United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, SEPTEMBER 25, 2001 No. 126

House of Representatives

The House met at 9 a.m.

MORNING HOUR DEBATES

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

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

U.S. POLICY IN THE FIGHT AGAINST INTERNATIONAL TERRORISM ORIGINATING IN SOUTH ASIA

Ms. ROS-LEHTINEN. Mr. Speaker, a regional approach to the war on terrorism is critical to success.

The U.S. national security team must fully understand the dynamics between actors, as well as the strategic considerations which are guiding the responses to U.S. requests in this battle of good versus evil.

In developing our policy toward Pakistan, for example, some have argued that it is imperative that we address the long-standing relationship between the ISI and the Taliban and between the ISI and Osama bin Laden. We must not ignore facts such as the ISI's past warnings to bin Laden about U.S. military action.

There are reports that on August 20, 1998, when the United States launched cruise missile strikes on bin Laden terrorist training camps in southeastern Afghanistan, it was the head of Pakistan's ISI at the time who contacted bin Laden to warn him about U.S. surveillance and attempts to track down his whereabouts. He also cautioned bin Laden to relocate immediately because U.S. strikes were imminent.

We must also address the power relations within the Pakistani government to accurately assess the General's ability to contain challenges from the ISI. These and other factors have a direct bearing on U.S. short-term capabilities and long-term response to terrorism originating in this region.

In looking at Afghanistan, we must be careful not to follow a microcosmic view of the problem. While an immediate, comprehensive and multi-tiered military and political response to the September 11 terrorist attacks is necessary, the U.S. must also prepare a strategy which takes into consideration the myriad of factors contributing to the proliferation of terrorist activities in Afghanistan.

For one, we must look at the nature of the regime. This is not a reference to the process offered by the administration to evaluate intelligence sources. However, when formulating and implementing U.S. foreign policy toward a state, the nature and behavior of the regimes or governments which rule these countries is a critical variable to be considered.

As chairman of the Subcommittee on International Operations and Human Rights, I bear witness on a regular basis to the carnage that some regimes undertake against their own people and how this abhorrent behavior manifests itself in their views and approach to global relations.

As the President stated during his address to the Congress last week, a regime such as the Taliban which tortures its own people and shows no regard for human life can never be trusted.

A regime such as the Taliban can never understand or appreciate the magnitude of the loss suffered by our country 2 weeks ago.

Secretary of State Powell stated, when he was chairman to the Joint Chiefs of Staff, that our military objective must also have a political objective. This political objective in Afghanistan and elsewhere in south Asia should be to support and promote pluralistic representative systems guided by respect for human rights, civil liberties and religious freedoms; governments who would not promote and foster terrorism. Only then can we hope to achieve our long-term goal of eradicating the world of the cancer of terrorism.

As many have stated in the aftermath of the brutal attacks of September 11, democracy is the best antidote for Islamic militancy and radicalism. In studying the nature of the leadership which rules these countries and these regions, we must also differentiate between those who oppress and those who are guided by democratic tenets.

The U.S. must, as the Financial Times stated on September 17, be careful not to align itself too closely with authoritarian regimes that have dreadful records of suppressing minority groups. This view was echoed in a Washington Post editorial of September 24 that warned against forming tactical bonds with central Asian republics. It stated that in forming such bonds, America must not forget what it is fighting for as well as what it is fighting against.

Further, cooperation with the U.S. should not require inducements. Support for the U.S. and the war against terrorism should come from an understanding of the abhorrent nature of terrorist methods and tactics, not from a quid pro quo.

As President Bush has underscored, you are either with us or you are with the terrorists.

Ultimately, having learned the lessons of the Cold War, the U.S. must embark on this battle from a position

Printed on recycled paper.

of overwhelming strength if we are to be victorious.

I fully support the President and his advisors in this difficult journey and I wish them Godspeed.

MONETARY ASSISTANCE FOR THE AIRLINES

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, 2 weeks ago, you were in the Chair and I had taken to the floor for this session. As we have seen the impacts of September 11 continue to unfold, it does, as you and I have remarked, seem like a lifetime ago. Yet, in these times of emergency, the American public deserves our very best efforts. They deserve to have Congress look after the interests of all our citizens, America's workers as well as its businesses, in a careful, cost-effective manner.

In our rush to meet the growing demands created by the devastation in New York, Washington, D.C., and Pennsylvania, Congress would do well to follow Mr. Greenspan's cautious advice, that it is more important to be right than to be quick.

Last week, Congress approved $15 billion in Federal support for airline carriers. While no one doubts that the aviation industry has had enormous impacts on our communities, on American business and on our people's daily lives, our rush to provide relief created what I feel is a dangerous precedent.

Within a week of receiving airlines' demands for help, Congress passed and the President signed a $15 billion package that appears to go well beyond the amount needed to provide the stabilization required for this vital part of the economy.

Pushed aside for later consideration were many of the more difficult questions, providing assistance to over 100,000 airline employees laid off since the attacks, questioning what role the Federal Government should play to ensure greater airport security, or addressing the numerous collateral victims across the country directly related to air transport who have also been attacked and damaged, even though they live far away from ground zero.

These ripple effects need to be heard and addressed. The question is not merely whether the industry got too much money. When huge sums of taxpayer dollars are involved, we need to establish clearly what will be the value that the public receives in return. Is it going to receive an equity interest in return for an extraordinary investment? Or perhaps we could have purchased the noisy, polluting, inefficient airplanes and retired them from service.

It seems, Mr. Speaker, that in the upcoming weeks and months, we know Congress will be asked to provide assistance to other interests and industries and clearly to help bolster our troubled economy. We would do well to seize this as an opportunity to be thoughtful in our approach and to capitalize on this renewed bipartisan spirit on Capitol Hill to craft legislation that addresses the complexity of the problems that adds real value and makes sufficient use of tax dollars.

This is not the time to throw money at problems without a sense of the trade-offs, without failing to include all impacted individuals and businesses or weakening labor, environmental or fiscal protections.

Above all, it is not a time to use the sense of crisis to push through questionable legislation, whatever the motivation. The American public deserves our best at the time of crisis, and we in Congress would do well to heed the open letter from taxpayers for common sense that calls for these very best efforts for our taxpayers, our citizens to make sure that we are equal to the challenge.

INTRODUCTION OF CESAR ESTRADA CHAVEZ STUDY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Mr. Speaker, in the wake of the most horrific attack in the United States history, we have seen many modern American heroes among us.

Today's heroes are firefighters, police officers, chaplains, paramedics, steelworkers and those who have fought to prevent further destruction, and the families of the victims who display the strength of going on and living.

Their heroism is in the spirit of those who have gone before them such as Martin Luther King, Junior, John F. Kennedy, Robert F. Kennedy, and Cesar Chavez, former founding president of the United Farm Workers.

Today, Mr. Speaker, I proudly introduce this bill that will honor one of our past heroes, Cesar Estrada Chavez, founder of the United Farm Workers and passionate champion of human and civil rights. These values and beliefs and dedication to all working men and women, regardless of socioeconomic background, make him truly an American hero.

This bill will highlight his contributions by studying the ways to honor him within the National Park Service. It is a first step in honoring his tremendous accomplishments and the local communities where he placed his footprints.

Cesar Chavez was a humble man. Little did anyone know of the greatness he would bestow upon future generations. In his early childhood, Cesar was raised as a farm worker in Yuma, Arizona. Raised during the Great Depression, his family lost everything and were forced to join thousands of farm workers that wandered the southwest just to find work.

During his youth, the Chavez family migrated throughout the southwest working on various farms that fed our country. The young Cesar Chavez experienced firsthand the hardships and injustices of thousands of farm workers at that time. His home was barely livable and his school hardly fit to be called a schoolhouse.

Unfair labor practices, harassment, abuse, long hours, low pay, hazardous working conditions and limited educational opportunities kept many farm workers from being self-sufficient and empowered citizens. Witnessing and experiencing this type of lifestyle, Cesar Chavez sought to make changes in the way farm workers were treated throughout the country.

He united many others who suffered similar atrocities with those who empathized with the struggle and became a part of the union movement, and back in 1952, he left the fields and joined the Community Service Organization. There he conducted voter registration drives and campaigns against racial and economic discrimination.

In 1962, he took that vast experience, his compassion, along with his brothers and sisters and developed a multiethnic struggle and started the National Farm Workers Association, which today is known as the United Farm Workers of America.

The UFW, as it is known, succeeded in organizing the oppressed. They overcame this opposition through boycotts and pickets, and when all else failed, Cesar Chavez almost died by participating in a hunger strike.

Chavez was a student of Mahatma Gandhi's nonviolent philosophies. He knew that he could not unite people through violent means but he could connect them by joining hands in peaceful demonstrations.

Since its inception the UFW has achieved incredible results throughout the country. Fair wages, better health care coverage, pension benefits, housing, pesticide regulations and countless other rights and privileges that protect all farm workers in the fields of the United States.

In the past, we have honored other heroes like Martin Luther King, Jr., and the civil rights movement, through the national parks and land. The life of Cesar Chavez and his family provides an outstanding opportunity to interpret the history of agricultural labor in the United States through honoring him through this particular National Park Service.

Most importantly, this bill that I introduced today provides an excellent opportunity for us to honor a true American hero.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 18 minutes a.m.), the House stood in recess until 10 a.m. today.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SWEENEY) at 10 a.m.

PRAYER

The Reverend Walter L. Solomon, Mt. Moriah Missionary Baptist Church of North Pratt, Birmingham, Alabama, offered the following prayer:

Our Father, whose presence brings joy to every condition, and whose favor brings strength to every endeavor in life, we thank You for the blessings of this day. Thank You for life and for freedom. God, we acknowledge You as the ruler of our Nation.

Father, bless these representatives that You have given the task of leading this Nation in times like these. Father, lead them to do Your will. Allow them to uphold the traditions that have made our Nation great. We pray that they will be led with vision, integrity, structure, and accountability.

Father, bless those of this Nation who are hurting, those who are weak, those who are weary. Bless our President and his cabinet with wisdom, that together they may lead our Nation during this period of restoration.

