gas suppliers. In fact, a dairy operation in Minnesota that uses this technology generates enough electricity to run the entire dairy operation, saving close to $700 a week in electricity costs. This dairy farm also sells the excess power to their electrical provider, furnishing enough electricity to power 78 homes each month, year round.

The benefits of using an anaerobic digester do not end at electricity production. Using this technology can reduce and sometimes nearly eliminate offensive odors from the animal waste. In addition, the process of anaerobic digestion results in a higher quality fertilizer. The dairy farm I referenced earlier estimates that the fertilizing value of the animal waste is increased by 50 percent. Additional environmental benefits include mitigating animal waste's contribution to air, surface, and groundwater pollution.

With all the problems that this type of opportunity remedies, I'm sure there will be a number of folks wondering why we haven't tried this before. The reason is, even if we had provided swine and bovine producers with tax incentives to produce renewable energy, they probably wouldn't have had access to the capital necessary for infrastructure development.

In fact, there was a segment on National Public Radio last week addressing the topic of anaerobic digester energy production. A professor from Cal State University who is an expert on anaerobic digesters was interviewed. The professor explained that the main reason farmers have not pursued this type of opportunity is cost.

For that reason, in addition to the tax credit opportunity I'm providing under section 45, I'm also going to guarantee within the POWER Act that funds be made available under the Environmental Quality Incentives Program for the development of anaerobic digesters.

Currently, the Environmental Quality Incentives Program provides funding for technical, educational, and financial assistance to farmers and ranchers for soil, water, and related natural resource concerns on their land. A component of the program allows for improvements to farm manure management systems. The POWER Act will guarantee that payments, up to two years worth of funding which currently amount to $100,000, would be made available to producers for ''cost sharing'' opportunities related to anaerobic digester implementation.

Using swine and bovine waste nutrient as an energy source can cultivate profitability while improving environmental quality. Maximizing farm resources in such a manner may prove essential to remain competitive and environmentally sustainable in today's livestock market.

In addition, more widespread use of this technology will create jobs related to the design, operation, and manufacture of energy recovery systems. The development of renewable energy opportunities will help us diminish our foreign energy dependence while promoting ''green energy'' production. This tax/farmbill proposal is real ''win-win'' situation for America and for our livestock producers.

Using swine and bovine waste nutrient is a perfect example of how the agriculture and energy industries can come together to develop an environmentally friendly renewable resource. My legislation will foster increased investment and development in waste to energy technology thereby improving farmer profitability, environmental quality, and energy productivity and reliability.

Why should we promote swine and bovine waste nutrient as an energy source? Consider the recent electricity shortage in California, the sky-high prices at the pump throughout last year and the soaring cost of home heating fuel and natural gas this winter. We have an obligation to consumers across the country to accelerate the nation's production of homegrown, clean-burning, renewable sources of energy.

The POWER Act is good for agriculture, good for the environment, good for energy consumers, and promotes a good, make that great, renewable resource that will reduce our energy dependence on foreign fuels. It is my hope that all of my colleagues join with me to advance this important piece of legislation.

By Mr. BREAUX (for himself, Mr. SMITH of Oregon, Mr. SCHUMER, Mr. SPECTER, and Mr. DURBIN):

S. 1220. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation or improvement of railroad track; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, today my colleague Senator SMITH of Oregon and I have introduced the Railroad Track Modernization Act. As chairman and ranking member of the Surface Transportation and Merchant Marine Subcommittee of the Senate Commerce, Science, and Transportation Committee, the needs of the Nation's small railroads have been brought to our attention by railroad experts during hearings concerning the state of the railroad industry. Our colleagues Senators SCHUMER, DURBIN, and SPECTER join us in introducing this legislation.

Short line railroads have saved tens of thousands of miles of light density rail line from abandonment. In 1980, there were 220 short line railroads in the U.S. Today there are over 500 short line railroads, due in part to the mergers and streamlining of Class I operations which encouraged the larger companies to sell off their little-used or abandoned branch lines. Short line and regional railroads are an important and growing component of the railroad industry. Today they operate and maintain 20 percent of the American railroad industry's route mileage and account for 9 percent of the rail industry's freight revenue and 11 percent of railroad employment.

These line railroads employ approximately 25,000 individuals, serve thousands of local and rural shippers and are often the only connection these shippers have to the national rail network. To survive, this infrastructure needs to be upgraded in order to move the heavier cars that are currently being moved by the Class I railroads. The revenues of the smaller railroads are not sufficient to get the job done.

Since 1982, the short lines and regional have maintained the track in rural areas where rail service would have been abandoned by the Class I railroad. Because of their relatively low traffic levels, the Class I railroads could not afford to invest in this infrastructure and, as a result, allowed these lines to slowly deteriorate. With a lower cost structure and more flexible service, short line companies that both the track have been able to keep them going. However, the revenue is still not high enough to make up for past years of neglect.

Today, two factors have combined to bring this situation to a head. First, the advent of the heavier 286,000-pound cars that are becoming the standard of the Class I industry puts a greater premium on speed and precisely scheduled operations, the short line railroads must meet these higher standards or be cut off from the national system.

This legislation does not create a long term program to fix this problem, but instead it creates a one time fix for this problem. While these small railroads have enough traffic to operate profitably on an ongoing basis, they do not earn enough to make the large capital investment required by the advent of the 286,000-pound cars or the need to significantly increase speed. This legislation would authorize a program which could provide grants to the nation's smaller railroads to help them make the improvements needed to stay in business and continue to serve small shippers.

This legislation is of vital importance to the economy of Louisiana and the Nation. Louisiana is home to ten

small freight railroads that maintain rail service on over 500 miles of track. Without these small railroads, dozens of Louisiana communities and hundreds of employees would be cut off from our national rail network.

In addition, small railroads are vital to the safety of our highways. Every loaded rail car keeps as many as four trucks off to our nation's roads. At a time when we face record congestion and unprecedented delays we can ill afford the influx of trucks caused by the failure of the small freight railroad system. Millions of additional trucks per year is not only bad for our interstate highways, but also for the state rural roads in Louisiana. These roads will bear the brunt of damage caused by the trucks, while dramatically increasing our highway costs.

The Timber Rock Railroad, TIBR, serves Beauregard Parrish and handles 15,000 carloads of freight per year, of which lumber and coal are the major commodities. Without the existence of TIBR, many major employers in western Louisiana such as Boise Cascade, Louisiana Pacific and Energy Gulf States would be without any rail service at all. The New Orleans and Gulf Coast Railway runs for 24 miles from Gouldsboro Yard in New Orleans through Orleans, Jefferson, and Plaquemine Parishes to Myrtle Grove. New Orleans and Gulf Coast, NOGC, serves shippers such as Chevron Chemical's Oak Point Plant, Harvest States' Myrtle Grove Grain Export Terminal, and TOSCO Petroleum's refinery at Alliance. Rail is the safest mode of transportation for hazardous materials, and by transporting hazardous materials by rail NOGC keeps hundreds of truckloads of dangerous cargoes off of Highway 23 and the streets of New Orleans. The Louisiana & Delta Railroad, L&D, is headquartered in New Iberia, LA and operates 114 miles of track carrying 12,000 carloads of carbon black, sugar, molasses, pipe, rice and paper products. The railroad serves dozens of customers in Lafayette, St. Martin, Vermilion, Iberia, St. Mary, Assumption, and Lafourche Parishes. In order to upgrade the infrastructure of Louisiana's short lines and those around the nation who provide the same kind of local service as the TIER, NOGC, and L&D, the Railroad Track Modernization Act should be passed.

I look forward to working with my colleagues on this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1220

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 ''Railroad Track Modernization Act of 2001''.

SEC. 2. CAPITAL GRANTS FOR RAILROAD TRACK.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

''CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

''Sec.
''22301. Capital grants for railroad track.

''§ 22301. Capital grants for railroad track

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transportation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound rail cars. Grants may be provided under this chapter—

''(A) directly to the class II or class III railroad; or

''(B) with the concurrence of the class II or class III railroad, to a State or local government.

''(2) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

''(3) INTERIM REGULATIONS.—Not later than December 31, 2001, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

''(4) FINAL REGULATIONS.—Not later than October 1, 2002, the Secretary shall issue final regulations to implement the program under this section.

''(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case by case basis consistent with this chapter.

''(c) PROJECT ELIGIBILITY.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of the Railroad Track Modernization Act of 2001.

''(d) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

''(e) ADDITIONAL PURPOSE.—In addition to making grants for projects as provided in subsection (a), the Secretary may also make grants to supplement direct loans or loan guarantees made under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)), for projects described in the last sentence of section 502(d) of such title. Grants made under this subsection may be used, in whole or in part, for paying credit risk premiums, lowering rates of interest, or providing for a holiday on principal payments.

''(f) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of the Railroad Track Modernization Act of 2001.

''(g) LABOR STANDARDS.—

''(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

''(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

''(h) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $350,000,000 for each of the fiscal years 2002 through 2004 for carrying out this section.''.

(b) CONFORMING AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

''223. CAPITAL GRANTS FOR RAILROAD TRACK ..... 22301''.

By Mr. SPECTER:

S. 1221. A bill to amend title 38, United States Code, to establish an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Madam President, I have sought recognition at this time to comment briefly on legislation that I have introduced today to address an injustice now contained in statutory formulas which define which veterans will, and will not, be allowed priority access to free Department of Veterans Affairs, VA, health care services. To simplify, VA currently provides access to health care under the following priority scheme: veterans who have suffered service-connected disabilities have first opportunity to enroll for VA care; then, veterans who are former prisoners of war, those who are catastrophically disabled, and those who have no where else to turn for health care because of financial constraints may enroll for VA care; and, finally, veterans who simply choose to seek VA care even though they can afford care elsewhere, and, in testimony to the quality of care VA provides, many do, are invited to enroll. Currently, VA

welcomes all veterans to enroll for care, and VA generally turns away no veteran who seeks hospital or clinical care. But lower priority patients are required to make copayments for the care and the medications they receive from VA.

As I have noted, poor veterans, technically, those who are classified as being ''unable to defray the expenses of necessary care,'' have priority over veterans who have nonservice-connected illnesses or disabilities. In order to determine who is, in fact, ''unable to defray,'' VA uses a single, national ''means test.'' In effect, a veteran without dependents who has an annual income of less than $23,688 has priority access to VA care at no charge; a veteran with a higher annual income who does not otherwise qualify for priority status is required to make a copayment to receive the same care. In addition, that patient is placed in the pool of ''discretionary'' patients who face the risk of disenrollment should VA budget shortfalls ever require limiting enrollment.

A single, national ''means test'' applies irrespective of cost-of-living variations among geographic localities. In many other Federal pay and benefits systems, by contrast, geographic cost-of-living variations are taken into consideration. For example, the housing allowance paid to active duty service members is based on the average housing costs in the area they are assigned; salary and wage payments to Federal employees, while utilizing national pay scales, also contain locality adjustments; and, benefits afforded to low income families by the Department of Housing and Urban Development, HUD, are based on median family income in the area in which the applicant resides. VA's ''means test'' should also take such local cost-of-living variations into account. Today, I introduce legislation which would require VA to do so.

My legislation would adjust VA's current ''means test'' to allow veterans who live in high-cost areas, such as Philadelphia, to qualify for priority status in VA hospitals even if their incomes are slightly higher than VA's single, national threshold amount. My bill would provide for an additional formula to measure a veteran's ''unable to defray'' status, the ''Low Income index'' established by HUD under the U.S. Housing Act of 1937. That index defines ''low income'' by reference to the median family income in the Metropolitan Statistical Area in which the applicant lives. Clearly, a formula which takes into account local variations in income, and, thus, the local cost of living, more fairly measures a veteran's actual ability to assist in defraying the cost of his or her medical care. I note, however, that the current VA formula would also be retained lest veteran-patients who live in relatively low cost areas lose priority status they might currently have under that formula. It is not my intention to shrink the pool of priority patients; it is my intention to expand it by allowing more low income persons, particularly the urban poor, to qualify.

I ask my colleagues to join with me in improving VA's medical care priority ''means test'' so that it more accurately accomplishes its true purpose of measuring whether a veteran can, or cannot, be expected to assist in defraying the cost of his or her necessary medical care. Such a test, clearly, must take into account variations in the cost-of-living in the locality in which the veteran resides.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1221

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

SECTION 1. ADDITIONAL BASIS FOR ESTABLISHMENT OF INABILITY TO DEFRAY EXPENSES OF NECESSARY CARE.

(a) ADDITIONAL BASIS.—Section 1722(a) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(4) the veteran (including any applicable part of the veteran's family) is eligible for treatment as a low-income family under section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) for the area in which the veteran resides.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 2002, and shall apply with respect to years beginning after December 31, 2001.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 138—NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. BURNS (for himself, Mr. EDWARDS, Mr. FEINGOLD, Mr. JOHNSON, Mrs. LINCOLN, Mrs. CLINTON, Mr. KENNEDY, Mr. HOLLINGS, Mr. BAYH, Ms. MIKULSKI, Mrs. BOXER, Mr. TORRICELLI, Mr. DURBIN, Mr. CORZINE, Mr. SARBANES, Mr. REID, Ms. LANDRIEU, Mr. SCHUMER, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CLELAND, Mr. KERRY, Mr. INOUYE, Mr. MURKOWSKI, Mr. COCHRAN, Mr. SPECTER, Mr. CRAIG, Mr. THURMOND, Mr. CRAPO, Mr. HELMS, Mr. HATCH, Mr. WARNER, Mr. BROWNBACK, Mr. SHELBY, Mr. SESSIONS, Mr. INHOFE, Mr. ALLEN, Mr. DAYTON, Ms. STABENOW, Mr. REED, Mr. BREAUX, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. GRASSLEY, Mr. ENSIGN, Ms. COLLINS, Mr. STEVENS, Mrs. HUTCHISON, Mr. DEWINE, Ms. SNOWE, Mr. SANTORUM, Mr. HAGEL, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 138

Whereas over 1,000,000 American families live with prostate cancer;

Whereas 1 American man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed nonskin cancer and the second most common cancer killer of American men;

Whereas 198,100 American men will be diagnosed with prostate cancer and 31,500 American men will die of prostate cancer in 2001, according to American Cancer Society estimates;

Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years;

Whereas African Americans have the highest incidence and mortality rates of prostate cancer in the world;

Whereas screening by both digit rectal examination and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and have reduced prostate cancer mortality;

Whereas the research pipeline promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting our families: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy and to observe the month of September with appropriate ceremonies and activities.

Mr. BURNS. Mr. President, today prostate cancer remains the most commonly diagnosed non-skin cancer in America. According to estimates by the American Cancer Society and the National Cancer Institute, NCI, more than 198,000 American men will learn that they have the disease within the year. Nearly 32,000 American men will lose their lives to prostate cancer this year, making it the second most common cause of cancer death among men. Those statistics translate into devastating realities for men and families across this country.

This disease will affect one in six men in the United States during his lifetime. More than 25 percent of those battling this disease are under the age of 65, prime years of productivity for families and for this Nation. The number of Americans impacted by cancer, and prostate cancer, is expected to grow. If unchecked during the next decade, cancer incidence and mortality rates could increase by 25–30 percent.

In too many cases, prostate cancer is still undetected until advanced stages of the disease, when conventional therapies no longer work. This makes it critical that all American families understand the risks of prostate cancer and take measures to ensure early detection.

If a man has one close relative with prostate cancer, his risk of the disease is double. With two close relatives, his risk is fivefold. Should he have three close relatives, his likelihood of a prostate cancer diagnosis is nearly certain. African American families are at particular risk. African American men have the highest incidence and mortality rates in the world. According to the National Prostate Cancer Coalition, we must raise public awareness about the impact of prostate cancer and emphasize early detection with the PSA, Prostate Specific Antigen, blood test. Over the last two years prostate cancer mortalities have decreased by 14 percent. This shows that, with the right investment in education and research, we are already saving lives.

I would like to congratulate President Bush for honoring his promise to make meaningful investments in biomedical research. Commitments such as these are bringing us closer to doubling the funding at the National Institutes of Health, NIH, and put us on the right track to dramatically increase the level of funding for research at the National Cancer Institute, NCI, by FY 2003. His commitment and leadership is paramount to the investments needed in the fight against prostate cancer.

In an effort to help increase awareness and educate American men and their families about prostate cancer and early detection, as well as emphasize the need for more prostate cancer research, I ask unanimous consent to consider a resolution that designates every September as the National Prostate Cancer Awareness Month. Together, Senator REID and I, along with many others, ask for your support and encourage all of our colleagues to join us in raising awareness.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1032. Mr. CLELAND (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1033. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1034. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1035. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1036. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1037. Mr. REID (for himself, Ms. MIKULSKI, and Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1038. Mrs. MURRAY (for Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1039. Mrs. MURRAY (for Mr. THOMAS) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

TEXT OF AMENDMENTS

SA 1032. Mr. CLELAND (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. NOISE BARRIERS, GEORGIA.

Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers—

(1) at the locations identified in section 358 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (113 Stat. 1027); and

(2) on the west side of Interstate Route 285 from Henderson Mill Road to Chamblee Tucker Road in DeKalb County, Georgia.

SA 1033. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. PRIORITY HIGHWAY PROJECTS, GEORGIA.

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Georgia shall give priority consideration to the following projects:

(1) Improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the bridge over the Chattahoochee River.

(2) Widening Abernathy Road from 2 to 4 lanes from Johnson Ferry Road to Roswell Road.

SA 1034. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 16, before the semicolon, insert the following: '', of which $3,000,000 shall be set aside to conduct the study of east-west transportation infrastructure in the northeastern United States and Canadian Provinces described in section 3____''.

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. STUDY OF EAST-WEST TRANSPORTATION INFRASTRUCTURE IN THE NORTHEAST.

(a) IN GENERAL.—Not later than January 31, 2003, the Secretary of Transportation shall—

(1) conduct a study of east-west transportation infrastructure in the northeastern United States and Canadian Provinces (referred to in this section as the ''region''); and

(2) submit to Congress a report on the results of the study.

(b) REQUIRED ELEMENTS.—The study shall—

(1) assess the sufficiency of the east-west transportation infrastructure of the region, including—

(A) highway and road connections on the 2 east-west axes from Halifax, Nova Scotia, through Montreal, Quebec, to the Buffalo, New York and St. Catherine, Ontario, area and the Detroit, Michigan, and Windsor, Ontario, area; and

(B) portions of Route 401 in Canada and Interstate Route 90 in central and western New York and connecting systems in the vicinity of Detroit, Michigan;

(2) identify potential alternatives for expanding the east-west transportation infrastructure to complement the transportation infrastructure in existence on the date of enactment of this Act (including north-south infrastructure);

(3) evaluate highway, rail, maritime, and aviation infrastructure;

(4) assess whether the transportation infrastructure in existence on the date of enactment of this Act is sufficient to fulfill the transportation needs of the region;

(5) assess the impact of the North American Free Trade Agreement on the transportation needs of the region;

(6) assess any potential long term economic, safety, and efficiency benefits of improvements to the east-west transportation infrastructure of the region; and

(7) evaluate the impact and consequences of no additional improvements to the east-west transportation infrastructure of the region or marginal improvements to the east-west transportation infrastructure of the region.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Transportation should invite the Government of Canada—

(1) to participate in the study required under this section; and

(2) to contribute to the cost of the study.

SA 1035. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was ordered to lie on the table; as follows:

On page 20, line 20, before the semicolon, insert the following: '', of which $6,000,000 shall be set aside for construction of a connector in Portland, Maine, between Interstate Route 295 and Commercial Street''.

SA 1036. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 8, before the colon, insert the following: '', of which $2,000,000 of the funds made available for surface transportation research on structures shall be made available to carry out the battery-powered cathodic protection demonstration program described in section 3____''.

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. BATTERY-POWERED CATHODIC PROTECTION DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a multistate demonstration program to test the use of battery-powered cathodic protection to extend the life of concrete bridges.

(b) LOCATIONS.—Under the demonstration program, bridges in each of the States of Alaska, Florida, Maine, Mississippi, and Virginia shall be equipped with cathodic protection systems using batteries as a power source.

(c) DATA AND ECONOMIC ANALYSIS.—Under the demonstration program, the Secretary of Transportation shall—

(1) collect data on cathodic protection of the bridges during a 3-year period; and

(2) conduct an economic analysis on the use of battery power for cathodic protection in various climates and for various levels of bridge use.

(d) LEAD FUNDING RECIPIENT.—Under the demonstration program, the Secretary of Transportation shall provide funds made available to carry out this section to the Department of Transportation of the State of Maine, which shall serve as the lead funding recipient.

SA 1037. Mr. REID (for himself, Ms. MIKULSKI, and Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 81, at the end of lines, insert the following:

SEC. 350. (a) FINDINGS.—Congress makes the following findings:

(1) The condition of highway, railway, and waterway infrastructure across the Nation varies widely and is in need of improvement and investment.

(2) Thousands of tons of hazardous chemicals, and a very small amount of high level radioactive material, is transported along the Nation's highways, railways, and waterways each year.

(3) The volume of hazardous chemical transport increased by over one-third in the last 25 years and is expected to continue to increase. Some propose significantly increasing radioactive material transport.

(4) Approximately 261,000 people were evacuated across the Nation because of rail-related accidental releases of hazardous chemicals between 1978 and 1995, and during that period industry reported 8 transportation accidents involving the small volume of high level radioactive waste transported during that period.

(5) The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since 1993 to assure the structural integrity of railroad bridges. Train derailments have increased by 18 percent over roughly the same period.

(6) The poor condition of highway, railway, and waterway infrastructure, increases in the volume of hazardous chemical transport, and proposed increases in radioactive material transport increase the risk of accidents involving such chemicals and materials.

(7) Measuring the risks of hazardous chemical or radioactive material accidents and preventing such accidents requires specific information concerning the condition and suitability of specific transportation routes contemplated for such transport to inform and enable investment in related infrastructure.

(8) Mitigating the impact of hazardous chemical and radioactive material transportation accidents requires skilled, localized, and well-equipped emergency response personnel along all specifically identified transportation routes.

(9) Accidents involving hazardous chemical or radioactive material transport pose threats to the public health and safety, the environment, and the economy.

(b) STUDY.—The Secretary of Transportation shall, in consultation with the Comptroller General of the United States, conduct a study of the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

(c) MATTERS TO BE ADDRESSED.—The study under subsection (b) shall address the following matters:

(1) Whether the Federal Government conducts individualized and detailed evaluations and inspections of the condition and suitability of specific transportation routes for the current, and any anticipated or proposed, transport of hazardous chemicals and radioactive material, including whether resources and information are adequate to conduct such evaluations and inspections.

(2) The costs and time required to ensure adequate inspection of specific transportation routes and related infrastructure and to complete the infrastructure improvements necessary to ensure the safety of current, and any anticipated or proposed, hazardous chemical and radioactive material transport.

(3) Whether Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(4) The costs and time required to ensure that Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(5) The availability of, or requirements to establish, information collection and dissemination systems adequate to provide the public, in an accessible manner, with timely, complete, specific, and accurate information (including databases) concerning actual, proposed, or anticipated shipments by highway, railway, or waterway of hazardous chemicals and radioactive materials, including accidents involving the transportation of such chemicals and materials by those means.

(d) DEADLINE FOR COMPLETION.—The study under subsection (b) shall be completed not later than six months after the date of the enactment of this Act.

(e) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report on the study.

SA 1038. Mrs. MURRAY (for Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY) and intended to be proposed to the bill (H.R. 2299), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . (a) Of the funds appropriated by title I for the Federal Railroad Administration under the heading ''RAILROAD RESEARCH AND DEVELOPMENT'', up to $750,000 may be expended to pay 25 percent of the total cost of a comprehensive study to assess existing problems in the freight and passenger rail infrastructure in the vicinity of Baltimore, Maryland, that the Secretary of Transportation shall carry out through the Federal Railroad Administration in cooperation with, and with a total amount of equal funding contributed by, Norfolk-Southern Corporation, and CSX Corporation, and the State of Maryland.

(b)(1) The study shall include an analysis of the condition, track, and clearance limitations and efficiency of the existing tunnels, bridges, and other railroad facilities owned or operated by CSX Corporation, Amtrak, and Norfolk-Southern Corporation in the Baltimore area.

(2) The study shall examine the benefits and costs of various alternatives for reducing congestion and improving safety and efficiency in the operations on the rail infrastructure in the vicinity of Baltimore, including such alternatives for improving operations as shared usage of track, and such alternatives for improving the rail infrastructure as possible improvements to existing tunnels, bridges, and other railroad facilities, or construction of new facilities.

(c) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to Congress. The report shall include recommendations on the matters described in subsection (b)(2).

SA 1039. Mrs. MURRAY (for Mr. THOMAS) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 66, line 8, after the word ''bus,'' insert the following phrase: '', as that term is defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12181)'';

On page 66, line 9 strike '', and'' and insert in lieu thereof ''.''; and

On page 66, beginning with line 10, strike all through page 70, line 14.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Friday, July 27, 2001, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: H.R. 308, to establish the Guam War Claims Review Commission; and H.R.

309, to provide for the determination of withholding tax rates under the Guam income tax.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224–8164.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 24, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a business meeting on pending committee business, to be followed immediately by a hearing on S. 266, a bill regarding the use of trust land and resources of the Confederated Tribes of the Warm Springs Reservation in Oregon.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 25, 2001, at 10:30 a.m. in room 216 Hart Senate Building to conduct a hearing on the Indian Gaming Regulatory Act.

Those wishing additional information may contact committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Monday, July 23, 2001, at 2 p.m. for a hearing regarding ''FEMA's Role in Managing a Bioterrorist Attack and the Impact of Public Health Concerns on Bioterrorism Preparedness.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation be authorized to meet on Monday, July 23, 2001, at 1 p.m. on E-Health and Consumer Empowerment: How Consumers Can Use Technology Today and in the Future To Improve Their Heath.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

On July 19, 2001, the Senate amended and passed S. 1172, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $3,000 for each Chairman; in all, $62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $104,039,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,867,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $473,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,868,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,912,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $9,875,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,250,000 for each such committee; in all, $2,500,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $618,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,275,000 for each such committee; in all, $2,550,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $301,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $15,424,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $39,082,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,350,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $25,219,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,306,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,109,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $107,264,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $8,571,000, of which $7,000,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $95,904,000, of which $8,654,000 shall remain available until September 30, 2004, and of which $11,354,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $11,274,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $270,494,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

MAILINGS FOR TOWN MEETINGS

For mailings of postal patron postcards by Members for the purpose of providing notice of a town meeting by a Member in a county (or equivalent unit of local government) with a population of less than 50,000 that the Member will personally attend to be allotted as requested, $3,000,000, subject to authorization: *Provided*, That any amount allocated to a Member for such mailing under this paragraph shall not exceed 50 percent of the cost of the mailing and the remaining costs shall be paid by the Member from other funds available to the Member.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended in the first sentence by striking ''four individual consultants'' and inserting ''six individual consultants'', and is amended in the second sentence by striking ''one consultant'' and inserting ''not more than two individual consultants''.

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 2. STUDENT LOAN REPAYMENTS. (a) DEFINITIONS.—In this section:

(1) EMPLOYEE OF THE SENATE.—The term ''employee of the Senate'' has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) EMPLOYING OFFICE.—The term ''employing office'' means the employing office, as defined in such section 101, of an employee of the Senate.

(3) STUDENT LOAN.—The term ''student loan'' has the meaning given the term in section 5379 of title 5, United States Code.

(b) STUDENT LOAN REPAYMENT PROGRAM.—The head of an employing office may, in order to recruit or retain highly qualified personnel, establish a program under which the office may agree to repay (by direct payments on behalf of an employee of the Senate) any student loan previously taken out by such employee.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The head of an employing office shall carry out the program in accordance with the provisions of subsections (b) through (d) and subsection (f) of section 5379 of title 5, United States Code.