Bless our Nation with favor, that we might do great things in Your name. Keep us together as one Nation under God, indivisible, with liberty and justice for all.

In Jesus' name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PITTS 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.

WELCOMING THE REVEREND WALTER L. SOLOMON, MT. MORIAH MISSIONARY BAPTIST CHURCH OF NORTH PRATT, BIRMINGHAM, ALABAMA

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

Mr. HILLIARD. Mr. Speaker, we welcome Reverend Walter Solomon to this Chamber. We are very appreciative of his leadership in Birmingham, Alabama, and indeed in this Nation. His work on the national level with the National Baptist Convention is extraordinary. Many opportunities have been afforded this young man and many things are expected from him.

Mr. Speaker, as we move forward in these difficult times, there will be men like Reverend Solomon, who will make the difference. There will be men in this Chamber who will perform to the utmost. We thank him for coming this morning. May God bless him and his family, and may God bless America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute speeches from each side.

ORGAN DONATION, THE GIFT OF LIFE

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

Ms. ROS-LEHTINEN. Mr. Speaker, the stinging attacks of September 11 remind us of the fragility of life. Life is fleeting, and no one knows it better than the nearly 60,000 patients waiting to receive transplant organs. Today alone, nine patients will die because a match was not found.

The Transplant Foundation at the University of Miami is dedicated to transplant research because there is no greater gift than the gift of life. On October 13, the Foundation will host its sixth annual That's Life ball to raise funds for patient services and public education. I congratulate president Donnie Coker and president-elect Ivan Gomez of the Transplant Foundation of Miami. Also Ellie Compton, Jeffrey Barash, John Venezia, and surgeons Joshua Miller, Andreas Tzakis, and Si Pham.

I commend the That's Life committee and members of all boards who devotedly educate our community on organ procurement.

Becoming an organ donor is as easy as checking a box on your driver's license, and it could literally mean a life to a transplant patient. I have signed up as an organ donor, and I encourage all of my colleagues to leave a lasting legacy by giving the gift of life.

ENVIRONMENTAL PRIORITIES

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

Mr. TRAFICANT. Mr. Speaker, all around America firefighters, policemen, and rescue workers prove to be heroes. What is troubling though, in Washington State, weeks before the attack, four firefighters died because of red tape and the Endangered Species Act. Officials there delayed using helicopters for 4 hours on a massive fire because it might harm the protected bull trout fingerlings.

Beam me up. Since when are fish more important than the lives of our brave firefighters?

This is bull trout.

I yield back all the cod liver oil in the bowels of these conservationists and bureaucratic leaders.

PROTECTING LIBERTY AND FREEDOM

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

Mr. GIBBONS. Mr. Speaker, as we continue to mourn the senseless loss of thousands of Americans, let us begin to ensure that the tragic events of September 11 never happen again.

This week we will consider legislation to begin providing our military men and women the resources they have needed for years. According to Secretary of Defense Donald Rumsfeld, the United States military needs ''every penny'' of the $343 billion provided in the fiscal year 2002 Defense budget, because in real terms the Defense budget has declined every year from 1985 until 1998. Our battle to combat terrorism will require dedication and commitment not only by our armed services and by the American public, but by Congress, this very Congress as well.

We need to ensure that our military has every tool and resource available to enable them to protect freedom and liberty. Therefore, I encourage all of my colleagues to support the defense authorization bill, a down payment for our military to enable them to meet the challenges of today and to begin preparing for those of tomorrow.

KEEP FAITH WITH OUR AIRLINES

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

Mr. MATHESON. Mr. Speaker, over the last 2 weeks, we have all seen what has become of our airline industry. Airport concourses across the country seem more like ghost towns than centers of international commerce. The lounges are empty, the taxi stands and busses are vacant. Across the country, airports that should be at the center of municipal liveliness, now seem to be monuments to a bygone era.

The terrorist attacks left our nation reeling, but they did not change the fundamental soundness of any of our industries or the safety of future fliers.

Over the past 2 weeks, our airline system has been hurt much more by perception than reality. It is our responsibility in this Congress not only to provide cash to the airlines, but also to provide reassurance and security to their passengers.

Airport and airplane safety should now become the domain of the Federal Government. Before September 11, security was provided by the airlines that usually contracted this service to the lowest bidder. Securing the safety of the traveling public should be a basic function of government. We have the Coast Guard to protect boaters, we make sure the State Police monitor our highways, the skill of government-trained air traffic controllers has all but guaranteed the safety of our space. Why should security in airports and airplane cabins be any different?

COMING TOGETHER IN A TIME OF NEED

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

Mr. FOLEY. Mr. Speaker, today I rise with a great deal of pride to salute the communities I represent, Palm Beach County, Martin, St. Lucie, Okeechobee, Glades, Hendry, and Highlands, the 16th Congressional District in Florida.

I am so proud because every citizen of our community rallied together for this Nation, supporting those who are in need, helping raise funds, donating blood, doing whatever little bit they could to make not only those in New York and Washington feel better, but unite as a Nation against evil.

I am proud because our community at times during the last election was disparaged for not getting their votes right. Today we prove not only did we send the right person to Washington to lead this Nation, but we are also committed to making certain this terror never rains on America again.

The firefighters, the paramedics, the police, the National Guard, everybody virtually joined hands together to work together to make this Nation stronger. We may have had a difficult day September 11, but out of the ashes comes a greater resolve to make America a more perfect union, under God, protecting liberties, defining the future, and making certain we support our commander-in-chief, the President of the United States, George Bush, who I am proud to call a friend, and particularly proud to call a great leader today in times of adversity. I salute him, I thank him, and God bless his family as we endeavor to protect our country.

A GREAT LEADER

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

Mr. PITTS. Mr. Speaker, times of trouble expose either the greatness or the weakness of a leader. Last week, we saw our President rise to become the chief steward of freedom on planet Earth. It was a sight to behold. It was a defining moment in our country. America has once again stepped up to the plate to rid the world of tyranny.

Osama bin Laden and the world's terrorists are at war with all civilized people. They are trained, barbaric terrorists who will stop at nothing, even the killing of thousands of innocent people, to accomplish their evil goals.

Last week, the President rallied the civilized nations of the world against the world's terrorists and those who harbor them. All nations, Muslim, Christian, Jewish, Hindu, Buddhists, will unite to accomplish this noble goal. There is no fence-sitting this time.

Mr. Speaker, great words have been spoken in this Chamber. Example, ''Our Nation, this generation, will lift the dark threat of violence from our people and our future. We will rally the world to this cause by our efforts, by our courage. We will not tire, we will not falter, and we will not fail.''

Mr. Speaker, those were the words of George W. Bush, the 43rd President of the United States. Those are some of the words we heard last week, a rallying cry to freedom-loving people around the world.

PROVIDING FOR CONSIDERATION OF H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 245

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for the other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. The amendment printed in part B of the report of the Committee on Rules may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in part B of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering and amendment has caused it to be printed in the portion of the Congressional Record designated for the purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1015

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 245 is an open rule providing for the consideration of H.R. 2944, the Fiscal Year 2002 District of Columbia Appropriations Act. Overall, this bill provides a total of $7.1 billion in local funding and a $398 million Federal payment to the District of Columbia. By way of comparison, the final fiscal year 2001 D.C. appropriations bill provided a total of $6.8 billion in local funds and $464 million in Federal payment. The rule waives all points of order against consideration of the bill.

Mr. Speaker, H. Res. 245 provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and it waives clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provision in a general appropriations bill) against provisions within H.R. 2944. The rule also provides that the bill be considered for amendment by paragraph.

The rule provides that amendments in part A of the Committee on Rules report accompanying H. Res. 245 shall be considered as adopted.

It also waives points of order against the amendment printed in part B of the Committee on Rules report, which may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall

not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule also allows the chairman of the Committee of the Whole to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides for one motion to recommit, with or without instructions.

I urge my colleagues to support this rule on H.R. 2944, which will allow the House to work its will on the various funding and policy matters contained in this bill. I should note that the bill is the 11th of 13 regular appropriations bills that the House will need to consider and enact in order to complete the fiscal year 2002 discretionary budget.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary one-half hour, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, this is an open rule. The gentleman from Pennsylvania (Mr. FATTAH), the ranking minority member, was consulted throughout the process of developing this legislation, along with the gentleman from Michigan (Mr. KNOLLENBERG), who is a fine chairman and a great Member, in the process of developing this legislation, a trend we hope will continue with developing other appropriations measures in the days ahead. I would further note that this version of the D.C. appropriations bill is much improved over past years. In fact, 35 of the 69 riders included by the subcommittee were eliminated at the full committee markup.

Far too often, Congress takes it upon itself to micromanage the citizens of the District to advance an agenda that few of its residents share. Every year, the gentlewoman from the District of Columbia (Ms. NORTON), my friend, has made eloquent pleas to this body, asking it to refrain from making social policy in the city that she represents. But it is not to be.

While this is a much-improved bill, it is still flawed. The measure includes controversial prohibitions against using local funds, not a dime of Federal money, for abortion services and the needle exchange programs. Moreover, the Committee on Rules took it upon itself to make in order an amendment that prohibits Federal as well as local funds from being used for the implementation of the District of Columbia Domestic Partnership Act which was passed in 1992 and never implemented because the House of Representatives does not like it. This amendment was defeated in the full committee on a bipartisan vote. But a gift from the Committee on Rules puts it before us today.

I look forward to the day when Congress gives the Mayor and the council of the city an opportunity to govern and make the kind of decisions with their own money that other governments are allowed to make without interference by the House and by the Congress.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, may I begin by thanking the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, for their very hard work on this bill, the best bill in some time for the District of Columbia.

I must say that there was a very good chance that for once we might be able to support a rule, especially since the Committee on Appropriations, to its credit, made substantial progress on the infamous social riders by voting to eliminate one that had long plagued this bill, a rider that provides for health care benefits if paid for by a partner who may be a grandmother or mother, or may be a gay person. So the Committee on Appropriations decided that wherever they stood on gay rights, it was not worth taking down everybody at a time when health care is so important and when this body has not done its job to make sure that everyone has health care.