(2) APPLICATION.—For purposes of this section, references in such provisions—

(A) to an agency shall be considered to be references to an employing office; and

(B) to an employee shall be considered to be references to an employee of the Senate.

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

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 3. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account ''Expenses of the United States Senate Caucus on International Narcotics Control'' under the heading ''Congressional Operations'' shall be paid from the Senate appropriations account for ''Salaries, Officers and Employees''.

(b) This section shall apply to pay periods beginning on or after October 1, 2001.

SEC. 4. (a) Section 5(a) under the subheading ''ADMINISTRATIVE PROVISIONS'' under the heading ''SENATE'' under title I of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 58a note) is amended by striking ''invoice ends'' and inserting ''invoice begins''.

(b) The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply to base service periods beginning on or after that date.

SEC. 5. (a) Section 120 of Public Law 97–51 (2 U.S.C. 61g–6) is amended in the first sentence by striking ''$75,000'' and inserting ''$100,000''.

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 6. Effective on and after October 1, 2001, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2001, increased by an additional $50,000 each.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,424,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,733,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,765,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $112,922,000, of which $55,296,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $57,626,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $12,394,000, to be disbursed by the Capitol Police Board or their delegee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2002 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 101. Amounts appropriated for fiscal year 2002 for the Capitol Police Board for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,512,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 43 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $30,680,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 102. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of chapter 41 of title 5, United States Code, as the Director determines necessary to provide hereafter for training of individuals employed by the Congressional Budget Office.

(b) The implementing regulations shall provide for training that, in the determination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5, United States Code.

(c) Any recovery of debt owed to the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for training employees of the Office at the time of recovery.

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 103. Section 105(a) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C.

§606(a)), is amended by striking ''or discarding.'' and inserting ''sale, trade-in, or discarding.'', and by adding at the end the following: ''Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year.''.

SEC. 104. (a) The Director of the Congressional Budget Office may, in order to recruit or retain qualified personnel, establish and maintain hereafter a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

(b) The Director may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code as the Director determines necessary to provide for such program.

(c) The regulations shall provide the amount paid by the Office may not exceed—

(1) $6,000 for any employee in any calendar year; or

(2) a total of $40,000 in the case of any employee.

(d) The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

(e) Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $54,000,000, of which $5,000,000 shall remain available until expended: *Provided,* That the Architect of the Capitol, in consultation with the Comptroller General or his designee, shall appoint a Chief Financial Officer within 90 days after the date of enactment of this Act: *Provided further*, That notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided further*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,000,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $47,500,000, of which $3,400,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $47,403,000, of which $3,300,000 shall remain available until expended: *Provided,* That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2002.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $81,139,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,000,000: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further,* That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further,* That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

This title may be cited as the ''Congressional Operations Appropriations Act, 2002''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $5,829,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $297,775,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2002, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2002 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further,* That of the total amount appropriated, $10,824,474 is to remain available until expended for acquisition of books, periodicals, newspapers, and

all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further,* That of the total amount appropriated, $1,517,903 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further,* That of the amount appropriated, $500,000 shall remain available until expended for the Abraham Lincoln Bicentennial Commission, of which amount $3,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $40,701,000, of which not more than $21,880,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2002 under 17 U.S.C. 708(d): *Provided,* That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That not more than $5,984,000 shall be derived from collections during fiscal year 2002 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $27,864,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $49,765,000, of which $14,437,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $8,532,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $407,560, of which $86,486 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2002, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $114,473,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) For fiscal year 2002, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading ''Library of Congress Salaries and Expenses'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of title I of the Library of Congress Fiscal Operations Improvement Act of 2000, Public Law 106–481: *Provided,* That the total amount of such transfers may not exceed $1,900,000: *Provided further,* That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 207. The Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481) is hereby amended by striking the words ''audio and video'' in the heading for section 101 and in subsection 101(a).

SEC. 208. The Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481) is hereby amended in section 102 by adding the following new paragraph to subsection (a):

''(4) Special events and programs.''.

ARCHITECT OF THE CAPITOL

CAPITOL VISITOR CENTER

For necessary expenses for the planning, engineering, design, and construction of a new facility to provide greater security for all persons working in or visiting the United States Capitol and to enhance the educational experience of those who have come to learn about the Capitol building and Congress, $1,000,000, to remain available until expended.

CONGRESSIONAL CEMETERY

For a grant for the care and maintenance of the historic Congressional Cemetery, $2,500,000, to remain available until expended.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $18,753,000, of which $6,878,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $28,728,000: *Provided,* That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: *Provided further,* That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2000 and 2001 to depository and other designated libraries: *Provided further,* That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,260 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That the revolving fund shall not be used to administer any

flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further,* That expenses for attendance at meetings shall not exceed $75,000.

ADMINISTRATIVE PROVISION

SEC. 209. EXTENSION OF EARLY RETIREMENT AND VOLUNTARY SEPARATION INCENTIVE PAYMENT AUTHORITIES. (a) EARLY RETIREMENT.—Section 309(b)(A) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended by striking ''October 1, 2001'' and inserting in lieu thereof ''October 1, 2004''.

(b) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—Section 309(c)(2) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended by striking ''September 30, 2001'' and inserting in lieu thereof ''October 1, 2004''.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $417,843,000: *Provided,* That not more than $1,751,000 of payments received under 31 U.S.C. 782 shall be available for use in fiscal year 2002: *Provided further,* That not more than $750,000 of reimbursements received under 31 U.S.C. 9105 shall be available for use in fiscal year 2002: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further,* That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further,* That $1,000,000 from funds made available under this heading shall be available for a pilot program in technology assessment: *Provided further,* That not later than June 15, 2002, a report on the pilot program referred to under the preceding proviso shall be submitted to Congress.

PAYMENT TO THE RUSSIAN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

For a payment to the Russian Leadership Development Center Trust Fund for financing activities of the Center for Russian Leadership Development, $10,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2002 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking ''2001'' and inserting ''2002''.

SEC. 309. Section 5596(a) of title 5, U.S.C., is amended by deleting ''and'' at the end of paragraph (4); by deleting the period at the end of paragraph (5) and inserting a semicolon, and by adding the following new paragraphs, which shall be effective for all personnel actions taken on or after the date of enactment of this Act:

''(6) the Architect of the Capitol, including employees of the United States Senate Restaurants; and

''(7) the United States Botanic Garden.''.

SEC. 310. The Architect of the Capitol shall develop and maintain an accounting and financial management system, including financial reporting and internal controls, which—

(1) complies with applicable federal accounting principles, standards, and requirements, and internal control standards;

(2) complies with any other requirements applicable to such systems; and

(3) provides for—

(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Architect of the Capitol;

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

SEC. 311. (a) AUTHORITY OF ARCHITECT TO SET PAY FOR CERTAIN POSITIONS.—Section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b) is amended as follows:

(1) Subsections (a) and (b) are deleted in their entirety and a new subsection (a) is added to read as follows:

''(a) The Architect of the Capitol may fix the rate of basic pay for not more than 12 positions, at a rate not less than the minimum rate nor more than the maximum rate for the Senior Executive Service under chapter 53 of title 5, for the locality involved.''.

(2) Subsection (c) is redesignated as subsection (b).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any pay periods beginning on or after the date of the enactment of this Act.

This Act may be cited as the ''Legislative Branch Appropriations Act, 2002''.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware (Mr. BIDEN) as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 107th Congress.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Vermont (Mr. LEAHY) as Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 107th Congress.

GEORGE WASHINGTON LETTER TO TOURO SYNAGOGUE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 93, S. Con. Res. 16.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 16) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 16

Whereas George Washington responded to a letter sent by Moses Seixas, warden of Touro Synagogue in Newport, Rhode Island, in August 1790;

Whereas, although Touro Synagogue, the oldest Jewish house of worship in the United States, and now a national historic site, was dedicated in December 1763, Jewish families had been in Newport for over 100 years before that date;

Whereas these Jews, some of whom were Marranos, came to the United States with hopes of starting a new life in this country, where they could practice their religious beliefs freely and without persecution;

Whereas they were drawn to the Colony of Rhode Island and the Providence Plantations because of Governor Roger Williams' assurances of religious liberty;

Whereas the letter from Touro Synagogue is the most famous of many congratulatory notes addressed to the new president by American Jewish congregations;

Whereas Seixas articulated the following principle, which Washington repeated in his letter: ''For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance; requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support'';

Whereas this was the first statement of such a principle enunciated by a leader of the new United States Government;

Whereas this principle has become the cornerstone of United States religious and ethnic toleration as it has developed during the past two centuries;

Whereas the original letter is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C.; and

Whereas Americans of all religious faiths gather at Touro Synagogue each August on the anniversary of the date of the letter's delivery and at the Klutznick Museum on George Washington's birthday to hear readings of the letter and to discuss how the letter's message can be applied to contemporary challenges: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the George Washington letter to Touro Synagogue in Newport, Rhode Island, in August 1790, which is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; and

(2) the text of the George Washington letter should be widely circulated, serving as an important tool for teaching tolerance to children and adults alike.

NATIONAL AIRBORNE DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 94, S. Res. 16.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 16) designating August 16, 2001, as ''National Airborne Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 16) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 16

Whereas the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops;

Whereas the Parachute Test Platoon was composed of 48 volunteers that began training in July, 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving from World War II until the present;

Whereas the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions and the numerous other regimental and battalion-sized airborne units were organized following the success of the Parachute Test Platoon;

Whereas the 501st Parachute Battalion participated successfully and valiantly in achieving victory in World War II;

Whereas the airborne achievements during World War II provided the basis for continuing the development of a diversified force of parachute and air assault troops;

Whereas paratroopers, glidermen, and air assault troops of the United States were and are proud members of the world's most exclusive and honorable fraternity, have earned and wear the ''Silver Wings of Courage'', have participated in a total of 93 combat jumps, and have distinguished themselves in battle by earning 69 Congressional Medals of Honor, the highest military decoration of the United States, and hundreds of Distinguished Service Crosses and Silver Stars;

Whereas these airborne forces have performed in important military and peacekeeping operations, wherever needed, in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia; and

Whereas the Senate joins together with the airborne community to celebrate August 16, 2001 (the 61st anniversary of the first official parachute jump by the Parachute Test Platoon), as ''National Airborne Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2001, as ''National Airborne Day''; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

REAUTHORIZATION OF THE TROPICAL FOREST CONSERVATION ACT OF 1998 THROUGH FISCAL YEAR 2004

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of H.R. 2131, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2131) to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2131) was read the third time and passed.

ORDERS FOR TUESDAY, JULY 24, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, July 24. I further ask unanimous consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2299, the Transportation Appropriations Act; further, that the Senate recess from 12:30 to 2:15 p.m. tomorrow for our weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, on Tuesday, the Senate will convene at 10 a.m. and resume consideration of the

Transportation Appropriations Act. We expect rollcall votes on amendments throughout the day. The Senate will recess, as has been noted, for the weekly party conferences.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 6:40 p.m., adjourned until Tuesday, July 24, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 2001:

DEPARTMENT OF STATE

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

PATRICIA DE STACY HARRISON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE WILLIAM B. BADER.

EXTENSIONS OF REMARKS

JOE MOAKLEY'S LEGACY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. FRANK. Mr. Speaker, there have understandably been a large number of tributes to our late colleague, Joe Moakley, who so well exemplified the best qualities of a representative of the people. One of them in particular had special meaning to me.

Among the issues for which he fought so hard were those affecting the right of older people to live their lives in some degree of comfort and security. The most recent issue of The Older American, published in Boston by the Massachusetts Association of Older Americans, is dedicated to Joe and contains a number of articles describing his great work in that field. I ask that the article by the MAOA President Emeritus, Elsie Frank, recalling the speech Joe made 3 years ago at her 85th birthday celebration, be printed here, as an example of the impact he had. I am proud to share with my colleagues my Mother's excellent summary of the qualities that made Joe Moakley so important to so many of us.

[From The Older American, July 2001]

JOE MOAKLEY

(By Elsie Frank)

My friend, Joe Moakley, was not a grandstander but a public official who was dedicated to public service. He took his responsibilities as a Congressman seriously; he was committed to social justice—to equality and respect for human dignity, and to the proposition that private interests shall not prevail over the public good. He wanted a society that is caring, just and fair to all—young and old alike.

Part of Joe's greatness was his ability to make everyone feel special—like I felt when he spoke at my 85th birthday party.

Joe agreed with historian Arnold Toynbee that a society's quality and durability can best be measured ''by the respect and care given to its

Although no one would argue that society can shield every individual from problems that need to be solved, Joe Moakley openhandedly offered his help to others, often frustrated with a feeling of helplessness, and hopelessness. To him helping others was not a political issue, it was a moral issue. Despite the columnists and talk show hosts who ridicule those who help the downtrodden, money could not buy the good feelings Joe Moakley had about helping others. When we at the Committee To End Elder Homelessness, Inc. were in the planning stages of converting an abandoned bread factory into permanent housing for homeless elders, he was the one we turned to for assistance in overcoming obstacles.

Joe Moakley was more than a politician. By his desire to make a difference in the quality-of-life of young and old, he set an example for all elected officials, those now in office and those who will win elections in future years. To continue his legacy of dedicated public service, his successor has an enormous void to fill.

LENDERS SHARE THE BLAME

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. BEREUTER. Mr. Speaker, this Member encourages his colleagues to read the following editorial, from the June 27, 2001, edition of the Omaha World Herald. This editorial takes the position that both debtors and lenders of credit are responsible for the record rates of bankruptcy filings in Nebraska and Iowa.

LENDERS SHARE THE BLAME

Nebraskans and Iowans are filing for personal bankruptcy at a higher rate than ever before, a fact that has roots not only in unwise personal spending but also in the explosion of easy credit available in recent years.

Nationally, personal debt is at an all-time high. Americans put a trillion dollars on their credit cards last year. The Federal Reserve reported that the amount owed on credit cards, auto loans and similar consumer-type loans rose to $1.58 trillion in April. Americans spend 14 percent of their take-home pay paying off these debts.

In Nebraska, 33 percent more bankruptcies were filed during the first five months of the year compared with 2000. The rate in Iowa increased significantly, too. Many factors may play into the rise—a weaker economy, higher unemployment, the threat of a stronger and less-friendly bankruptcy law being considered in Congress.

People should, of course, take responsibility for their own spending. No one forces them to apply for the credit that is offered. No one forces them to use that credit, running up debts to a crippling level until one small change in circumstances—an illness, perhaps, or a lay-off—causes their financial downfall.

However, the other component of the problem, the credit industry, bears a portion of the responsibility for the situation and has not received enough attention.

The Consumer Federation of America and other organizations have accused big banks of overly aggressive credit card marketing and excessive credit extension, leading to growing numbers of bankruptcies and credit problems. Mailings offering bank cards—particularly to low- and moderate-income households—have increased substantially. In 1998, an estimated 3.2 billion mailings went out, compared with 2.4 billion in 1996.

Up to 85 percent of college students have one or more credit cards in their own name, and a significant number are in credit trouble. Many of them got the cards by signing up at tables set up on campus, applying for the card to get a free gift—a T-shirt, candy, long-distance minutes.

Aggressive promotion of credit, particularly to people with a poor record of repayment, can be blamed for a lot of financial troubles. It's not hard to see why the companies are doing it: money. They slap on what two Maryland consumer organizations recently called ''deceptive conditions'' that bolster their profits at the expense of people who can't pay their bills. Interest as high as 30 percent, covering the entire balance and lasting until it is paid off, can be imposed on people who are late or miss a payment. High late fees, a shorter period in which to pay the bill and brief or no grace periods contribute to people's difficulties. Thus, people with poor credit histories and poor performance are penalized further with the extra fees.

There are far too many gullible souls in this country who, for whatever reason, don't have enough financial sense or self-discipline to use credit cards wisely. They fall into the traps set by the banks that issue credit cards. The temptation for instant gratification overwhelms some people. Their difficulties are, ultimately, their own fault.

Nevertheless, lenders shouldn't be exploiting the vulnerable unless they accept the risk involved. When they bombard people of modest means with offers of credit—thousands of dollars worth of easy credit, at a low! low! low! (introductory) interest rate; when they target college students who often don't have jobs or the means to pay back credit card debt; when they work hard to entice people who have just gone through a bankruptcy to re-enter the credit whirlwind, they need to recognize that many of these people will not be able to handle the debt they have been enticed to assume. They will default.

People should have the common sense to handle their credit cards cautiously and manage their finances wisely. But too many do not. When the credit card industry takes advantage of their weaknesses to increase its bottom line, it should not be surprised when problems occur.

INTRODUCTION OF THE SALMON PLANNING ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McDERMOTT. Mr. Speaker, good morning. I am pleased to be here today to introduce legislation that will facilitate dialog on a key issue facing the Northwest.

I want to begin today with a quote from Chief Joseph, a man who lived in Northeastern Oregon and traveled the lands of the Columbia and Snake River Basin:

The Earth was created by the assistance of the sun, and it should be left as it was . . . I never said the land was mine to do with it as I chose. The one who has the right to dispose of it is the one who has created it. I

claim a right to live on my land, and accord you the privilege to live on yours.

This legislation is called the Salmon Planning Act. It provides for the planning that will be necessary to save the endangered salmon and steelhead populations in the Snake River if the Bush administration continues to deny funding to recovery efforts.

For centuries, salmon has been recognized as a symbol of the Northwest lifestyle and a mainstay of the economy. Both commercial fishermen and the sport fishing industry rely on consistent runs of salmon and steelhead. Generations of northwesterners have grown up with fishing as a part of their lives.

Beginning in the early 1960s, a series of 4 dams were constructed on the Lower Snake River. The dams provided energy, water for irrigation, and a barge system for transporting goods between the inland and ocean ports. Since then, the 12 genetically distinct populations of salmon and steelhead, native to the Snake River, have dropped to such an extent that every one of those populations is either functionally extinct or listed under the endangered Species Act.

Scientific studies have shown that declining salmon runs represent the declining health of the overall ecosystem in the Columbia and Snake River basin. Independent studies by the Environmental Protection Agency and the Fish and Wildlife Service have shown an ecosystem in peril.

Additionally, numerous treaties with Native Tribes in Oregon, Washington, Alaska, and the Canadian Government have committed our government to ensuring the continued viability

Last year the National Marine Fisheries Service released a biological opinion regarding the Columbia and Snake River Basin and developed the Salmon Recovery Plan, which would avoid breaching the dams. I support this plan and hope that we can continue to make every effort to develop a workable solution without breaching the dams.

However, the current administration has so far failed to allocate any funds to implement this plan. Full funding of the restoration measures called for in the Salmon Recovery Plan will cost an estimated $1.2 billion per year for the region as a whole. The administration has chosen to sacrifice the salmon and the economy of the Northwest in favor of large tax refunds.

The Salmon Planning Act will provide for a thorough peer review of the Salmon Recovery Plan of 2000 by the National Academy of Sciences to ensure the scientific credibility of its findings. In addition, the Salmon Planning Act calls for a study by the General Accounting Office of the effects of potential dam beaching if recovery efforts fail.

The GAO study would detail the effects of dam removal on every sector of society that is impacted. In addition to the fishing and scientific community, dam removal would affect energy, transportation, agriculture and the local communities.

The GAO study will also address the potential liability of the American taxpayer that may result from our failure to fulfill our treaty obligations should our salmon and steelhead populations become extinct.

Passage of the Salmon Planning Act by itself will not result in the breaching of the dams. Let me repeat that, this act will not result in breaching the dams. Congress will need to address this issue again in the future. This bill does, however, provide the planning that will be necessary for Congress to make an informed decision.

The window of opportunity to save our valuable salmon and steelhead resources is quickly closing.

IT IS TIME FOR CONGRESS TO SPEAK UP

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. HASTINGS of Florida. Mr. Speaker, last week, the House of Representatives attempted to consider campaign finance reform. While the House ultimately decided not to consider the legislation because of a ridiculous rule, it is significant that campaign finance reform has come to the floor for a vote before election reform has even been debated. I was the first to point out that it does not matter how much money we spend on our campaigns, or for that matter, how much money we do not spend on our campaigns, if votes still do not count.

It is clear to me that after last year's farce of an election, in which it was discovered that thousands of Americans nationwide had their right to vote stripped from them, Congress would have acted by now. But Congress has not acted.

Congress remained silent when the U.S. Commission on Civil Rights released its findings that minority voters were more likely to have their votes thrown out than non-minority voters. Congress remained silent when thousands of voters testified to civil rights groups such as the NAACP, the National Council of La Raza, the ACLU, and this Committee, discussing the many problems they faced at the polls last November. Congress still remains silent, while Americans become more cynical by the day.

The debate that needs to commence is not on how much money we spend on our campaigns. Instead, the debate should focus on how much money we are not spending on our elections. My home county, Broward County, may not purchase the best voting machines on the market because it cannot afford it. We need to be talking about how to get Broward County, and every other county in this country, the needed funds to improve their election systems.

Mr. Speaker, contrary to what many argue, the need for election reform is much more than a civil rights issue. Rather, the need for election reform is a challenge to our democracy. It is a challenge that calls on us to reaffirm our commitment to the principles and ideals that our country's founding fathers died defending. It is a challenge that burns at the heart of every American who believes in our country's democratic heritage. It is a challenge that we cannot back down from, and it is a challenge that we will not back down from. Finally, it is a challenge that must be overcome before history repeats itself.

TRIBUTE TO THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to an outstanding organization. The responsibilities of this highly regarded, but little known agency cover the waterfront, from counterintelligence to criminal investigations, from force protection to infrastructure protection. They are the protectors of our protectors.

I am referring to the Naval Criminal Investigative Service (NCIS)—on watch to protect and serve sailors, Marines, and their families, wherever they may be, whether it's Chicago, Illinois; Split, Croatia; or a ship in the Persian Gulf.

Recently, the outstanding efforts of the NCIS were highlighted in a case that has hit very close to home for those of us who live and work in the Washington, DC, area. A Navy sailor, a rising star, a beloved daughter, Lea Brown was abruptly taken from our midst in a vicious killing in Fort Washington.

The Washington, DC, Field Office of the NCIS dedicated over 30 agents to the case, developing leads within hours that led to the arrest of several suspects by the Prince George's County Police Department. The clear message to criminals preying on sailors and Marines is, ''You will be caught; you will be brought to justice.'' I know that I join the men and women of the naval service, as well as those of Prince Georges County, Maryland, in expressing my thanks for the tireless efforts of the Naval Criminal Investigative Service.

Mr. Speaker, I wish to enclose this article from the Washington Times and submit my congratulations to the men and women of NCIS for a job well done.

[From the Washington Times, July 7, 2001]

NAVAL INVESTIGATIVE SERVICE WORKS FAST WITH OTHER AGENCIES

(By Brian DeBose)

The Washington Field Office of the Naval Criminal Investigative Service (NCIS) is no stranger to working with local and federal police agencies.

Most recently NCIS, the criminal investigation arm of the U.S. Navy, is working with Prince George's County police on a high-profile homicide case that revealed an organized crime ring in Fort Washington.

The NCIS was investigating the disappearance of Navy Petty Officer Lea Anne Brown, as a missing persons case when Prince George's police found her body and that of her boyfriend, Michael Patten, June 12 in Accokeek.

When the connection between the two cases was made, Prince George's police immediately contacted NCIS Special Agent Frank O'Donnell. ''We had as many as 30 to 35 agents working on the case from day one when for us, it was a missing persons case,'' said Mr. O'Donnell, who led the NCIS aspect of the investigation.

The NCIS has a global jurisdiction with 915 agents in 13 field offices around the world. More than half of all its cases are done in collaboration with another law enforcement agency, said NCIS spokesman Paul O'Donnell, who is not related to Frank O'Donnell. ''We would not usually have 35 agents working on one case, but with this case, because of the heinous nature of the crime and our outrage, we wanted to devote

as much manpower as we could,'' said Albert W. Billington, special agent in charge of the Washington field office.

Petty Officer Brown, 24, was listed as missing June 11 after her commanding officer called NCIS to report the young woman had missed checks and had not shown up for work.

The next day a Prince George's County detective called Frank O'Donnell, who was heading up the missing persons investigation, to tell him police may have found her body and a man's body.

Prince George's police moved quickly on the case, Mr. Billington said, and with the help of NCIS computer experts were able to track credit- and debit-card usage, and conduct surveillance and searches of the suspects' and the victims' homes.

On June 27, Prince George's police arrested five men in connection with the killings. Marco Scutchings, 18; Robert Odum Jr., 23; Cortez Carroll, 22; Eric Thomas, 22; and Aaron Hollingsworth, 18, await preliminary hearings scheduled for July 26 and 27. The five men beat the couple and stuffed them in the trunk after a botched carjacking, according to police reports. The two later were shot execution-style and their bodies left in Accokeek, police said.

Twenty members of the NCIS investigation team are still working on processing evidence through forensics, conducting surveillance and interviews and searching residences.

TRIBUTE TO THE LATE CHRISTINA CHAVEZ, OF NEW MEXICO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. BACA. Mr. Speaker, I rise in the memory of my beloved Aunt and Godmother, Christina Chavez, of New Mexico, who passed away on July 19th, 2001.

Daughter of Romolo and Mary Baca; wife of Alberto Chavez; mother of Josephina Chavez, Joe Chavez, and Nicanora Thomas; grandmother to seven, and great-grandmother to five; sister to six brothers; Christina will be dearly missed by family and friends.

Christina's father, Romolo, my grandfather, was President of the Conservancy in New Mexico, which oversaw the development of immigration. Her mother, Mary, a devoted housewife, passed away very young, so Christina stayed home to help raise her brothers.

Christina married Alberto Chavez in 1945. Alberto's position with the Santa Fe Railroad took him away traveling a lot, so Christina spent her time raising crops, sheep and cattle on the family farm in Las Nutris, New Mexico, and performing the duties of housewife and mother.

Christina's children recall bailing the hay, feeding the animals, milking the cows, and going to school 12 miles away on the school bus. They recall her perpetually in motion with housework, cleaning, and canning vegetables and fruit.

Christina loved cooking. Her chile recipe was delicious, and it made her famous for miles around. And she could bake bread like you would not believe!

Christina and Alberto built an Orno (Indian) oven outdoors, and in the summer months they would bake bread and roast chile. The taste of bread and chile made from scratch and baked in an outdoor oven is wonderful, much better than anything you can buy in a store.

And those cakes, cookies, and biscuits! Christina could really bake!

Christina's brothers, including my father, lived nearby, and would always visit and check on her. They marveled at her world-famous cooking, and shared a cup of coffee. They were often joined by lots of friends and neighbors.

Christina was a very kind and loving person, always caring about people, and she always had her home open. She would welcome people with food, and she was always lending a helping hand, opening the door to friends and strangers who needed a glass of water or a meal.

Christina raised three lovely, and successful, children: Josephina, who now works as a Security Officer for Sandia National Labs; Joe, who retired from the Santa Fe Railroad, where he worked on the cars; and Nicanora, who drives a school bus and also plays basketball.

Her children lovingly recall being raised by their mother: ''We lived out in the country. Belen was 12 miles away. Mom would take us to the country drug store, Jenny's which had an old soda fountain. They made great root beer floats. They were very pure. The store is gone now. They tore it down. Mom would also take us to go buy groceries. It was like a treat, because we lived so far away from everything.''

Christina's children remark that one of the best gifts she left them was the values she instilled in them. She was very religious, and even when she was in the nursing home, she attended church twice a week. She liked to pray the Rosary in Spanish.

Christina taught her children the teachings of the Catholic Church. During Lent, she made sure the family did not eat meat on Friday. Instead she would serve wild spinach with beans. It was excellent and made it much easier to avoid meat! She also made wonderful bread pudding with raisins.