This, I say to my colleagues, is no time to make hay or to make politics over the local budget of a city. A city where Congress time and again has shown it has no expertise to get into its local budget, who could expect Congress to? I do not have any expertise on the D.C. budget. We have limited interest, and the District of Columbia respects that interest, because of the Federal presence here.

My side has tried to respond to the crisis we are in. We agreed to a limited time for general debate, for example. We have agreed to limited time for amendments. Otherwise, of course, we would not be acting in the national interest. If, in fact, what we do is to crowd this bill with the usual riders, we will not only look silly, this year we would look careless and insensitive to the suffering and the felt needs of the American people.

At the very least, in recognition of the uniquely serious crisis we are in, I am asking Members to forebear attachments and amendments, even if protected, which they know are opposed by D.C. law. I thank the Committee on Appropriations for, in fact, not including, not including a domestic partners rider in this bill. I ask my colleagues to respect what the Committee on Appropriations did when its position is put before us here today. After all, we are defending democratic values more than rhetorically this session. At a time when the world is watching, this body must not be seen as engaging in patently undemocratic actions such as overturning local laws against the democratic will of the people of the District of Columbia.

I was prepared, absent actions taken on social riders, to support a rule this time, even with some serious imperfections; and let me say what has happened to those imperfections, because there was a puzzling decision made to delete completely noncontroversial budget provisions which had never been bothered before in the history of home rule. I brought this to the attention of the chairman and the ranking member, and I must say I am deeply appreciative for the way both have worked with me to make substantial progress. As they have had the time to study these provisions, we have made many of them consistent with the will of the Mayor and the city council of the District of Columbia. Moreover, the chairman has promised me that he will continue to work with me, even into conference, if necessary.

What he has done shows very substantial good faith. He has, in his manager's amendment, included provisions that went before the Committee on Appropriations. We made very substantial progress on the remaining deletions, and the chairman had already removed 35 redundant and duplicative amendments and provisions beforehand. In other words, the chairman, the gentleman from Michigan (Mr. KNOLLENBERG), and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, and I have tried to behave like grown-up Members of Congress, not able to get all we wanted, understanding that we had some disagreements, each reciprocating; and I was prepared not to object to moving forward.

Mr. Speaker, I regret that this rule must be opposed. I hope that if this bill does, in fact, make it to general debate, we will respect the chairman's call. He made it known as soon as he became chairman that he would like no attachments on his bill. I recognize some have been made in order. I hope that my colleagues who have such attachments will reconsider, in light of the chairman's call. He simply wants to get his bill through. He wants to be an appropriator. If my colleagues have other matters, I am willing to take them to the D.C. City Council or to take them to the authorizing committee.

Matters such as domestic partners, abortions, other matters of controversial local concern do not belong on this bill. Let us get this bill done; let us make this a banner year for D.C. We are off to a bad start on the rule. I ask my colleagues to oppose the rule. If my colleagues vote for the rule, I certainly ask my colleagues to be mindful of the fact that this is a local appropriation and to follow the lead of the Mayor of the District of Columbia and the council when it comes to how to respond to

any attachments that may come forward.

Once again, I thank the chairman and the ranking member for very important progress and for the respect they have shown the people and the government of the District of Columbia.

Mr. LINDER. Mr. Speaker, at this time I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH), the ranking member of the subcommittee.

Mr. FATTAH. Mr. Speaker, I rise in support of the underlying legislation, and I would like to compliment the gentleman from Michigan (Mr. KNOLLENBERG), the majority chairman, and the staff for their hard work on this legislation.

However, even as I rise to support the underlying legislation, I have difficulty with this rule, for it seems to lack any respect for the work product of the subcommittee or the full Committee on Appropriations and wants to reverse a bipartisan vote in the full committee. I think that that is unwise and inappropriate. I particularly feel that, at this particular hour, there would be other uses of all of our time than to get into the micromanaging of the District's affairs. But nonetheless, I oppose the rule, but I support the bill; and I hope that we can move beyond this at some point to the underlying legislation.

I think that the chairman has done a remarkable job in terms of building a consensus around how we should move forward in terms of the District of Columbia, the capital city; and I would hope that we will be able to get there from here, but I think that there has to be respect for the committee's position. I think that the rule is one that should be revisited and, therefore, I oppose it.

□ 1030

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I have not thought of myself as naive in a long time, but I guess I am. I have heard and read and even participated in saluting unity, in arguing that divisive issues ought to be deferred at this time; indeed, while I continue to think spending billions on missile defense is a diversion from the real defense needs of this country and a waste, and destabilizing at a time when the world does not need that, I understand the decision not to press that at this time.

So I was deeply shocked to be told yesterday that the Republican leadership has chosen to use this bill to make an assault on millions of gay and lesbian Americans in general, and on those who live in the District of Columbia, in particular.

Not only are they launching this assault, but they are going to extraordinary lengths to do it. A nongermane amendment has been protected by the Committee on Rules so that a decision of the Committee on Appropriations, recognizing the right of people in the District of Columbia to make their own choices about how their money will be spent, can be overruled.

The District of Columbia, by its small ''d'' democratic processes, decided to say that if two men or two women were in love and were prepared to commit themselves to each other legally and financially, as well as emotionally, the District of Columbia, if they work for the District of Columbia, they would honor that.

For reasons I do not understand, that willingness to accept a mutual declaration of responsibility from two people in love deeply offends some of my colleagues.

On a personal level, it does not matter to me what they think. They are entitled to their opinions, prejudicial as I might think they are. But to tell the 550,000 people of the District, who have voted through their democratic processes, that they may not use money raised in the District by taxation voted by the District on residents of the District, that they may not use that money to carry out a policy that recognizes that love, shame on those who perpetrate it, and particularly now.

Everybody in America is concerned about the people who died, and gay and lesbian and bisexual and transgendered people are no different than others. In addition to the general mourning, there is discussion of those in that particular community, of which I am a member, who died.

Indeed, we have the military announcing what we call a ''stop loss'' policy, which says that gay and lesbian Americans in the military who are, I think, wholly unfairly and incorrectly and unwisely subject to being thrown out, may not be thrown out now. In other words, at this time of terrible crisis, when we are going to ask Americans to go and risk their lives for the defense of freedom, overwhelmingly supported here, we are going to make an exception in some cases to the policy of excluding gays and lesbians. Gay and lesbian people who have been asking for the right are going to get it. They are going to be allowed to die for their country.

But according to some, we are just not allowed to live here freely, because this bill says that we will violate what some have said is a philosophical principle that local people at the local level ought to be able to decide how to spend local money.

We are not talking formally about States' rights. The District of Columbia is not a State, it is a self-governing group of Americans who have voted through an open and democratic process, through a public policy, which they are prepared to support with their money. And the Republican leadership says, no, no, we cannot let them do that. We cannot let them do that, because if two women are allowed to express their love for each other and one of them works for the District of Columbia and wants to extend health benefits to her partner, we cannot allow that. That somehow is going to undo the great fabric of this Nation.

And we will even violate the normal rules of the House, because it is the one amendment that is nongermane. In our technical terms, it is legislating in an appropriations bill.

And by the way, how seriously do they take this terrible assault on the dignity and freedom and emotions of gay and lesbian Americans? They give us 10 minutes to talk about it. There will be 5 minutes in which those of us who are appalled by this intrusive, divisive assault on so many millions of their fellow citizens, because those of us who do not live in the District on a legal basis, share the pain of those in the District who will be penalized by this punitive amendment, and they give us 5 minutes to talk about it.

I do not see how anyone who has talked about not being divisive, who has talked about unity at this time, can agree to dealing with this amendment at this time, and certainly not to a 5-minute debate on each side, where people's fundamental rights, the right of the District to self-governance, that is to be disposed of in 5 minutes? Have people so little concern for the rights and feelings of others? I hope the rule is voted down.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in yielding time to me to speak briefly to this rule.

Mr. Speaker, like the previous Member, I am deeply concerned that, in a time when we should be coming together as a Congress, lifting up our eyes to deal with big issues and finding ways to bring Americans together, that this Congress sees fit to, sadly, divide people by playing with the budget for the District of Columbia.

It seems to me that responsible businesses across the country and a number of local governments, some of which I represent, have seen fit to extend in a reasonable fashion insurance coverage to their employees and their domestic associates, people that they have an insurable interest, people that they care about. This is something that is reasonable.

I had an opportunity in my prior life to help craft provisions like this. It was good for our employees, it was the right thing to do.

For the last 8 years, the District of Columbia's government has chosen to do this with their own resources. Yet, Congress, in its wisdom, has intervened, seen fit to deny them the right to do what is being done by progressive people across the country. It is wrong. It is particularly wrong to do it now.

We do not need to have these gratuitous efforts at bringing forth unnecessary political battles. This ought to be one time that we can move beyond it.

Mr. Speaker, I was also embarrassed that the Congress of the United States saw fit, in dealing with needed resources for emergency planning, that we were going to micromanage the District of Columbia and withhold some of its funds in dealing with the $16 million in special Federal payments for emergency security planning.

I find that particularly ironic, Mr. Speaker, when I consider that the events of the last 2 weeks demonstrated that the Federal Government did not have its act together regarding the District of Columbia; and further, that if the standard for preparedness is what we as Members of this House have done in terms of preparing our offices and our employees for these emergencies, that bar is very low.

Every man and woman who serves in this Chamber knows that we were not ready, and has doubts about whether we are ready today. Yet, for the committee to therefore overlook our shortcomings and try to manage the District of Columbia by withholding funds, I find egregious and embarrassing. I hope we will reject the rule and reject the bill.

Ms. SLAUGHTER. Mr. Speaker, I call for a no vote on the rule, and I yield back the balance of my time.