Christina was fond of singing the Hail Mary. She had a lovely voice, and her children can still recall her singing in the home:

Hail Mary
Full of Grace
The Lord is with thee . . .

And she loved to recite the Lord's Prayer:

Our Father who art in Heaven
Hallowed be thy name
Thy Kingdom come
Thy will be done
On earth as it is in Heaven
Give us this day our daily bread
And forgive us our trespasses
As we forgive those who trespass against us
Lead us not into temptation
But deliver us from evil
For thine is the Kingdom and the power and the glory forever
Amen.

Mr. Speaker, a quiet history runs through our Nation, a history that is not in our textbooks. In this history, the lonely whistles of the Santa Fe railroad can be heard through the night, as a young woman bakes bread on a farm. Her household is filled with the good smells of chile and coffee. Her children learn the words of our Holy Bible, and grow up to be good, God-fearing people with children of their own. From her they learn kindness and good deeds, the value of a hard day's work, the importance of opening a door to a stranger.

This is the fabric from which our Nation is built. For often it is not the famous and the affluent who shape our country's destiny; instead it is women like Christina Chavez, who raise a family one day at a time, bake the bread, tend to the farm, go the country store.

And so, we pay tribute and memory to Christina Chavez, the last of my father's generation, my aunt and Godmother, loving mother to Josephina, Joe, and Nicanora.

There is a sadness that comes from great love, but there is also a quiet pride. Pride at all the families of Chavez and Baca have achieved in this great Nation. That as Latinos and Latinas we have carved a place for ourselves in the fabric of its history.

Mr. Speaker, Christina's children offer these words: ''Thank you Mom for family values. You taught us how to be strong. You often raised us alone as Dad traveled on the Santa Fe Railroad.''

And so, I say to Christina, thank you for all you have been to me and to your children, all the lives you have touched. God Bless you, we miss you, but we know you are in Heaven in the arms of the Lord. Amen.

HONORING VERNON JOSEPH CHARRON, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, freedom, as we know, is not free and requires large doses of perseverance, dedication and sacrifice. Since his extensive tour of duty with the Navy during some of the most tumultuous times in World War II, Vernon Joseph Charron Jr. has traveled to numerous schools and other settings to inspire the youth of America with a similar passion for the United States that he holds. Vernon is a man who has aided the battle of freedom and I would like to take this opportunity to recognize his service to our country.

''Vern'' was awestruck at the sight of his ship arriving at Pearl Harbor in 1942. The battle cruiser U.S.S. *Atlanta* was the ship that would be his home during the ensuing conflict. Located on the island of Guadalcanal and three months after the main conflict there, the Americans held a rudimentary airstrip called Henderson Field. Surprise confrontations and unplanned attacks stemming from the Japanese still plagued the island and resulted in many casualties. Obtaining and maintaining control of the waters surrounding the island was critical, and it is here that one of the most gruesome battles occurred and Vernon fought. On the night of November 12, 1942, as 14 ships from the Japanese fleet attacked the Henderson Field, the U.S.S. *Atlanta* and 12 other U.S. ships confronted the aggressors. After the battle, the area would be known as ''Ironbottom Sound'' due to the number of casualties and sunken debris. Twenty-seven ships attempted to destroy each other.

The U.S.S. *Atlanta,* by the end, had been hit 49 times before it ultimately sank. Although Vernon was the thirteenth man in his crew, he was the only survivor. Amidst flame and further attack, the U.S.S. *Atlanta* lost 170 men that night and although men of this generation

were taught not to cry, a tear fell from Vern's eyes as he recounted the demise of this great ship and her crew. Only upon further examination did we discover that Vernon went from one firestorm to another because he also served in the battle of Midway and also in the Solomon Island Campaign. During these momentous times and occurrences, Vern was only 17 years of age.

Following the trials of war, Mr. Charron was employed by the Russell Stover Candies company and continued his position there for 49 years. While the USS Atlanta rests below 80 fathoms of water near Guadalcanal, Vern uses his experiences to light the fires of patriotism in youth to perpetuate the great spirit of America. His service is commendable as he gave of himself unselfishly to our remarkable nation. I applaud him and thank him for his efforts. He has certainly demonstrated the cost of freedom and his teachings will persist as testaments to America.

PROTECTING OUR WHISTLEBLOWERS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mrs. MORELLA. Mr. Speaker, today, I introduced legislation in Congress amending the Whistleblower Protection Act (WPA) to restore protections for federal employees who risk their jobs by disclosing waste, fraud, abuse or violations of law they witness on the job. This legislation is critical to restore the flow of information to Congress and the public about wrongdoing within the government. It is necessary because the original congressional intent has been partially nullified by certain judicial decisions. In 1989, Congress unanimously passed the Whistleblower Protection Act (WPA) and strengthened it in 1994. The new bill closes judicially created loopholes that have made the law useless in most circumstances. Recent decisions by the Court of Appeals for the Federal Circuit have denied protection for disclosures made as part of an employee's job duties or within the chain of command. The bill restores coverage in over 90 percent of the situations where it counts most for federal workers to have free speech rights— when they defend the public on the job.

The bill also makes permanent a free speech shield known as the ''anti-gag statute'' that Congress has passed annually for the last 13 years. It outlaws nondisclosure rules, agreements and other forms of gag orders that would cancel rights in the Whistleblower Protection Act and other good government statutes. In particular, it upholds the supremacy of a long-established law that workers have a right to notice that information is classified as secret for national security interests, before they can be held liable for releasing it. The necessity for the bill was increased last week by passage of a little noticed provision in the Intelligence Authorization Act for 2001. That provision functionally could make whistleblowers liable for criminal prosecution, based on speculation that unmarked information were classified.

We must reaffirm our support for whistleblowers. We made a serious commitment to federal workers in 1989 and Congress must ensure those protections stay in place. Congress must demonstrate once again its support for federal workers who risk everything to defend the public against fraud, waste, and abuse.

PERSONAL EXPLANATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. GILMAN. Mr. Speaker, on July 18, I was unavoidably delayed during the vote on the Maloney Amendment to H.R. 2500. Accordingly, I was unable to vote on Roll Call Number 239. If I had been present I would have voted Nay.

HONORING JOSEPH MAXWELL CLIFTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I would like to remember the life of Joseph Maxwell ''Max'' Clifton, who passed away on July 12, 2001. He was a dedicated businessman and a compassionate individual.

In 1966, Max and his son-in-law started a car dealership, a Datsun franchise, in Pueblo County, Colorado. Establishing a market for these cars was a daunting task since there were less than five Datsuns registered in the area. His business was later purchased and was turned into a prosperous dealership in the community. The success of the business is a testament to the charisma and passion that Max exhibited at work. Max truly valued his employees and knew how to manage the business successfully. Whether it was through summer picnics or just day-to-day comments, he was well respected and admired. Besides his automobile venture, Max owned a Christian radio station—KFEL. Max provided an example as to how to treat others, and his legacy will endure in the actions and hearts of those individuals.

Not only was Max an integral member of the community in Pueblo County, Max was also an important part of many peoples' hearts and minds. His memory will live through those he touched. Mr. Speaker, I would like to extend my deepest sympathy and warmest regards to Max Clifton's family and my thoughts and prayers are with them.

H.R. 2273, THE NATIONAL BANK OFFSHORE ACTIVITIES ACT OF 2001

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. CONYERS. Mr. Speaker, I am pleased to have recently introduced HR 2273, the National Bank Offshore Activities Act of 2001, which was referred to the Committee on Financial Services on June 21, 2001. If enacted, this legislation would amend banking laws with respect to offshore activities, investments, and affiliations of national banks, which are chartered by the United States Comptroller of the Currency. Specifically, the legislation tightens regulations and closes loopholes in this country's supervision of the national banks it charters when they operate overseas. In this global economy, banks chartered and regulated by our government must maintain the highest legal and ethical standards wherever they operate, yet far too often, our banks have not been as scrupulous as they should be when they get involved in overseas activities.

I am introducing this legislation because it has been brought to my attention that there have been recent allegations of great improprieties committed by our national banks chartered by the Comptroller of the Currency when they operate overseas, and that the Office of the Comptroller of the Currency has concluded it is powerless to act against these U.S. chartered banks under certain circumstances. There have even been allegations that some of our chartered banks have been involved in illegal activities, including possible money laundering, yet our own Office of the Comptroller of the Currency, which is supposed to investigate these matters, has determined that it does not have the power to stop these practices given its current enforcement authority. As I stand here today, I am aware that the ownership and control of one overseas company in particular has been transferred in a bankruptcy proceeding to a trustee approved by a group of U.S. chartered and foreign banks, and that there have been allegations that the appointed trustee in this matter has committed embezzlement, money laundering, and other crimes. Yet it is my understanding that the Office of the Comptroller of the Currency has not fully investigated these matters, and that they may need further enforcement authority in order to do so. This is why I believe that H.R. 2273 is such an important piece of legislation. Congress needs to make certain that the Office of the Comptroller of the Currency has full enforcement powers so they may act to enforce our nation's banking laws.

Above all, H.R. 2273 improves upon the existing enforcement regime of the Office of the Comptroller of the Currency so that they may better identify possibly harmful bank relationships and practices before they hurt U.S. depositors and shareholders. Our global economy requires that U.S. banking laws reach activity affecting U.S. shareholders and investors wherever it occurs. From the standpoint of international relations, we also do not want U.S-chartered and licensed banks to engage in unsound and unsafe practices in other countries that we would not tolerate in America's backyard. H.R. 2273 is also an important step towards addressing offshore risks to the U.S. financial system's integrity.

We need to make certain that our banks are accountable when they operate overseas. Simply put, our vital system of banking regulation and our confidence in our financial system is compromised when a U.S. chartered bank or its agents are implicated in criminal activities anywhere in the world. Therefore, our Comptroller of the Currency must have full power and authority to investigate these offshore activities of our national banks, and to order these banks to cease their involvement in an overseas interest, if this activity leads to Illegal activities, or other violations of law.

To achieve this end, H.R. 2273, among other things, increases the reporting requirements our national banks must comply with when they acquire, directly or indirectly, a beneficial interest in any offshore company. When our national banks engage in such activities, this legislation will require them to provide a full disclosure of information to the Comptroller of the Currency about the offshore interest they will be acquiring. Specifically, they will be required to submit a report listing the names of all the shareholders, principals, or holders of a beneficial interest in the offshore company, provide the names of any directors, officers, or managing agent of the offshore company; provide the identity and value of any assets held or owned by the offshore company; supply the Comptroller of the Currency with information about the criminal histories and any legal accusations filed against any of the named individuals in the report; and provide such other information as the Comptroller of the Currency may require. These banks will also be required to provide periodic updates of this information to the Comptroller of the Currency.

H.R. 2273 also prohibits certain relations between national banks and certain violators of Federal, State, or foreign criminal law, banking or financial services law, or labor law, or any regulations prescribed under any such law, by any agent or affiliate of the national bank, or any other entity with which the national bank maintains a correspondent banking relationship, which has been finally adjudicated or determined by any adjudicative, regulatory, or other governmental authority.

In addition, H.R. 2273 provides that both national banks and any other persons or entities, including any Federal or State official, department, or agency, may file a notice with the Comptroller of the Currency to notify the Comptroller of any violation of law that has occurred as a result of the affiliation of the national bank and the offshore interest, and to petition the Comptroller of the Currency to prohibit any further relationship between the national bank and the entity with respect to whom such notice is filed. Upon receiving any such complaint, the Comptroller of the Currency would then be required by the legislation to serve on the national bank a written notice to show cause why the Comptroller should not issue an order prohibiting any further relationship between the national bank and any such agent, affiliate, or other entity.

Third parties would also be given the right under H.R. 2273, to petition for a hearing before the Comptroller of the Currency concerning the relationship at issue between a national bank and an offshore interest, and that person making the request for a hearing shall be provided with an opportunity to be heard on the record at a hearing. The Comptroller of the Currency would also be granted the authority to issue a cease and desist order to stop the involvement

Mr. Speaker, H.R. 2273 is an important first step toward improving our nation's banking laws. I would ask my colleagues to join me in seeking passage of this important bill.

HONORING LEO S. ALTMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart I would like to recognize the passing of Leo S. Altman. Leo was a compassionate husband and grandfather, a dedicated lawyer and a skilled woodworker, who resided in Pueblo, Colorado and died on Thursday, July 12—on the birthday of his wife, Helen, who passed away last year.

Leo gave of himself unselfishly and made a difference in many peoples' lives. As a figurehead, young lawyers would look to him for advice not only because of his helping hand, but because he was a remarkable lawyer. His teachings he was able to inspire others and truly set an example for many to emulate. Beginning in 1935 and as a partner in Preston & Altman; Leo did not end his career until a month ago when his health began to fail him.

Beyond the scope of his occupation, Leo loved to travel and visited 108 countries throughout his lifetime. Woodworking was another passion that he developed and he has made everything from tables to jewelry boxes. The idea of service to others filled his heart and was witnessed by his involvement in the State Board of Bar Examiners. He also served as the president of the Pueblo Bar Association and in other positions as a municipal judge and police magistrate. Throughout World War II Leo was a judge advocate and retired from the Army Reserve with the rank of Lieutenant Colonel.

As his wife was nearing the end of her life, Leo comforted her. Since then he has lived by himself. His humility pervaded his character as did his patience, professionalism, and care. Seemingly always giving more than expected, Leo was a dedicated man and well respected. Leo Altman shall be remembered as a man with an intense mind, delicate character and a big heart. Mr. Speaker, my thoughts and prayers are with his family and I would like to extend my warmest regards and deepest sympathy to them.

NURSING SHORTAGE RESPONSE ACT STATEMENT OF INTRODUCTION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce the Nursing Shortage Response Act to help address the critical shortage of registered nurses (RNs) in our nation's hospitals.

With the number of students going into the nursing profession on the decline and the bulk of nurses set to retire as the baby boom generation hits Medicare age, nursing staffing shortages are quickly becoming a real healthcare crisis. At the same time, mandatory overtime and lack of adequate staffing in hospitals is driving many existing nurses from the nursing profession into other jobs or retirement. Because of this shortage, existing nurses are being over-worked and the quality of care many patients receive is being called into question.

The Nursing Shortage Response Act would help alleviate the current staffing problems hospitals are experiencing by amending the Public Health Service Act to give the National Health Service Corp (NHSC) the authority to consider tertiary care or hospital based nurses. The NHSC would establish criteria for including these nurses in determining the number of health professionals in the ratio for designating a health professional shortage area (HPSA).

Currently, the NHSC does not take into account the ratio of hospital nurses per patient in designating a HPSA. This designation process is based only on the number of primary care doctors per patient.

I believe this is an important first step towards addressing the nursing staffing shortage. By providing the NHSC the authority to consider the number of tertiary care nurses in designating a HPSA, nurses placed in a medically under-served area would be eligible to receive scholarships and/or have their student loans repaid under the NHSC Scholarship and Loan Repayment programs. We must revitalize the interest in the nursing profession for today's students and make the choice to enter the profession a more attractive, achievable option.

At the same time, this bill does not harm the status quo. Language in the Nursing Shortage Response Act prevents the stripping of current HPSA designations by the inclusion of tertiary care nurses in the designation process. Additionally, the 10% set aside for advanced practice nurses under the NHSC would not be implicated as this legislation directs that funds are to come from the $87.9 million budget of the NHSC.

Please join me in supporting this legislation as a good first step towards addressing the nursing staffing shortages around the country.

A TRIBUTE TO MARIA EMA MINON

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. COX. Mr. Speaker, I rise today to commemorate Maria Ema Minon, M.D., who this past weekend completed her term as President of the Orange County Medical Association.

Dr. Minon, only the second woman president in the 100 year history of the OCMA, has provided excellent leadership on numerous issues of central importance to the people of Orange County. Her fight for just compensation for physician services provided under Medi-Cal and her dedication to improving the

quality of care in Orange County have been exemplary.

Dr. Minon was born in Buenos Aires, Argentina, and immigrated to the United States in 1966. After graduating from the University of California, Irvine School of Medicine, she distinguished herself over 20 years as a pediatrician in private practice. Since 1984, she has served in numerous leadership positions to promote public service in medicine, ethics, and health finances. Dr. Minon served as President of my district's American Academy of Pediatrics chapter and was recently named Chair of the Children and Families Commission of Orange County. She is also the Vice President of Medical Affairs at the Children's Hospital of Orange County, and was recognized in 1998 by the CHOC Foundation for Children with the Charlie Hester Philanthropy Award.

Although the gavel has passed to a new President, I know Dr. Minon will continue to dedicate her time and knowledge to advancing high-quality health care for all Orange Countians. On behalf of the United States Congress and all of the people of Orange County whom it my privilege to represent, congratulations to Dr. Minon on her successful term as the President of the Orange County Medical Association.

HONORING ANNE STEINBECK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor and congratulate Anne Flick Steinbeck on her retirement for the Gunnison/Hinsdale Department of Social Services. When she retired on June 11, Anne had given the department more than 38 years of dedicated service. Her presence will surely be missed.

While being recognized at a gala retirement event, Gunnison County Commissioner Perry Anderson called Steinbeck a ''miracle worker.'' Although the Gunnison/Hinsdale Department of Social Services has undergone numerous changes during the time Anne has served, the primary aim of assisting fellow human beings has remained the same. Touching the hearts of others has undoubtedly been a motivating factor for her as she has served selflessly for the people of her community.

After many years of service to others, Anne and her husband have decided to travel and spend a considerable amount of time with their family. I wish Anne Steinbeck the best of luck and thank her for the dedicated effort she has put forth.

TRIBUTE TO EUDORA (ALICE) WELTY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to an American Literary Figure, the late Eudora Alice Welty. This well known author was born and educated in Jackson, Mississippi. She received her Bachelor of Arts at University of Wisconsin, Madison in 1929 and in 1931 attended Columbia University School for Advertising, New York.

In 1946, she published her first full-length novel, Delta Wedding, which depicts The Mississippi Delta's structure and society of the family with mythical parallels. Her work put into words the everyday life struggles of Mississippians.

In 1950, Welty won a Guggenheim Fellowship and was elected to the National Institute of Arts and Letters.

In 1987, Welty was knighted a Cavalier by the French Government. Welty received the 1996 Legion of Honor, France's highest civilian honor.

She has received the Pulitzer prize, 1973; Presidential Medal of Freedom, 1980; National Endowment for the Arts Award, 1989 and Charles Frankel prize, 1992.

Some of her numerous honors are Bread Loaf Writers Conference fellowship (1940), O'Henry fellowship (1942, 1943, 1968), Howells Medal (1955) and gold medal (1972), and Bobst award, 1984.

Mr. Speaker, Ms. Eudora Welty, is proudly recognized by the state of Mississippi and the United States of America as a visionary for all people. On behalf of the people of the 2nd Congressional district, I salute her.

IN RECOGNITION OF THE BOLIVIAN FOLKORIC GROUP, LOS KJARKAS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Los Kjarkas, a world renowned Bolivian folkloric group.

The seven members of Los Kjarkas, Gonzalo Hermosa Gonzalez, Elmer Hermosa Gonzalez, Gaston Guardia Bilbao, Eduardo Yanez Loayza, Miguel Mengoa Montes de Oca, Rolando Malpartida Porcel, and Ivan Barrientos Murillo will begin the American portion of their 2001 world tour on July 28th, in New York City.

Often referred to as the Ambassadors of Bolivia, audiences throughout the country will be entertained by Los Kjarkas' folkloric presentations. The music of Los Kjarkas provides audiences with an Andean cultural experience that will enhance their knowledge and exposure to Bolivian customs and traditions.

Before coming to the United States, Los Kjarkas will begin their international tour in Europe with performances throughout Spain and Switzerland. The tour will conclude in South America.

Los Kjarkas has used its fame and notoriety to positively impact the lives of youths throughout Latin America. In 1994, the group established 'la fundacion Kjarkas' a foundation devoted to teaching children throughout Latin America how to compose and perform Andean music. As a result of their dedication and commitment, Los Kjarkas has inspired many Latin American children to pursue musical endeavors.

Today, I ask my colleagues to join me in recognizing Los Kjarkas for their outstanding musical contributions and unparalleled commitment

IN SUPPORT OF THE NATIONAL COMMISSION FOR THE NEW NATIONAL GOAL: THE ADVANCEMENT OF GLOBAL HEALTH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. GEKAS. Mr. Speaker, I rise once again to bring to the attention of my colleagues the introduction of legislation to prove ''The National Commission for the New National Goal: The Advancement of Global Health.''

The entire world acknowledges that the 20th century was engaged by our nation's leadership in the removal of the threat of totalitarianism and of world communism. Our national goals were the safeguard and expansion of democracy through the maintenance of military and political power. With the fall of the Berlin Wall, these goals were not only advanced but made a reality. As we enter the 21st century, our great nation has once again a unique opportunity to channel the genius of its technology, industrial might, scientific research and the will of our great citizens into a positive goal equal to the 20th century challenge of defeating totalitarianism.

Today, it is time to rechannel our limitless energies to an all-out effort to enhance the health of every American and to combat disease worldwide. America's humanitarian and enlightened self-interest are substantial reasons to commit to the global eradication of disease such accomplishments would protect our citizens, improve quality of life, enhance our economy and ensure the continued advancement of American interests worldwide. While the actual eradication of disease on a global scale may not be possible, the pursuit of such a goal could lead to new products in health care, new medicines and new methods of treating disease.

On June 30, 1999, I introduced into the 106th Congress H.R. 2399, the National Commission for the New National Goal: The Advancement of Global Health Act. I am reintroducing that measure today. This legislation would create a Presidential/Congressional commission to investigate how we as a nation can commit ourselves to the goal of the global eradication of disease. Specifically, this commission would recommend to Congress a

In order to accomplish these objectives, the bill sets two tangible goals for the Commission. First, the Commission would assist the Center for Vaccine Development at the National Institutes of Health to achieve global control of infectious diseases. In addition, the Commission would utilize the NIH and NSF to expand health resources and research information globally through Internet conferencing and data dissemination capabilities. The Commission would also be authorized to spend up to $1 million as seed money to coordinate and attract private and public funds, both at home and abroad, to realize these goals.

On September 13, 2001, Dr. Dyann Wirth, a professor at the Harvard University School of Public Health Department of Immunology and Infectious Disease, testified on this legislation before the House Commerce Committee subcommittee on Health and the Environment on behalf of the Joint Steering Committee for Public Policy. I would like to emphasize the following excerpt from her testimony:

''We support this bill because we believe that in this third millennium it is within the grasp of human capability to accelerate the role of basic biomedical research and the translation of that research to the benefit of the world's least fortunate people. Now is the time; scientific potential is there; it requires only political will to make it reality. . . .''

According to the World Health Organization, infectious diseases account for more than 13 million deaths per year. That means that over the duration of this hearing 1,500 people will die from an infectious disease—half of them children under five. . . .

As you know, most of these deaths occur in developing countries where extreme poverty and lack of access to basic health care, adequate sanitation and essential drugs can seal the fate of children before they are born. However, the enormous volume of travel and trade today have made infectious diseases blind to our national borders. . . .

As we begin the 21st century, we are blessed with unimaginable opportunities to build on breakthrough research to control and prevent global infectious disease. This is not just altruism to reduce the suffering of the world's most needy; this is also a question of national security and health for the United States and its citizens. Renewed investment in the treatment and prevention of global infectious disease is a win-win situation for the country; by helping others across the world we are also launching the best defense to protect the health of our Nation's people.''

The knowledge and unbounded imagination of researchers, doctors and scientists such as Dr. Dyann Wirth have ensured the preeminence of research that has fostered our freedom and economic well-being. Now, we can empower these individuals in an all-out effort to devise the methods and substances to eradicate disease worldwide. The concern for human life requires us to muster all available resources, bolstered by a concerted, dedicated will to eradicate disease from the face of the Earth.

Please join me in co-sponsoring this important legislation.

HONORING DAN AND MARY KING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, today I'd like to congratulate and thank Dan and Mary King of Ouray, Colorado, for having the courage and initiative to take on a project that will enrich the City of Ouray. The couple, who are working to completely renovate the historic Beaumont Hotel, will provide residents and visitors both with a sense of history and foundation.

Dan and Mary, who are from San Antonio, Texas, have made a huge investment in the once crumbling hotel. They purchased what Lori Cumpston of The Daily Sentinel called ''the pink elephant—an eyesore'' at an auction in 1998 with the hopes of transforming it into ''a revitalized hotel with retail shops, restaurants, and a spa.'' Currently, the Kings have found fifty workers to help them update the building with new electrical, mechanical, plumbing, and fire suppression systems, as well as handicapped access to all floors. They are also baring the natural brick that has long been covered with bubblegum pink paint. ''Every square inch, including the mortar, has had to be hand scraped,'' Mary said. While the new Beaumont will portray new amenities, however, they are also keeping the hotel authentic. Dan said, ''We want to change as little as possible. We want the experience to be that it's 115 years old.''

Even though Mary and Dan estimate that the hotel will not be finished until the summer of 2002, the first shop owner in the hotel is already enjoying the King's project. David Smith, whose business is the first in 37 years to open in the Beaumont Hotel, has already opened Buckskin Booksellers at the Beaumont, which houses over 4000 new and rare books. Smith says of the Beaumont, ''Most people see this as becoming the core of the town.''

Mr. Speaker, the Kings have done a great service in transforming what used to inhibit the town's atmosphere into what might be the new ''core'' of Ouray. I ask we pay tribute on behalf of Congress to their personal sacrifice and their initiative.

IN MEMORY OF EUDORA WELTY

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. TAYLOR of Mississippi. Mr. Speaker, I join my colleagues from Mississippi in expressing deep appreciation and admiration for one of the most gifted literary figures of our state and nation, Eudora Welty, whom we lost this afternoon following a lifetime of contribution to her art. Although recognized and celebrated throughout her career, Welty had a gracious and genteel demeanor. She spoke frequently to students of literature and lovers of writing, encouraging them to develop an ability to listen and to carefully observe before trying to understand or tell a story.

Born in 1909, Welty was a life-long resident of Jackson, Mississippi, where she grew up in a close-knit extended family. She claimed to have been sheltered and protected from outside forces of all sorts. She attended Mississippi State College for Women, the University of Wisconsin in Madison, and Columbia University in New York. She returned to Mississippi during the Great Depression. She held various jobs, including publicist for the Works Progress Administration and a number of lecturing and teaching posts. She also had a love for photography, and took many pictures during that era that were later displayed and published.

Photography had a profound influence on her mode of writing, teaching her that life does not hold still and inspiring her to try to capture its transience in words. Notoriously taciturn about her life, Welty carefully controlled her public persona. She firmly insisted that her work was not political, and did not discuss social or cultural issues in her work outside those endemic to immediate community and family. She traced her upbringing and mediated upon the forces, both familial and situational, that shaped her as a writer and as a person.

Welty's novels include The Robber Bridegroom (1942), Delta Wedding (1946), The Ponder Heart (1954), Losing Battles (1970), and The Optimist's Daughter (1972). Her short story collections include A Curtain of Green (1941), The Wide Net and Other Stories (1943), The Golden Apples (1949), and The Bride of the Innisfallen and Other Stories (1955). She also wrote the non-fiction works The Eye of the Story (1978), and One Writer's Beginnings (1984).

Welty's works seem not to reflect so much an attempt to write the great American novel, but rather the act of simply telling a story and having the readers connect with its characters. These beautifully written works offer not only a panorama of Welty's extraordinary vision, but they also give a sense of, as she said herself, ''watching a negative develop, slowly coming clear before your eyes.''