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

Mr. Speaker, I urge my colleagues to support this rule so we can get on with the debate on the important appropriations bills.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. SWEENEY). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 183, not voting 11, as follows:

[Roll No. 351]

YEAS—236

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

NAYS—183

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

NOT VOTING—11

Conyers
Farr
Hoyer
Owens
Peterson (MN)
Rush
Serrano
Towns
Velazquez
Watson (CA)
Young (AK)

□ 1103

Ms. MCKINNEY, Messrs. SMITH of Washington, KUCINICH, DAVIS of Illinois, ROEMER, DOGGETT, MOLLOHAN, RAHALL, Ms. CARSON of Indiana, Ms. LOFGREN, Mrs. MINK of Hawaii, Mrs. MEEK of Florida, and Mrs. JOHNSON of Connecticut changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the voted was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HOYER. Mr. Speaker, yesterday evening a tornado ripped through several towns and I was in Maryland surveying the damage.

I would like the RECORD to reflect that had I been present I would have voted ''no'' on rollcall 351.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2944) making appropriation for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, and that I be permitted to include tabular and extraneous material on the bill.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT 2002

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to House Resolution 245 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2944.

□ 1104

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KNOLLENBERG).

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

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

Mr. Chairman, I am pleased to bring before the House the Fiscal Year 2002 District of Columbia Appropriations Act. Before I present the details of this legislation, I want to remind my colleagues of the context in which we consider the bill. A little more than 6 years ago, this Congress took a drastic, but necessary, action in response to the completely unacceptable financial condition of our Nation's Capital by creating the District of Columbia Financial Responsibility and Management Assistance Authority, or better known as the Control Board.

We gave the Control Board authority over virtually every function of District governance. We asked it to help the city recover after years of mismanagement and accumulated budget deficits. Back in 1995 that looked like no small task, and only starry-eyed dreamers would have said that just 6 years later the District would have had 4 consecutive years of budget surpluses leading to the sunset of the Control Board. That is exactly what happened.

Today is September 25, and in 5 days the Control Board will disband. This I believe is a tremendous credit to the steady hand of Mayor Anthony Williams and his policies as well as the efforts of Chief Financial Officer Nat Gandhi. City Council Chair Linda Cropp also deserves recognition, and all of her colleagues on the city council are to be commended for their efforts as well.

Along with the Control Board and the District's delegate to Congress, the gentlewoman from the District of Columbia (Ms. NORTON), these leaders have turned yesterday's starry-eyed dreams into reality.

When I became chairman of the Subcommittee on the District of Columbia, I had the benefit of working with a city on the rise.

From the outset, I said that I wanted to be a partner with the District of Columbia and we jointly developed an agenda that promotes the continued renaissance of the city. My focus was on economic development, education and public safety; and this budget reflects those priorities.

Mr. Chairman, the package before my colleagues is the product of the very hard work of every member of the Subcommittee on D.C. Appropriations. Each member contributed extensively, and this bill reflects our commitment to helping the city.

I would like to acknowledge the work of two of my colleagues in particular. First, I recognize the ranking member of the subcommittee, the gentleman from Pennsylvania (Mr. FATTAH). He brought his experience in city politics to us and has been an invaluable guide. I believe we formed a solid working relationship, and that is what has brought us to where we are today.

I also want to express my appreciation for all that the gentlewoman from the District of Columbia (Ms. NORTON) has done to help me find my way through this city and to keep me up to date on local issues. She is a tireless advocate for the District of Columbia, and Washington, D.C.'s residents are fortunate to have her.

I would also like to recognize a former colleague of ours who is no longer here. Julian Dixon, the longtime chairman of this subcommittee, passed away late last year; and this is the first D.C. bill that has come before this committee since then. A native Washingtonian, he chaired the subcommittee for 14 years and was truly a friend of the District if there ever was one. He recognized the District's fiscal instability and helped get Washington's house in order. His expertise, his advice and his counsel are missed.

The fiscal year 2002 District of Columbia Appropriations Act totals slightly more than $7.14 billion, of which approximately $5 billion is from local funds, and $2.1 billion is from Federal funds, including Federal grants. I will not go into the portion of the bill dealing with the local funds except to say that we fully funded every penny of the city's budget. What the city asked for, we provided.

The Federal funds portion of the bill, excluding Federal grants, totals $398 million, which my colleagues will note is slightly more than the $359 million that the President requested, but $66 million less than what was enacted in fiscal year 2001. The difference between this bill and the President's budget is due primarily to two items: first, the bill provides $23.3 million above the President's request to the District of Columbia courts for the reform of the D.C. Family Court.

Just last Thursday this House passed the District of Columbia Family Courts Act, which provides for the first major overhaul of the District of Columbia courts' Family Division in some 30 years. The additional funds in this legislation will pay for the transition.

Second, the bill provides a $16 million Federal payment for security planning. The funding was originally intended to offset the cost of police protection at the World Bank-IMF meetings, which were supposed to occur at the end of this month. Those meetings have been canceled; but in light of recent events, we have decided to shift the purpose of this funding to the development and implementation of an emergency security plan for the District.

Beyond these two items, this bill fully funds the Federal Government's responsibilities in the District of Columbia, including, among other things, $17 million in resident college tuition support, $5.5 million for the Children's National Medical Center, $585,000 for the chief medical examiner to clear a backlog of autopsies, and $1 million for the St. Colletta of Greater Washington Expansion project.

In addition, this legislation eliminates 35 of the 69 general provisions contained in last year's bill. Let me repeat that. The bill deletes over half of the general provisions that were in last year's bill. I conducted a thorough review of each and every general provision and removed the ones that are now permanent law, not requested by the President, or had been rendered obsolete.

I know that the gentleman from Pennsylvania (Mr. FATTAH) and the gentlewoman from the District of Columbia (Ms. NORTON) have expressed reservations about certain parts of this bill. As the managers' amendment that the gentleman from Pennsylvania (Mr. FATTAH) and I offered at the Committee on Rules will attest, I am committed to working with them and will continue to do so as the bill winds its way through the legislative process. I am hopeful that we can reach a solution that is satisfactory to all.

Before I close, I would like to thank the many staff members who make it possible to bring this bill to the floor today. Migo Miconi and Mary Porter of the subcommittee staff and Jeff Onizuk and Candra Symonds from my staff have been invaluable in this whole process. Let me also say that Tom Forhan of the minority staff has been of great help. We reasoned together and talked things through, and I appreciate his support; and also Williams Miles from the personal staff of the gentleman from Pennsylvania (Mr. FATTAH). They all deserve great applause.

Mr. Chairman, the District of Columbia is a city full of treasures and rich history and should be the crown jewel of all American cities. After all, the

leading Nation in the world deserves a world-class capital. Make no mistake, the District of Columbia is on its way back, and this legislation is another important step. This is a good bill, and I urge my colleagues to support it.

Mr. Chairman, I am submitting at this point for the RECORD a chart comparing the amounts recommended in H.R. 2499 with the appropriations for fiscal year 2001 and the request for fiscal year 2002:

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2002 (H.R. 2944)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
FEDERAL FUNDS					
Federal payment for Resident Tuition Support	17,000	17,000	17,000		
Federal payment for World Bank/IMF meeting		15,918			-15,918
Federal payment for Security			16,058	+16,058	+16,058
Federal payment to the Chief Financial Office of the District of Columbia	1,250		2,350	+1,100	+2,350
(Supplemental funding)	750			-750	
(By transfer, supplemental funding)	(250)			(-250)	
Federal payment for Commercial Revitalization program	1,500			-1,500	
Federal payment to DCPS	500			-500	
Federal payment for Metropolitan Police Department	100			-100	
Contribution to Covenant House Washington	500			-500	
Federal payment to the District of Columbia Corrections Trustee Operations	134,200	32,700	32,700	-101,500	
Federal payment to the District of Columbia Courts	105,000	111,378	111,238	+6,238	-140
Miscellaneous appropriations (PL 106-554)	400			-400	
Crime victims Fund (misc appropriations PL 106-554) 1/	18,000			-18,000	
Federal payment for Family Court Act			23,316	+23,316	+23,316
Defender Services in District of Columbia Courts	34,387	34,311	34,311	-76	
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	112,527	147,300	147,300	+34,773	
Federal payment of Washington Interfaith Network	1,000			-1,000	
Federal payment for Plan to Simplify Employee Compensation Systems	250			-250	
Metrorail construction	25,000			-25,000	
Federal payment for Brownfield remediation	3,450			-3,450	
Presidential Inauguration	5,961			-5,961	
Children's National Medical Center	500		5,500	+5,000	+5,500
Child Advocacy Center	500			-500	
St Coletta of Greater Washington Expansion Project	1,000		1,000		+1,000
Capitol City Career Dev & Job Training Partnership			1,500	+1,500	+1,500
District of Columbia Special Olympics	250			-250	
Fed payment to the Fire & Emergency Med Services Dept			500	+500	+500
Federal payment to the Chief Medical Examiner			585	+585	+585
Federal payment to the City Administrator			300	+300	+300
Fed payment to the Voyager Universal Literacy System			1,000	+1,000	+1,000
Fed payment to the Office of the Chief Tech Officer			500	+500	+500
Federal payment to the Youth Life Foundation			250	+250	+250
Federal payment to Food and Friends			2,000	+2,000	+2,000
Federal payment to Southeastern University			500	+500	+500
Federal payment to Faith and Politics Institute			50	+50	+50
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors (Sec 132)	100		100		+100
Total, Federal funds to the District of Columbia	464,125	358,607	398,058	-66,067	+39,451
DISTRICT OF COLUMBIA FUNDS					
Operating Expenses					
District of Columbia Financial Responsibility and Management Assistance Authority	(3,140)			(-3,140)	
Governmental direction and support	(195,771)	(284,559)	(285,359)	(+89,588)	(+800)
(Supplemental funding)	(5,150)			(-5,150)	
Economic development and regulation	(205,638)	(230,878)	(230,878)	(+25,240)	
(Supplemental funding)	(1,685)			(-1,685)	
Public safety and justice	(762,546)	(632,668)	(633,853)	(-128,693)	(+1,185)
(Supplemental funding)	(8,871)			(-8,871)	
Public education system	(998,918)	(1,106,165)	(1,106,165)	(+107,247)	
(Supplemental funding)	(13,000)			(-13,000)	
Human support services	(1,535,654)	(1,803,923)	(1,803,923)	(+268,269)	
(Supplemental funding)	(28,000)			(-28,000)	
Public works	(278,242)	(300,151)	(300,151)	(+21,909)	
(Supplemental funding)	(131)			(-131)	
Receivership Programs	(389,528)	(403,368)	(403,368)	(+13,840)	
Workforce Investments		(42,896)	(42,896)	(+42,896)	
(Supplemental funding)	(40,500)			(-40,500)	
Reserve	(150,000)	(150,000)	(150,000)		
Repayment of Loans and Interest	(243,238)	(247,902)	(247,902)	(+4,664)	
Repayment of General Fund Recovery Debt	(39,300)	(39,300)	(39,300)		
Payment of Interest on Short-Term Borrowing	(1,140)	(500)	(500)	(-640)	
Presidential Inauguration	(5,961)			(-5,961)	
Certificates of Participation	(7,950)			(-7,950)	
Security Planning			(16,058)	(+16,058)	(+16,058)
Security for meetings		(15,918)			(-15,918)
Wilson Building	(8,409)	(8,859)	(8,859)	(+450)	
(Supplemental funding)	(7,100)			(-7,100)	
Optical and Dental Insurance Payments	(2,675)			(-2,675)	
Management Supervisory Services	(13,200)			(-13,200)	
Tobacco Settlement Trust Fund Transfer Payment	(61,406)	(33,254)	(33,254)	(-28,152)	
Operational Improvements Savings (including Managed Competition)	(-10,000)			(+10,000)	
Management Reform Savings	(-37,000)			(+37,000)	
Cafeteria Plan Savings	(-5,000)			(+5,000)	
Non-Department Agency		(5,799)	(5,799)	(+5,799)	
Total, operating expenses, general fund	(4,955,153)	(5,306,140)	(5,308,265)	(+353,112)	(+2,125)