HONORING TERRY AND VICKI BRADY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, we live in a world where thousands of children are neglected or abused, where television is a common substitute for parenting, and where many parents feel insecure or even indifferent about their ability as parents. Terry and Vicki Brady have not only refused to become part of this dangerous downward spiral, but they have reached out to help direct others, serving as leaders and role models in the most important occupation. For their efforts, they have been selected as Colorado Parents of the Year, and they certainly deserve our thanks and congratulations.

Terry and Vicki, who live outside Idaho Springs, Colorado, are the proud parents of eight children, ranging in age from 5 months to 24 years. They have encountered challenges endured by all parents, as well as a few most hope they never have to face. Their first child, Emily, nearly died in her infancy from a rare disease. Emily survived, but when she began school, severe learning disabilities caused her to be deemed ''uneducable.'' Instead of giving up, Vicki taught Emily at home, eventually helping Emily to learn in ways the family had been told were impossible. As a result of this experience, Vicki and Terry decided to home school all of their children, and to help guide others in the same endeavor.

The two currently run Home Education Network (HEN) Radio, which has led to national recognition in the field of home schooling. Vicki, Terry, and three of their children share the responsibilities of the radio station where they broadcast nationally the programs Just a Mom and Homeschooling USA. Vicki, a radio host, facilitates discussions between parents with a wide range of backgrounds, as well as answering questions from callers. In all, they produce live broadcasts four times per week, using it as a means to serve and minister to

others. In addition, Vicki has authored Quiet Moments for Home School Moms and Dads and The Basic Steps to Successful Homeschooling. Terry serves as president of HEN and executive producer of the two live programs.

Mr. Speaker, Terry and Vicki Brady have been excellent role models for parents, particularly those who home school their children. They have contributed to a vital movement toward making our nation's children our first priority. Their outstanding efforts deserve the praise and admiration of us all. My thanks to them for a job well done.

HONORING AND CONGRATULATING DOUG STERNER ON HIS APPOINTMENT AS CHAIRMAN OF COLORADO STATE BOARD OF VETERANS AFFAIRS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, without the courage, patriotism, and self-sacrifice of United States veterans, past and present, we as citizens would not enjoy the freedoms we so often take for granted. I would like to thank a true hero, Doug Sterner, for his commitment to help honor those men and women who have brought honor, freedom, and glory to our Nation. Doug was recently appointed as the new Chairman for the Colorado State Board of Veterans Affairs. A Vietnam War veteran and co-founder of the Home of Heroes campaign in Pueblo, Doug is certainly the right man for the post. I would like to congratulate him, and to thank him for his continued dedication toward bringing services and recognition to America's heroes.

As Doug begins his new role, he will help direct a new grant program that allows veterans access to direct services. For instance, the program will help provide transportation so that veterans can take advantage of needed services. In addition, he plans on developing a statewide Operation Recognition Program that will help allow World War II veterans who did not finish high school to go back and receive an honorary diploma. Dennis Darrow, of The Pueblo Chieftain, recounts Doug as explaining, ''the program brings more patriotic education into schools while honoring World War II veterans and other military personnel.''

In addition, Doug has started a series of school assemblies in the Pueblo area, which feature Medal of Honor recipients. He has also established the website HomeOfHeroes.com, which details veterans' stories, provides free booklets and videos, and allows kids to interact through quizzes and games. This elaborate website provides a wealth of information for children and adults, and has been recognized by The Pueblo Chieftain as ''The nation's leading Web site for information about patriotism.'' Mr. Speaker, I was involved in some of the ceremonies recognizing Medal of Honor recipients as part of the Home of Heroes campaign. I can say from personal experience that Doug Sterner devoted much of himself to see the Home of Heroes project through, and in doing so brought a tremendous amount of needed attention to the sacrifices made on our behalf by Medal of Honor recipients from Pueblo and everywhere else for this Nation.

Mr. Speaker, Doug Sterner exemplifies patriotism and deserves the praise and admiration of this body. His appointment as Colorado State Board of Veterans Affairs Chairman reflects the huge strides he has made in providing education, support, and recognition for those who fought for our fundamental rights. I would like to thank him on behalf of Congress for his extensive work with our Nation's veterans.

IN RECOGNITION OF THE BOLIVIAN FOLKLORIC GROUP, LOS KJARKAS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Los Kjarkas, a world-renowned Bolivian folkloric group.

The seven members of Los Kjarkas, Gonzalo Hermosa Gonzalez, Elmer Hermosa Gonzalez, Gaston Guardia Bilbao, Eduardo Yanez Loayza, Miguel Mengoa Montes de Oca, Rolando Malpartida Porcel, and Ivan Barrientos Murillo will begin the American portion of their 2001 world tour on July 28th, in New York City.

Often referred to as the Ambassadors of Bolivia, audiences throughout the country will be entertained by Los Kjarkas' folkloric presentations. The music of Los Kjarkas provides audiences with an Andean cultural experience that will enhance their knowledge and exposure to Bolivian customs and traditions.

Before coming to the United States, Los Kjarkas will begin their international tour in Europe with performance throughout Spain and Switzerland. The tour will conclude in South America.

Los Kjarkas has used its fame and notoriety to positively impact the lives of youths throughout Latin America. In 1994, the group established ''la fundacion Kjarkas'', a foundation devoted to teaching children throughout Lain America how to compose and perform Andean music. As a result of their dedication and commitment, Los Kjarkas has inspired many Latin American children to pursue musical endeavors.

Today, I ask my colleagues to join me in recognizing Los Kjarkas for their outstanding musical contributions and unparalleled commitment to the children of Latin America.

HONORING PAUL ZSCHOKKE–

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor a man who has been offered a unique opportunity, Paul Zschokke. Paul has been nominated to spend a week at Space Camp learning the mental, physical and emotional strains that face this Nation's astronauts. This experience will not only benefit Paul, but also the thirty, ten- and eleven-year-old students Paul teaches each year at Highland Park Elementary School.

For eighteen years Paul has been a teacher in Pueblo and in that time he has molded the minds of hundreds of students. Paul was not always interested in teaching, when he was younger electronics was his interest, but when he got to college he decided to major in psychology, because he wanted to spend his life with people. His early interest in science is apparent in Paul's lesson plans. He has been trying to incorporate science and math into his writing curriculum, because writing is such a crucial skill at any age. For the last eight years Paul has been working closely with the Pueblo Boeing plant, to expose his students to aerodynamics, aerospace and how real business functions bring to life math and science. The field trips to the plant have allowed his students a unique perspective on the real life application of the subjects that seem so abstract in the school setting.

The program that Paul has implemented, Pueblo with Boeing, is the main reason that Paul will be attending space camp. Although Paul never wanted to become an astronaut, he did say, ''I always wanted to be one of those guys in the white shirts on the ground trying to figure out the problems.'' By the end of his week at Space Camp, Paul will be at mission control in Houston watching those men ''in white shirts'' in action. Throughout this experience Paul has set the personal goal of finding more ways to merge English with science. If Paul accomplishes his goal, not only will his life be enriched by this experience, but also the lives of his students.

In a time when Congress is continually looking for a way to improve education in the United States, it is commendable when a teacher takes the initiative to improve his skills and knowledge for the benefit of his students. That is why, Mr. Speaker, I stand before you to recognize Paul Zschokke. Good luck at Space Camp, Paul, and I hope you continue to strive to be the best teacher you can be.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 24, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 25

9 a.m.
Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on global power projection.
SD–124

9:30 a.m.
Environment and Public Works
To hold hearings on the nomination of David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development; and the nomination of George Tracy Mehan, III, of Michigan, to be Assistant Administrator for the Office of Water, the nomination of Judith Elizabeth Ayres, of California, to be Assistant Administrator for the Office of International Activities, and the nomination of Robert E. Fabricant, of New Jersey, to be General Counsel, all of the Environmental Protection Agency; and to consider committee rules of procedures for the 107th Congress.
SD–406

Health, Education, Labor, and Pensions
To hold hearings to examine genetics research issues and non-discrimination in health insurance and employment.
SD–430

Commerce, Science, and Transportation
To hold hearings on the nomination of Mary Sheila Gall, of Virginia, to be Chairman of the Consumer Product Safety Commission.
SR–253

Governmental Affairs
To hold hearings to examine current entertainment ratings, focusing on evaluation and improvement.
SD–342

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine education technology issues.
SD–106

9:45 a.m.
Energy and Natural Resources
Business meeting to consider the nomination of Dan R. Brouillette, of Louisiana, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.
SD–366

10 a.m.
Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine the risks of a growing balance of payments deficit.
SD–538

Judiciary
To hold hearings on S. 1157, to reauthorize the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact.
SD–226

10:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Indian Gaming Regulatory Act.
SH–216

11 a.m.
Foreign Relations
To hold hearings on the nomination of Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea.
SD–419

2 p.m.
Foreign Relations
To hold hearings on the nomination of Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development; the nomination of Ross J.
Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation; the nomination of Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development; and the nomination of Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund.
SD–419

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold oversight hearings to examine the General Accounting Office report on the operation of the National Infrastructure Protection Center, focusing on the fight against cybercrime.
SD–226

2:30 p.m.
Intelligence
To hold closed hearings on intelligence matters.
SH–219

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings on S. 995, 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 non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel.
SD–342

JULY 26

9:30 a.m.
Environment and Public Works
To hold hearings to examine the environmental and public health impacts of power plant emissions.
SD–406

Governmental Affairs
To hold hearings on the nomination of Lynn Leibovitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

Commerce, Science, and Transportation
To hold hearings to examine chemical harmonization issues.
SR–253

9:45 a.m.
Energy and Natural Resources
To continue hearings on legislative proposals relating to comprehensive electricity restructuring legislation, including electricity provisions of S. 388, the National Energy Security Act; S. 597, the Comprehensive and Balanced Energy Policy Act; and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress.
SH–216

10 a.m.
Aging
To hold hearings to examine Medicare enforcement actions focusing on the federal governments anti-fraud efforts.
SD–124

Judiciary
Business meeting to consider pending calendar business.
SD–226

Banking, Housing, and Urban Affairs
To hold hearings to examine the problem, impact, and responses of predatory mortgage lending practices.
SD–538

10:30 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the business of environmental technology.
SR–428A

Foreign Relations
Business meeting to consider proposed legislation entitled "Foreign Relations Authorization Act", fiscal year 2002 and 2003; S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; the nomination of Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark; the nomination of Sue McCourt Cobb, of Florida, to be Ambassador to Jamaica; the nomination of Russell F. Freeman, of North Dakota, to be Ambassador to Belize; the nomination of Michael E. Guest, of South Carolina, to be Ambassador to Romania; the nomination of Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden; the nomination of Thomas J.
Miller, of Virginia, to be Ambassador to Greece; the nomination of Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan; the nomination of Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States; the nomination of Jim Nicholson, of Colorado, to be Ambassador to the Holy See; and the nomination of Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.
SD–419

2:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Linda Mysliwy Conlin, of New Jersey, to be Assistant Secretary of Commerce

for Trade and Development; the nomination of Michael J. Garcia, of New York, to be Assistant Secretary of Commerce for Export Enforcement; the nomination of Melody H.

Fennel, of Virginia, to be Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Relations; and the nomination of Michael Minoru Fawn Liu, of Illinois, to be Assistant Secretary of Housing and Urban Development for Public; and Indian Housing and the nomination of Henrietta Holsman Fore, of Nevada, to be Director of the Mint, Department of the Treasury.

SD–538

2:45 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 423, to amend the Act entitled ″An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon″; S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area; S. 1057, to authorize the addition of lands to Pu'uhonua o Honaunau National Historical Park in the State of Hawaii; S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park; and H.R. 640, to adjust the boundaries of Santa Monica Mountains National Recreation Area.

SD–366

3 p.m.

Appropriations

Business meeting to markup proposed legislation 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 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002.

S–128, Capitol

JULY 27

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine the problem, impact, and responses of predatory mortgage lending practices.

SD–538

JULY 30

9:30 a.m.

Governmental Affairs

To hold hearings to examine the rising use of the drug ecstacy, focusing on ways the government can combat the problem.

SD–342

1 p.m.

Judiciary

To hold hearings on the nomination of Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation, Department of Justice.

SH–216

JULY 31

10 a.m.

Indian Affairs

To hold hearings on the implementation of the Indian Health Care Improvement Act, focusing on urban Indian Health Care Programs.

SR–485

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine early detection and early health screening issues.

SD–430

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine asbestos issues.

SD–430

2:30 p.m.

Veterans' Affairs

To hold hearings on the nomination of John A. Gauss, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology; the nomination of Claude M. Kicklighter, of Georgia, to be Assistant Secretary of Veterans Affairs for Policy and Planning; to be followed by a business meeting to consider pending calendar business.

SR–418

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Navy shipbuilding programs.

SR–222

AUGUST 1

9:30 a.m.

Energy and Natural Resources

Business meeting to consider energy policy legislation and other pending calendar business.

SD–366

AUGUST 2

9:30 a.m.

Energy and Natural Resources

Business meeting to consider energy policy legislation.

SD–366

10 a.m.

Indian Affairs

To hold hearings on S. 212, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

Judiciary

Business meeting to consider pending calendar business.

SD–226

Health, Education, Labor, and Pensions

To hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration.

SD–430

SEPTEMBER 19

2 p.m.

Judiciary

To hold hearings on S. 702, for the relief of Gao Zhan.

SD–226

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8033–S8077

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 1218–1221, and S. Res. 138. **Page S8064**

Measures Reported:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001.''. (S. Rept. No. 107–44)

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002''. (S. Rept. No. 107–45)

S. 1218, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006. **Page S8064**

Measures Passed:

George Washington Letter to Touro Synagogue: Senate agreed to S. Con. Res. 16, expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom. **Pages S8075–76**

National Airborne Day: Senate agreed to S. Res. 16, designating August 16, 2001, as ''National Airborne Day''. **Page S8076**

Tropical Forest Conservation Act Authorization: Committee on Foreign Relations was discharged from further consideration of H.R. 2131, to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and the bill was then passed, clearing the measure for the President. **Page S8076**

Department of Transportation and Related Agencies Appropriations Act: Senate resumed consideration of H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto: **Pages S8044–55**

Adopted:

By a unanimous vote of 96 yeas (Vote No. 247), Reid/Mikulski/Sarbanes Amendment No. 1037 (to Amendment No. 1025), to require a study of the hazards and risks to public health and safety, the environment, and the economy of the transportation of hazardous chemicals and radioactive material, the improvements to transportation infrastructure necessary to prevent accidents in the transportation of such chemicals and material, and the preparedness of Federal, State, and local emergency response and medical personnel to response to and mitigate accidents in the transportation of such chemicals and material. **Pages S8046–53**

Murray (for Sarbanes/Mikulski) Amendment No. 1038 (to Amendment No. 1025), to set aside funds for a joint study of rail infrastructure in the vicinity of Baltimore, Maryland. **Page S8053**

Murray (for Thomas) Amendment No. 1039 (to Amendment No. 1025), to make certain revisions relative to the Americans with Disabilities Act of 1990. **Page S8054**

Pending:

Murray/Shelby Amendment No. 1025, in the nature of a substitute. **Pages S8044–55**

Murray/Shelby Amendment No. 1030 (to Amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals. **Pages S8044–46**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Tuesday, July 24, 2001. **Page S8076**

Appointments:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed Senator Biden as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 107th Congress. **Page S8075**

British-American Interparliamentary Group: The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appointed Senator Leahy as Chairman of the Senate

Delegation to the British-American Interparliamentary Group during the 107th Congress. **Page S8075**

Messages from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the National Emergency with Respect to Terrorists Who Threaten to Disrupt the Middle East Peace Process; to the Banking, Housing, and Urban Affairs. (PM–36) **Page S8062**

Nominations Received: Senate received the following nominations:

Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Angola.

Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs). **Page S8077**

Petitions and Memorials: **Pages S8062–64**

Statements on Introduced Bills: **Pages S8065–68**

Additional Cosponsors: **Pages S8064–65**

Amendments Submitted: **Pages S8069–70**

Additional Statements: **Pages S8057–61**

Text of S. 1172, as Previously Passed: **Pages S8071–75**

Notices of Hearings/Meetings: **Pages S8070–71**

Authority for Committees: **Page S8071**

Record Votes: One record vote was taken today. (Total—247) **Page S8053**

Adjournment: Senate met at 2 p.m., and adjourned at 6:40 p.m., until 10 a.m., on Tuesday, July 24, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S8076–77.)

Committee Meetings

(Committees not listed did not meet)

HEALTH CARE AND TECHNOLOGY

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine the use of technology in the health care system, focusing on opportunities and obstacles regarding the use of Internet technology to empower patients to improve their health care, including processing medical claims and payments through secure Internet technologies, health web site information monitoring, web site sharing between hospitals and physicians, and addressing health work force shortages, after receiving testimony from Tom Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Willie E. May, Chief, Analytical Chemistry Division, Chemical Science and Technology Laboratory, National Institute of Standards and Technology, Department of Commerce; Sherrilynne S. Fuller, University of Washington School of Medicine Department of Medical Education Division of Biomedical Informatics, Seattle; John W. Kenagy, Harvard University Business School, Cambridge, Massachusetts; Albert Patterson, Premier, Inc., Oak Brook, Illinois.

FEDERAL GOVERNMENT INFRASTRUCTURE

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure held oversight hearings to examine the role of the federal government in meeting infrastructure needs, focusing on historical infrastructure investment analysis, estimated infrastructure needs of various agencies, and certain methods of developing these estimates, receiving testimony from Peter F. Guerrero, Director, Physical Infrastructure Issues, General Accounting Office; Mayor Marc H. Morial, New Orleans, Louisiana, on behalf of the United States Conference of Mayors; Mayor Bill Campbell, Atlanta, Georgia; Mayor Oscar Goodman, Las Vegas, Nevada; Mayor Anthony Williams, Washington, D.C.; and Robert W. Portiss, Tulsa Port of Catoosa, Tulsa, Oklahoma.

Hearings recessed subject to call.

FEMA BIOTERRORISM PREPAREDNESS

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine the role of the Federal Emergency Management Agency in managing a bioterrorist attack and the impact of public health concerns on bioterrorism preparedness, after receiving testimony from Bruce P. Baughman, Director, Planning and Readiness Division, Readiness, Response, and Recovery Directorate, Federal Emergency Management Agency; Scott R. Lillibridge, Special Assistant to the Secretary of Health and Human Services for National Security and Emergency Management; Tara J. O'Toole, Johns Hopkins University Center for Civilian Biodefense Studies, Baltimore, Maryland, former Assistant Secretary of Energy for Environment Safety and Health; and Dan Hanfling, Inova Fairfax Hospital, Falls Church, Virginia.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 2586–2589 and H.R. 2591–2599; 4 resolutions, H. Con. Res. 190–193 were introduced. **Pages H4427–28**

Reports Filed: Reports were filed today as follows:

H.R. 451, to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, amended (H. Rept. 107–150);

H.R. 427, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon (H. Rept. 107–151, Pt. 1); and

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 (H. Rept. 107–152).

Report on the Suballocation of Budget Allocations for Fiscal Year 2002 (H. Rept. 107–153); and

H.J. Res. 55, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, amended (Adverse, H. Rept. 107–154). **Page H4427**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Issa to act as Speaker pro tempore for today. **Page H4379**

Transportation and Infrastructure Committee Resolutions: Read a letter from Chairman Young of Alaska wherein he transmitted copies of resolutions approved by the Committee on Transportation and Infrastructure on July 18, 2001—referred to the Committee on Appropriations. **Page H4380**

Presidential Message—National Emergency re Disruption of the Middle East Peace Process: Read a message from the President wherein he transmitted 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—referred to the Committee on International Relations and ordered printed (H. Doc. 107–106). **Page H4402**

Recess: The House recessed at 3:47 p.m. and reconvened at 6 p.m. **Page H4402**

Suspensions: The House agreed to suspend the rules and pass the following:

Mount Nebo Wilderness, Utah Boundary Adjustment Act: H.R. 451, amended, to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area; **Pages H4381–82**

Land Conveyance to Carson City, Nevada for a Senior Center: 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; **Page H4382**

Little Sandy River, Oregon Watershed Protection: 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; **Pages H4382–84**

21st Century Department of Justice Appropriations Authorization: H.R. 2215, amended, to authorize appropriations for the Department of Justice for fiscal year 2002; **Pages H4384–92**

Criminal Law Technical Amendments: H.R. 2137, amended, to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure (agreed to by a yea-and-nay vote of 374 yeas with none voting "nay," Roll No. 257); **Pages H4302–95**

Family Sponsor Immigration: H.R. 1892, amended, 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 (agreed to by a yea-and-nay vote of 379 yeas with none voting "nay," Roll No. 258); **Pages H4395–99, H4402–03**

Honoring Firefighters Who Died Fighting the Thirtymile Fire in the Cascade Mountains: H. Res. 201, amended, honoring four firefighters who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State; and **Pages H4399–H4401**

James C. Corman Federal Building, Van Nuys, California: S. 468, to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building" (agreed to by a yea-and-nay vote of 381 yeas with none voting "nay," Roll No. 259)—clearing the measure for the President. **Pages H4401–02, H4403–04**

Coverdell Education Savings Accounts: The House passed S. 1190, to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account—clearing the measure for the President. **Pages H4404–05**

Firecracker Explosion at Fanglin Elementary School, Jianxi Province: The House agreed to 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. Agreed to strike all after the resolved clause and insert new text. And, agreed to strike and insert a new preamble. **Pages H4405–07**

Senate messages: Message received from the Senate appears on page H4380.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H4402–03, H4403–04, and H4404. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:02.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Intelligence Budget Overview. Testimony was heard from George J. Tenet, Director, CIA.

The Subcommittee also held a hearing on the Navy/Marine Corps Budget Overview. Testimony was heard from the following officials of the Department of Defense: Gordon England, Secretary of the Navy; Vice Adm. Vernon E. Clark, USN, Chief of Naval Operations; and Gen. James Jones, USMC, Commander, U.S. Marine Corps.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on 2002 Budget Overview. Testimony was heard from the following officials of the Department of Defense: Dov Zakheim, Under Secretary (Comptroller and Chief Financial Officer); Ray Dubois, Deputy Secretary, (Installations and Environment); Paul Johnson, Deputy Assistant Secretary, Installations and Housing; Maj. Gen. Robert Van Antwerp, USA, Assistant Chief of Staff, Installation Management; Maj. Gen. James Helmly, USA, Commander (TPU), 78th Division (Training Support), U.S. Army Reserves; and Brig. Gen. Michael Squier, USA, Deputy Director, National Guard, all with the Department of the Army; Duncan Holaday, Deputy Assistant Secretary, Installations and Facilities; Rear Adm. Michael Johnson, USN, Commander, Facilities Engineering Command; Brig. Gen. Michael Lehnert, USMC, Commanding General, 2nd Force Service Support Group, Marine Corps Base, Camp Lejeune; and Rear Adm. Noel Preston, USN, Deputy Director, Naval Reserve, all with the Department of the Navy; Jim Dishner, Deputy Assistant Secretary, Installations; Maj. Gen. Earnest Robbins, USAF, The Air Force Civil Engineer, Deputy Chief of Staff, Installations and Logistics; Maj. Gen. Paul Weaver, USAF, Director, Air National Guard; and Brig. Gen. Robert Duignan, USAF, Deputy to Chief of Air Force Reserve; all with the Department of the Air Force.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs, and International Relations held a hearing on Combating Terrorism: Federal Response to a Biological Weapons Attack. Testimony was heard from Frank Keating, Governor, State of Oklahoma; Scott Lillibridge, Director, Bioterrorism Preparedness and Response Program, Centers for Disease Control and Prevention, Department of Health and Human Services; former Senator Sam Nunn, State of Georgia; Maj. Gen. William A. Cugno, The Adjutant General, State of Connecticut; Maj. Gen. Ronald O. Harrision, The Adjutant General, State of Florida; Patrick Quinlisk, Medical Director and State Epidemiologist, Department of Public Health, State of Iowa; Marcelle Layton, Assistant Commissioner, Communicable Diseases, Department of Health, New York City; and public witnesses.

COMMITTEE MEETINGS FOR TUESDAY, JULY 24, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the proposed federal farm bill focusing on livestock issues, 9 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine the Semi-Annual Report on Monetary Policy of the Federal Reserve; and to hold a business meeting to consider the nomination of Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission, 10 a.m., SH–216.

Subcommittee on Housing and Transportation, to hold oversight hearings to examine the Federal Housing Administration Multifamily Housing Mortgage Insurance Program, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine seaport security issues, 9:30 a.m., SR–253.

Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings to examine prescription drug issues, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings on proposals related to global climate change and

measures to mitigate greenhouse gas emissions, including S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; S. 388, the National Energy Security Act of 2001; S. 820, the Forest Resources for the Environment and the Economy Act; and related provisions contained in S. 882 and S. 1776 of the 106th Congress, 9:30 a.m., SD–106.

Committee on Foreign Relations: to hold hearings to examine the Administration's missile defense program and the Anti-Ballistic Missile Treaty focusing on the legal and technical issues associated with missile defense, 10 a.m., SD–419.

Full Committee, to continue hearings to examine the Administration's missile defense program and the Anti-Ballistic Missile Treaty focusing on the means of addressing ballistic missile and weapons proliferation threats, 2:30 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine S. 159, to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the role of health insurance in promoting quality cares for seniors, children and individuals with disabilities, 2:30 p.m., SD–342.

Committee on Indian Affairs: business meeting to mark up S. 87, to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; S. 91, to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools; and S. 746, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to be followed by hearings on S. 266, to provide for the long-term leasing of lands on the Warm Springs Reservation, and for the approval of an agreement between the U.S. Department of the Interior, the Portland General Electric Company and the Confederated Tribes of the Warm Springs Reservation, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings on pending judicial nominations, 2 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine prescription drug issues in the Department of Veterans Affairs, 2:30 p.m., SR–418.

House

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing on Genetic Non-Discrimination: Implications for Employers and Employees, 2 p.m., 2175 Rayburn

Subcommittee on Select Education, hearing on Status of Financial Management at the Department of Education, 9:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, hearing entitled: "U.S. Deployment of Third Generation Wireless Services: When Will It Happen and Where Will It Happen?" 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth, hearing on the design and security of currency, 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 556, Unlawful Internet Gambling Funding Prohibition Act, and other Internet gambling proposals, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, and Human Resources, to consider pending business, 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on Federal Interagency Data-Sharing and National Security, 10 a.m., 2247 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 2175, Born-Alive Infants Protection Act of 2001; H.R. 2505, Human Cloning Prohibition Act of 2001; H.R. 2047, Patent and Trademark Office Authorization Act of 2002; H.R. 2048, to require a report on the operations of the State Justice Institute; H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States; H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors; H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; and H.R. 1007, James Guelff Body Armor Act of 2001, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 1456, Booker T. Washington National Monument Boundary Adjustment Act of 2001; and H.R. 1814, Metacomet-Monadnock-Sunapee-Mattabesett Trail Study Act of 2001, 10 a.m., 1334 Longworth.

Committee on Rules, to consider a measure 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, 1 p.m., H–313 Capitol.

Committee on Small Business, Subcommittee on Rural Enterprise, Agriculture and Technology, hearing on renewable fuels, 10 a.m., 2360 Rayburn.

Subcommittee on Tax, Finance, and Exports, hearing on Trade Promotion Authority and the reauthorization of the Trade Adjustment Assistant program, and their respective impacts on small business exporters and farmers, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Highway Work Zone Safety, 2 p.m., 2167 Rayburn.

Next Meeting of the SENATE

10 a.m., Tuesday, July 24

Senate Chamber

Program for Tuesday: Senate will continue consideration of H.R. 2299, Department of Transportation and Related Agencies Appropriations Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, July 24

House Chamber

Program for Tuesday: Consideration of H.R. 2506, Foreign Operations Appropriations Act for Fiscal Year 2002 (complete consideration).

Extensions of Remarks, as inserted in this issue

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