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2002 (H.R. 2944)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Enterprise Funds					
Water and Sewer Authority and the Washington Aqueduct	(275,705)	(291,488)	(291,488)	(+15,783)	.....
(Supplemental funding)	(2,151)	.....	.....	(-2,151)	.....
Stormwater Permit Compliance	.....	(3,100)	(3,100)	(+3,100)	.....
Lottery and Charitable Games Control Board	(223,200)	(229,686)	(229,686)	(+6,486)	.....
Sports and Entertainment Commission	(10,968)	(9,127)	(9,127)	(-1,841)	.....
Public Benefit Corporation	(78,235)	.....	.....	(-78,235)	.....
DC Retirement Board	(11,414)	(13,388)	(13,388)	(+1,974)	.....
Correctional Industries Fund	(1,808)	.....	.....	(-1,808)	.....
Washington Convention Center	(52,726)	(57,278)	(57,278)	(+4,552)	.....
Housing Finance Agency	.....	(4,711)	(4,711)	(+4,711)	.....
National Capital Revitalization Corporation	.....	(2,673)	(2,673)	(+2,673)	.....
Total, Enterprise Funds	(656,207)	(611,453)	(611,453)	(-44,754)	.....
Total, operating expenses	(5,611,360)	(5,917,593)	(5,919,718)	(+308,358)	(+2,125)
Capital Outlay					
General fund 2/	(1,022,074)	(1,074,605)	(1,074,605)	(+52,531)	.....
Water and Sewer Fund	(140,725)	(152,114)	(152,114)	(+11,389)	.....
Total, Capital Outlay	(1,162,799)	(1,226,719)	(1,226,719)	(+63,920)	.....
Total, District of Columbia funds	(6,774,159)	(7,144,312)	(7,146,437)	(+372,278)	(+2,125)
Total:					
Federal Funds to the District of Columbia	464,125	358,607	398,058	-66,067	+39,451
District of Columbia funds	(6,774,159)	(7,144,312)	(7,146,437)	(+372,278)	(+2,125)

1/ Section 403 PL 106-554, 114 Stat 2763a-188
2/ Rounded

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

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

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

Mr. FATTAH. Mr. Chairman, I thank the majority chairman of this subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG), for doing a magnificent job with an extraordinary degree of sensitivity to the issues involved and the intricacies involved in the affairs of the capital city. He has visited schools, met with local officials, worked with the delegate, the gentlewoman from the District of Columbia (Ms. NORTON), and been ever-present in the effort to work toward a piece of legislation that could build a strong consensus in this Congress.

□ 1115

I want to commend him and his staff, for we have a bill that I support, and I know that as we move the manager's amendment and our work in conference will even be a better bill than it is now. But it is the best bill for the District that has arrived on this floor in many, many years.

The gentleman from Michigan (Mr. KNOLLENBERG) is not the only Member of the majority, there are others like my friend the gentleman from California (Mr. CUNNINGHAM) and others who have shown in the various committee meetings a real sensitivity and a legitimate effort to make this city a better place. I want to commend them. I would like to thank the staff, particularly Tom Forhan and William Miles, for their work. And for the majority staff also, Migo and his team, because they have done a terrific job.

This bill, as has been stated, is about $65 million less than what the appropriation was last year. It is about $30 million above what the President requested. It represents a response to the needs of the school district with its 68,000 children and the need for a first-class police department. It responds to each and every item that the city has suggested that they have a need at the dollar amount that was requested.

There are a number of issues that deserve mention. I will first start with the fiscal control board, a piece of legislation that the gentleman from Virginia (Mr. TOM DAVIS) and myself and a number of others, like the gentleman from Virginia (Mr. MORAN) and the gentlewoman from Maryland (Mrs. MORELLA) worked on in my first term in this Congress. This control board has worked very well. This city has had an improvement in its bond ratings for each of the last 4 years. It has a cash reserve that I think is unmatched by any other American city. The mayor and the city council deserve all of the credit, working with the control board, to moving the fiscal functioning of this city to where it is today.

I would also like to take a minute to talk about the tuition support program, another piece of legislation that I had an opportunity to join with a number of my colleagues in cosponsoring, for it has responded to the needs of literally hundreds and hundreds of students from the District and allowing them to pursue an education in colleges all across this country and to do so at an in-State tuition rate. It is, I think, representative of the kind of legislation that this House can produce when we avoid getting mired down in the activities of trying to micromanage the District, but really focus on a higher mission, which is how to really improve the capital city and its functioning in a cooperative way with the local officials.

All that is good about this bill could and hopefully will not be overshadowed by some of the activity that will take place after the general debate. There will be amendments unfortunately in which some of my colleagues, I believe, perhaps, well intentioned, but nonetheless, will attempt to overrule, not just the wisdom of the full committee when we made certain decisions about how the bill should be finally shaped when it was brought to the floor, but, moreover, they will attempt in these amendments to micromanage and to overrule the local city council and the mayor.

I want to say one thing about this. The District of Columbia and its citizens, who have sent more people to be involved in our military than many of our States, they pay a higher share of taxes than some of our States in terms of the total aggregate amount, deserve a right to have their votes count. They have no vote here on the floor of the House or in the U.S. Senate. The only place that they really have a vote is when they vote for city council and for the mayor. We should respect those votes in a way in which when the city council and the mayor come to a consensus around even controversial public policy, that we avoid the need for the Congress to try to sit as a larger city council. We come from other places and other towns, many who have made decisions on these similar types of matters, and we should not, unless it is a matter of national policy for the whole country, interject ourselves in the affairs of the capital city. I would hope that we would avoid that today.

I would like to compliment the full committee for avoiding it and voting in the right way on these issues when we dealt with this bill in full committee.

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

Mr. KNOLLENBERG. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations who does extraordinary work in so many ways.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the bill. I also rise to congratulate the gentleman from Michigan (Mr. KNOLLENBERG) for having done an outstanding job in developing this legislation, which is one of the best D.C. appropriations bills that we have seen in a long time, and also the ranking member, the gentleman from Pennsylvania (Mr. FATTAH) who was there every step of the way and had a lot of input in how this bill was finally developed.

When the gentleman from Michigan became chairman of this subcommittee at the beginning of the Congress, I asked him to do two things: One was to have as good a relationship between the Congress and the Nation's capital city, Washington, D.C., as was humanly possible. I think he has done that extremely well. Also, I asked him to avoid using this bill as a vehicle for many riders that really did not belong on an appropriations bill. I think he deserves a tremendous round of applause for having eliminated 35 of those riders that really did not belong on this bill at any time, and especially not this year.

So he has done a really good job. He has done a good job for our capital city, he has done a good job in the proper positioning of the Congress relative to the capital city, and he has established a great working relationship with the minority and his ranking member. He has already complimented the staff, and they certainly deserve those compliments because they have done a good job. While this is not one of the larger appropriations bills, oftentimes it has been one of the most difficult to prepare and to pass through the Congress. They have done a good job. They worked well with the city. They worked well with the gentlewoman from the District of Columbia (Ms. NORTON). That is the type of teamwork that we believe the American people want to see.

Mr. FATTAH. Mr. Chairman, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding time. At the same time I thank him for very hard work on this appropriation. The gentleman from Michigan (Mr. KNOLLENBERG) began his chairmanship by seeking a smooth and fair appropriation process as the chairman of the full committee, the gentleman from Florida (Mr. YOUNG) and our ranking member, the gentleman from Wisconsin (Mr. OBEY), always have. This year we have not had to pull our Appropriation Committee chairman and our full ranking committee into this little appropriation just to help us get it through because of the work of our chairman and ranking member of our subcommittee.

Even when the chairman and I have disagreed as we have occasionally, he has been a pleasure to work with, not only because of his well-known pleasant disposition, there have been lots of folks with pleasant dispositions where when it came to the District appropriation, that did not much matter. It has a lot to do with the way in which the chairman has approached his job. He

said to himself, ''What am I? I am an appropriator. My job is to get this appropriation out. Let me see if I can do that the best way I can.'' With that workmanlike approach to his job, whenever he and I have had some points of disagreement, we have simply agreed to disagree and try to work it out.

I hope that the way in which the gentleman from Michigan (Mr. KNOLLENBERG) and I have worked sets a precedent for how the D.C. appropriation will be handled in the future. The chairman said early on, for example, as he took over the chairmanship, that attachments to the D.C. appropriation were not welcome or appropriate. The ranking member, the gentleman from Pennsylvania (Mr. FATTAH) is the first big-city leader of the D.C. subcommittee since the death of the legendary Julian Dixon.

The gentleman from Pennsylvania has brought very unusual, special skill and insight to this subcommittee. How lucky we are that as we emerge from a control board, we have gotten a ranking member who helped bring his own big city out of precisely the situation the District of Columbia found itself, so that I have turned to the gentleman from Pennsylvania (Mr. FATTAH) for special advice given his long history and his extraordinary unique background so relevant to our own city.

Mr. Chairman, especially at a time when Congress has made a successful effort, at least thus far, to put aside the usual quarrels, I hope that the bipartisanship we have shown on other matters will be especially evident on the D.C. appropriation. After all, it is the smallest. It is really tiny. It is a tiny fraction of every other appropriation. It consists almost entirely of local funds, raised from local taxpayers. It is a local budget that does not belong here at all.

I apologize that you are distracted by having to get into the business of a local jurisdiction. You should be embarrassed at a time like this to have to do so. Finding ourselves distracted from the most serious business, the business of war and peace following a vicious attack on American soil, I can only hope that this body will not allow the local budget of a city to detain us long or headlines to read after this matter is done here, Congress of the United States Overturns the Laws in Its Own Capital, even as it is asking, telling us, that the country is fighting in behalf of democracy.

At a time when our country's message to the world is that we are defending democracy and freedom, I ask that no attempt be made to nullify the democratically expressed will of the people of the District of Columbia by attachments that overturn local law.

D.C. is in sterling shape. That is an amazing thing to say to this body, who saw just the opposite just a few years ago. The city should be rewarded, not burdened with intervention, from this body. Imagine, this city has a larger surplus than our neighboring State of Maryland, a rich State, with all kinds of industry. Virginia has no surplus at all. The District has outdistanced its rich local States through its own prudence. This Congress needs to say to the District, ''Well done. We're going to step back when you do as well as you have done.''

The control board goes out at the end of this appropriation period. We have investment grade bonds. Our cup does not run over. Our cup has been filled by the people of the District of Columbia and the prudence of its public officials. This bill is moving forward with flaws, budget deletions that should not have been touched, but progress made by the relationship that I have formed with the ranking member and with the chairman. Thirty-five redundant and duplicative provisions removed. We are going to go after the rest of them next time. But I appreciate the progress we have made. Fewer attachments compared to prior years, when attachments had become a chronic disease on the D.C. appropriation.

Make the D.C. bill a bill worth supporting by clearing attachments from the bill. Do not mar this bill. Let us keep us moving forward in the way that the chairman and the ranking member have said.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM) who is a valuable member of this committee. He has been involved in the environmental arena and the education arena.

□ 1130

Mr. CUNNINGHAM. Mr. Chairman, 8 years ago I was put on the Subcommittee on the District of Columbia, and I am still on the Subcommittee on the District of Columbia, because I volunteered to stay there. This was during the time of Marion Berry, and I thought what better place can we make some changes.

I set out in three specific areas. One, the education system. You recognize, the fire department had to take over control. The roofs, the schools did not open because the roofs were unsafe and the schools were unsafe. We got in a new school board, we reorganized, we took some of the board members off who were totally unqualified, and the new board has done a good job with charter schools, et cetera.

The one area that I am disappointed in this bill is that for two of those terms I was enabled to take the trial lawyers, liberal trial lawyers that were ripping off the system within the special education program, and they had charter organizations that would literally take millions of dollars out of the special education program. We stopped that. We capped the trial lawyers' fees and put in valuable programs for special education and children, but yet no child was left without representation. I hope that the Senate takes that up. I think they are, and hopefully that will be changed in the Senate, like it was last year.

Another area was the waterfront. The U.S.S. *John Glenn*, an ice cutter, when we lost an airliner on the 14th Street Bridge the only ship that could get to that was the U.S.S. *John Glenn*, an ice cutter, fire boat, to rescue those people. The chairman specifically, the gentleman from Michigan (Mr. KNOLLENBERG) and the ranking member, supported putting the new engine that was needed, so for airlines and the waterfront, that will provide a lot of safety for that particular area.

One of the areas that I am also not that happy with on the waterfront, when I first started, this city would only give 1-year leases. No one is going to invest in a waterfront to make it like a San Diego waterfront.

The City Council at that time was taking money under the table to support leases. We changed that. But one of the areas now is when the city assigned an 8(a) to do some work down on the waterfront. The original bid was $1.6 million. They said well, let us do it with an 8(a), a small business. I said okay. But now that same 8(a), that has never done this kind of work, where it would be done by professionals at $1.6 million, it is now $2.6 million, and they are giving the Corps of Engineers $300,000 and the 8(a) $200,000, which will be taken off the top. That is $1.5 million that I think is squandered in this particular bill.

I am going to ask within the conference that we get support from both sides to account for that $1.5 million that is not going to the waterfront, because of, in my opinion, mismanagement.

I support the bill. What better place, two Irishmen, the gentleman from Virginia (Mr. MORAN) and myself, have become very, very close friends when he was ranking member, and I thank the ranking minority member as well.

Mr. FATTAH. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for yielding me time and for his leadership, and the gentleman from Michigan (Mr. KNOLLENBERG).

This is a good bill, but I do have a problem with it. The problem is with the rule. The rule should not have made in order the Weldon amendment, because we had a better bill coming out than might pass if we include the Weldon amendment.

This is a time when we need to come together as a Nation. We should not be advancing amendments that are intended to divide us. That is what the Weldon amendment would do. It would reverse a vote on the full Committee on Appropriations that took place last week, and it took place purely on the substance of the issue.

In 1992, the District of Columbia passed a domestic partnership program. We have forbidden them from implementing that program for the

last 9 years. All it did was say that the District employees can purchase health insurance at their own expense for a domestic partner. Who qualifies? Well, disabled people and their health care provider, two widows or widowers living together, a grandmother and mother who are jointly raising children, two relatives raising their children together, as well as domestic partners.

The amendment today would continue the ban on the use of local funds to implement the Domestic Partnership Act. But no Federal funds are involved. Why are we involved? Why should we be against expanding health care coverage to widows, to children and to unmarried couples? They are using their own money. If they do not use their own money, many of them will have to be financed by the Medicaid program. Most of which is paid for by Federal funds. It just does not make sense, and I think it is mean-spirited as well.

Throughout this country, in Los Angeles; in Denver; in Baltimore; in Seattle; in St. Louis; in Philadelphia; in Pittsburgh; in Austin, Texas; in Iowa City, Idaho; Tucson, Arizona all those cities have the same domestic partnership policy. Yet we are denying it to the District of Columbia to be able to use their own funds and to enable people to purchase at their own expense health insurance?

Why should we be doing this kind of legislation? No Member is on the floor today proposing that they ban domestic partnership programs in their own cities, in their own jurisdiction. There are over 113 State and local governments that have this policy, at least 155 colleges and universities, more than 145 of the largest corporations in the country, at least 4,000 other private companies and not-for-profits.

The Weldon amendment should be defeated, and then let us enact a good bill.

Mr. KNOLLENBERG. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA), the chairman of the authorizing committee and a person I have worked with on a number of problems and situations.

Mrs. MORELLA. Mr. Chairman, I certainly want to thank my good friend, the chairman of the Committee on Appropriations subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG), for yielding me time, but also for the kind of work that has been done on this bill.

The gentleman from Michigan (Chairman KNOLLENBERG) and his staff deserve a great deal of credit for their tireless work on the D.C. appropriations bill this year. In particular, I want to compliment the chairman for producing a generally clean budget, devoid of some of the provisions and limitations that have rightly disturbed D.C. officials in the past. It actually provides for the amount of money that had been requested by the mayor and the council.

I also think this is an appropriate time to publicly thank once again members of the District of Columbia Financial Responsibility and Management Assistance Authority, which we call the Control Board. The Control Board has played a pivotal role in helping the District turn around a huge budget deficit, improve its bond rating, and begin the process of making government more citizen-friendly.

The Control Board's tenure expires on Sunday, but it is all of our hope that its legacy of fiscal prudence has made an indelible mark on the city. Indeed, as the economy continues to slow, the District must resist spending pressures that could return it to the days of financial crisis. It also must continue to work on strengthening internal accounting. The recent disclosure that the D.C. public school system has overspent its budget by $80 million represents an astounding lapse in management. This must serve as a final wake-up call if the city is to thrive in the post-Control Board era.

As the city goes forward, this fiscal year 2002 budget will be of help as it addresses some substantial needs for the District. First and foremost, it provides more than $23 million to reform the City's Family Court and Child and Family Services Agency. It is not an overstatement to say the City has on more than a few occasions completely failed its children. The District's poor child welfare system has literally left some children to die.

There has been some talk about whether $23 million is enough to complete these much-needed reforms. Frankly, I am not sure anymore. I do not think the judges nor the lawmakers nor the Congressional Budget Office has a really true handle on how much these changes will cost. But $23 million is more than an adequate start; and if the judges can demonstrate they need more money, I am sure we will work with them to address these concerns in the next budget.

Let me point out just a few of the other budget highlights: $1 million for an innovative literacy program in D.C. schools; $1.5 million for job training; $1 million for the expansion of St. Colleta's, which does such good work training mentally retarded and disabled youngsters and adults; $2 million to promote high-tech education at the City's Southeastern University; $300,000 to the newly constituted Criminal Justice Coordinating Council, that bill will be coming up later today, which will foster cooperation among various Federal and local criminal justice agencies that operate in the District.

I must, I must, mention that there are several elements in this bill that trouble me deeply. Once again, Congress is intending to ban the use of local money for effective programs that the District deems appropriate: the needle exchange program, as an example, that has proven successful elsewhere, including in Maryland; the use of money, the local money even, for abortion as deemed appropriate in the District of Columbia; and, again, the prohibition of using any local money for domestic partner benefits. I am disappointed that the amendment will be allowed to be offered, and I intend to certainly vote against it.

The Committee on Appropriations also has decided to withhold several million dollars, some of it earmarked for the very successful and popular D.C. Tuition Access Program and the rest intended for fire and emergency services and other vital services. It is going to be withheld until the District provides Congress with an emergency security plan.

To be sure, none of us was pleased with the District's lack of preparedness that became evident on September 11. The Nation's capital, the capital of the free world, must be the most-prepared city when it comes to possible terror attacks. However, the Congress ought not, ought not, to punish the students and the other citizens of the District by withholding funds in this manner.

So, overall, this is a very good appropriations bill. It achieves what Chairman KNOLLENBERG and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), who has worked very hard on this bill also, what they set out to do at the beginning of the session, something with which I agree, giving the District more direct control over its own spending, by reducing, if not eliminating, Congressional micromanagement of the budget. We still have a way to go.

So I would say well done, Mr. Chairman, Mr. Ranking Member, and I look forward to working with you, the gentlewoman from the District of Columbia (Ms. NORTON), my House and Senate colleagues, Mayor Williams, the City Council and all for the revitalization of the Nation's Capital.

Mr. FATTAH. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I, too, take the floor to oppose the amendment that will be offered by the gentleman from Florida. That amendment, as the gentleman from Virginia (Mr. MORAN) has indicated, would reinstate the ban that for the past 9 years has prohibited the District of Columbia from providing the most minimal protections to citizens who live with their domestic partners; the right to visit a partner in the hospital and not to be turned away; the opportunity for local government workers to buy health insurance to cover their partners at their own expense. And I want to commend the committee for at last allowing the District to use its own local funds to implement this modest measure.

Their action is consistent with the atmosphere of tolerance and reflection which has characterized our debates since the terrible events that occurred on September 11. It has been genuinely inspirational to see Americans come together from all parts of our national community to mourn, to heal, and to honor our heroes, and yet today we have this amendment.

Well, one of those heroes was a 31-year-old rugby star from San Francisco whose name was Mark Bingham. He was one of the four passengers who thwarted the hijackers on United Flight 93 which crashed in Pennsylvania, and he was a gay man.

Well, he was a hero who may very well have prevented that plane from destroying this building in which we are now debating. And this is how we thank him for his heroism.

What a disappointing contrast, to the actions of Senator JOHN MCCAIN, one of Mr. Bingham's favorite political figures, who flew to San Francisco from Washington yesterday to attend his memorial service. Let me quote Senator MCCAIN: ''We now believe the terrorists intended to crash that plane into the Capitol, where I was that morning. I may very well owe my life to Mark Bingham,'' and so may we all here.

Mr. Bingham had the good fortune to live in one of the 117 jurisdictions across the country that provide health benefits to domestic partners. It is time for Congress to let the people of the District of Columbia do the same thing, and may I submit to my colleagues, it is time for us to heed the word that is inscribed right there in the center of the Clerk's counter, and that word is ''tolerance.''

□ 1145

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair reminds Members to avoid such quoting of Senators.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to make two important points about the debate surrounding my amendment. I too, along with my colleagues on the other side of the aisle, have been blessed by the high level of comity and good relations we have had since the tremendous tragedy that struck our Nation on September 11, and some of my colleagues seem to be implying: Why are you bringing this up at this time?

I just want to point out to everyone involved in this debate that for 9 years the policy of the Congress has been to not allow this provision to move ahead. Indeed, it was originally endorsed by a Republican President and a Democratic Congress, and then for 2 years, a Democratic President and a Democratic Congress, and then from 1995 on, a Democratic President and a Republican Congress. It is actually the other side of this debate who brought this issue up on September 18.

I would agree that this is a somewhat divisive issue, but I would just like to point out to my colleagues that I did not bring it up; they did. They introduced this issue for debate at this time.

Now, the other issue I would like to address straight up is there have been people who have gotten up and said that this provision would allow grandmothers and mothers living together, raising children, or persons with disabilities and a live-in care provider, or two sisters raising children to be able to get one of the persons in the house to be covered. The District of Columbia had the option to write a law that would have covered those types of hardship cases; but instead, they chose to write a law that was a blanket provision that simply allows heterosexuals cohabitating to qualify for this benefit and homosexuals cohabitating to qualify for this benefit.

I, along with previous administrations and previous Congresses, have endorsed the policy that simply stated that we do not want to do this, and my amendment simply maintains current law, the law for 9 years.

Mr. FATTAH. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), a member of the full committee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise to defend the committee position and this very excellent bill that the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, are presenting to the floor. Unfortunately, the Committee on Rules decided to put a very unfortunate amendment in, and I was very pleased to join the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the full Committee on Appropriations, in opposing that rule in a recorded vote.

Mr. Chairman, I come to the floor on this issue as one with some family involvement. My father was Chair of the Subcommittee on the District of Columbia of the Committee on Appropriations in the 1940s. How proud he would be of the leadership of the gentleman from Pennsylvania (Mr. FATTAH) and that of the gentleman from Michigan (Mr. KNOLLENBERG). He was a great advocate for home rule, and that was part of his legacy as a Member of Congress and later as the Mayor of Baltimore, the pride he took in that, and the recognition that we must respect the opinions of localities.

The Congress should be supporting the decisions that local communities make about their health care. We respect the importance of local control, and interference with the District of Columbia is contradictory to that goal. No citizen should be denied the right to care for an ailing partner or visit them in the hospital. No citizen should be prevented from taking the bereavement leave necessary to make funeral arrangements when his or her partner has passed away. All citizens should have access to quality health care. Over 4,200 employers across the country, including one-third of the Fortune 500, have recognized this by establishing domestic partnership health programs. Many of these programs go much, much farther than this law.

Cities as diverse as Atlanta, Albany, Chicago, New Orleans, and Scottsdale all have domestic partnership benefits in place that are much more comprehensive than the D.C. law. Would any of the Members who represent those districts or the States that they are in like funds withheld from their appropriations their States would receive?

Mr. Chairman, I urge my colleagues to oppose the Weldon amendment when it comes up, and I again thank the ranking member for this good bill; and I urge my colleagues to support the committee position and oppose the Weldon amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to congratulate the gentleman from Michigan and the gentleman from Pennsylvania for the fine job that they have done on this bill. We have heard it from many people, but I think these plaudits are really due here for a very good job that they have done on this bill.

I am rising to speak at this point because the time on the amendment that will be coming up later offered by the gentleman from Florida (Mr. WELDON) is very limited; and I want to give just a little bit of background, although it has already been covered to some extent. I do hope my colleagues will, when the time comes, oppose the Weldon amendment.

By way of background, the District has had a health benefits law for domestic partners since 1992. We have heard it said here today, 113, 117 other jurisdictions around the country also have a similar provision, so this is hardly anything that is new or different. In fact, the District of Columbia provision is much, much more limited than that offered by most other governmental units. It would allow a partner, and it can be, as the gentleman from Florida noted, a grandmother and a mother together raising a child; it could be a disabled person with a care giver; it could be two heterosexual people living together; it could be a lesbian or gay couple living together, it allows the one of them who is employed by the District of Columbia to sign the other up for health benefits. I want to emphasize, this benefit is entirely, entirely, at the expense of the individual. No Federal or District of funds are used to subsidize the premiums for the domestic partner.

Now, for the last 9 years, Congress has blocked that D.C. statute from being implemented. But as we have heard on the floor this morning, the state of the District is different from nine years earlier. The Control Board is about to expire. We have confidence

in the local government. Now, if we are going to demonstrate that confidence, is this not a good place to start, by lifting this particular ban and saying to the District of Columbia that along with 113 other jurisdictions around the country, you can make these decisions about who among your employees can have health benefits? This is the time to lift this prohibition.

Mr. Chairman, it is time to start bringing our country together. We should be uniting our country; we should be bringing people together. We do not need this kind of mean-spirited amendment that is being offered here today.

Mr. Chairman, I urge my colleagues to reject the Weldon amendment.

Mr. FATTAH. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman of the subcommittee for a very excellent appropriations bill that recognizes how much we cherish our capital and its people, and particularly in this time. Let me thank them for providing the funds for the emergency security plan, and for the $23 million that helps the family court to protect abused children. Many good things. Let me acknowledge former Chairman Dixon for his leadership.

However, I must stand in opposition to the Weldon amendment. I would just say to the gentleman from Florida, my good friend, there were words that he said that particularly struck me as a reason to oppose this amendment. What he said was the District of Columbia chose to draft this domestic partnership legislation as it did. The Mayor, the city council, the citizens chose to make a determination to protect all of its citizens within its boundaries, provide all of them with good health care to allow them, no matter what their sexual orientation, to be respected and to alleviate the problem of these individuals trying to be on public assistance. We have already heard about 4,500 corporations and 117 jurisdictions. How would we like to violate, as a member of the Committee on the Judiciary, the constitutional provisions of local and Federal jurisdiction?

Mr. Chairman, we are now here disregarding freedom and justice, right here in this Congress today, after we have united this country around freedom and justice, by denying the District of Columbia its right to promote its domestic partnership act for good health care under its own local funding.

I ask my colleagues to oppose the Weldon amendment. Let us promote the unity that we promoted in this country. Let us respect the District of Columbia. Let us cherish our capital, and let us cherish freedom and justice for all of the people, no matter what their beliefs. Whatever their beliefs may be and however they stand, whatever their sexual orientation, it is our right to protect their freedom and to protect justice.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise to support the Weldon amendment, since others are criticizing it. I must admit that I am a little embarrassed that some have decided to use this bill and this era of bipartisanship to advance the gay agenda.

This Congress and the vast majority of the American people believe that marriage is a sacred union between a woman and a man. This is not a radical concept. No culture in the history of the world has ever thought otherwise. There is no serious religion anywhere in the world that believes otherwise.

I oppose using government funds to promote gay partnerships because I have tremendous respect for the families of this country. I oppose using funds in that way because I believe that every child in this country deserves a chance of life with a mother and a father.

Mr. Chairman, I know there are a few vocal voices who will disagree. But the violence of our country that we just suffered requires our unity. We should not be talking about this divisive issue now and trying to move the gay agenda. I urge my colleagues to vote for the Weldon amendment so that we can get on with the real business facing our country.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume to remind us of the hatred that brought about the incident of 2 weeks ago. We heard the statements of Jerry Falwell attacking certain Americans as being ''responsible.'' We need to pull together.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I would associate myself with the comments of some of my colleagues commending the Committee on Appropriations and subcommittee process that resulted in this bill. Nevertheless, I rise in strong opposition to the Weldon amendment.

At a time when 43 million people in our country lack health care coverage, this amendment would maintain barriers for certain citizens of our capital city to obtain health insurance. This amendment would prohibit the implementation of the District's plan to extend health care coverage to domestic partners of city employees with its own local funds.

This amendment stands as the only barrier between affordable health care for countless families of city employees. This amendment could mean the difference between a person having a sensible health care plan or no plan at all. It could mean the difference between wellness and illness for the families of city employees.

I implore my colleagues, do not continue to overrule the democratic process that brought this benefit in the first place. The people of this city have spoken, and they have made it clear that health care coverage for domestic partners is wanted and absolutely needed. This amendment is a slap in the face, both to the citizens and the leaders of this city.

I can only imagine the uproar that would occur if this House sought to directly overturn the municipal law of any other city in this Nation. Let the democratic process stand. Let the District leadership do their job. Let the District spend its own money. Vote ''no'' on the Weldon amendment, and let the District implement a health care benefit plan for domestic partners and their families for city employees.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this bill and the Weldon amendment. During this debate, as in years past, we have heard that Congress should not impose its will on the District of Columbia regarding its so-called domestic partnership law.

□ 1200

We have been told that it is a matter of home rule, and we have been lectured that Federal interference is both unwarranted and unconscionable.

Mr. Chairman, I would remind my colleagues of the oath they took to uphold the United States Constitution. I would remind them that article 1, section 8 of that great document states that ''Congress shall have the power to exercise exclusive legislation in all cases whatsoever over the District.''

The District of Columbia was established as a unique entity. In order to prevent any one State from exercising undue influence over the Capital city, the Founders wisely created a Federal district that would belong to the whole Nation. As such, the District of Columbia should be a reflection of the values shared by the rest of the Nation.

Mr. Chairman, regardless of which party has been in power, Congress has consistently prohibited both Federal and District of Columbia tax dollars from being spent on the District's domestic partnership law. I urge my colleagues to remember their constitutional obligations and to support this amendment.

Mr. FATTAH. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, the gentleman from Pennsylvania who got off the floor invoked religion as a reason to support the amendment that would prevent the District of Columbia's democratically-elected decision on domestic partnership from going into effect, and I know there are religious views of this sort. We have heard them expressed recently in various ways. Indeed, my guess is one could quote from

the Taliban at great length about how terrible all of this is.

But the question is not what people in their own individual religious views think, but what a self-governing people in the District of Columbia, self-governing thanks to our grant, but it is a grant that I am proud that we made, should be allowed to go forward.

I now want to talk a little bit about the substance. Here is what we are talking about. It used to be illegal in the District of Columbia for two people of the same sex to express their affection physically. That was illegal, physical intimacy. The District of Columbia repealed that, and to its credit, this Congress allowed that repeal to stand. So understand that according to this Congress, only recently, a few years ago, we allowed the physical expression of intimacy.

So the question now is, do we then follow it up by saying to the people, okay, they can live together and can express their love in a physical way, but by God, if they try to show responsibility, if they try to show that financially they are going to be responsible for each other, if they try to couple their emotional and physical sense with some degree of commitment, we are not going to allow it; because what we are talking about here are two people, one of whom works for the District of Columbia and one of whom does not, one of whom has health insurance and one of whom does not.

So do not think Members are banning people's ability to live together. We are beyond that. This Congress has said the District could make that decision. The question is, once the people live together, do they think it makes sense to say that the person who is working and wants to jointly pay for health insurance cannot do it?

What Members are talking about, let us be very clear, there are people whose lives they do not like, and I am one of those, and I regret that, but I must admit I am far beyond losing sleep about what the Taliban or anybody else thinks about the way I live.

But what I assert is my right to live that way equally and freely as an American, and I implore my colleagues, what motivates them to inflict pain on fellow citizens who have done them no wrong? They just want to live. Can they not let them live?

Our government is about to say that, in times of crisis, they can die for their country, because we are going to put a temporary cessation to the ''gays in the military'' policy. Let people live and let them die freely.

Mr. FATTAH. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), a member of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to associate myself with the remarks of my colleague, the gentleman from Massachusetts, who can always be so very eloquent on this issue and on so many others.

Mr. Chairman, I rise in support of the underlying bill, but I do want to state my very strong opposition to the effort expected here shortly on this floor to prevent the people of D.C. from spending their local tax dollars, which is nearly 95 percent of the whole budget that we are talking about, for the city, for the District of Columbia, to spend that money as they see fit: namely, to implement a 1992 District law that provides health plan benefits to unmarried domestic partners of city employees, regardless of gender.

Mr. Chairman, the people of Washington, like all Americans, have had a long 2 weeks. It is appalling to me that we are now considering what can only be described as a slap in the face to the people of D.C. and their elected officials. Washington, D.C. should have the right to grant domestic partner benefits with their own local tax dollars.

This issue is not new. Across this country, at least 113 local jurisdictions over the length and breadth of the country, from large cities like San Diego to small towns, like Bar Harbor in Maine, offer similar benefits and rights for the domestic partners of local residents. It is clearly not unusual and is clearly a matter of home rule, or should be a matter of home rule. What is unusual is the effort to insert the heavy hand of the Federal Government in this local municipal issue.

After the tragic events of September 11, average Americans are feeling a renewed desire to participate and contribute to this great democracy. Let us not ridicule their efforts with gratuitous, mean-spirited riders. I urge Members to vote against that amendment when it comes up.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding time to me. I commend him for his leadership as chairman of this subcommittee, and their staff for the excellent work they have done in reviewing the D.C. budget this year and in bringing this bill to the floor in a timely manner.

Mr. Chairman, with the assistance of the Control Board, the Citizen Council, and the mayor, the District of Columbia has made tremendous progress in overcoming the spending and management crisis that drove it to the verge of bankruptcy in 1995.

After four consecutive balanced budgets, Congress restored the mayor's management authority over nine major departments. Now the city is well on its way to a full recovery. This budget not only maintains the momentum of the management stability and reform, it will also allow the city to implement much needed social service reforms.

Legislation recently passed the House that will implement structural and management reforms in the D.C. Family Court so it can better serve the needs of the city's most vulnerable children. It addresses the recruitment and retention of Family Court judges, mandates longer judicial terms of service in the Family Court, and imposes the critically important one family-one judge requirement on the Family Court.

As an original cosponsor of that legislation, I am pleased that the Subcommittee on the District of Columbia in the Committee on Appropriations, under the leadership of the gentleman from Michigan (Chairman KNOLLENBERG), has ensured that more than $23 million will be provided for these critical reforms.

The bill also provides $17 million to maintain the D.C. tuition assistance program. Since its inception, this program has grown in popularity among D.C. students and participating colleges and universities. This funding is imperative to ensure that D.C. students have more educational choices, and have the same opportunities for higher education that those students in the rest of the country have.

The bill provides $5 million to help the D.C. Child and Family Services Agency promote and facilitate adoptions of D.C. children in the city's foster care system.

Sixteen million dollars is provided for security planning that is vital to the city, particularly in the wake of the September 11 terrorist attacks.

Overall, Mr. Chairman, this is a budget that keeps the Nation's Capitol moving forward and addresses some of its most pressing needs. Once again, I applaud the chairman for his leadership, commend the subcommittee for its bipartisan cooperation. I urge my colleagues to support this legislation.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Weldon amendment against allowing the District of Columbia to endorse the controversial domestic partnership. Without this amendment, the District of Columbia will be able to recognize domestic partnerships, to offer domestic partners benefits to the city employees, and encourage businesses in the District to do the same.

The requirements of domestic partnership are simply mutual caring and sharing of experience. No long-term commitment is required. Congress oversees D.C. law, and American taxpayers provide roughly one-third of its budget. I could not, in good conscience, commit the taxpayers in my district to subsidize benefits for domestic partners. It is our duty to uphold the traditional marriage and to stop this misguided law, as we have for the past 9 years.

Mr. Chairman, I urge my colleagues to support the Weldon amendment.

Mr. FATTAH. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I would read, in part, a statement from the ranking member

of the full committee. This is from the gentleman from Wisconsin (Mr. OBEY).

''In full committee, Chairman Young and I presented an amendment to redirect $13 million in Federal funds to help the District prepare and begin to implement a revised emergency operations plan.''

It was first thought, and I am paraphrasing, that there was no plan available. It later it became obvious that the District was not prepared. It submitted a plan to the committee, and the ranking member goes on to say, however, that this plan needs serious revision.

He said, ''I trust this bill provides adequate resources to do a careful and complete revision of the Emergency Operations Plan, fully coordinated with other entities in the District, like the U.S. Capitol Police, the Federal Office of Personnel Management,'' and other local governments.

Mr. Chairman, I include for the RECORD the full remarks of the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, Chairman KNOLLENBERG has done a good job with this bill, and I thank him.

He has approved the overall budget for the use of local funds, judiciously used the Federal allocation to fund required services and boost several local initiatives, cut back the number of general provisions, and worked with Mr. FATTAH, the ranking member, to restore a lot of the District's specific spending plans.

In full Committee, Chairman YOUNG and I presented an amendment to redirect $13 million in Federal funds to help the District prepare and begin to implement a revised Emergency Operations Plan.

In the aftermath of September 11th, it became apparent that many government entities—Federal, state and local—were not prepared for the new reality.

In the District, the Police said there was no plan. The fire department said it had a plan—but it was over thirty years old. The Federal government never told the city it was sending its workers home for the day—the District had to learn that from the press.

So we took this opportunity to help the District make certain that it had an excellent, coordinated Emergency Operations Plan.

The bill withholds about $8 million in unrelated Federal funds until the plan is done to make the point that this was a very serious matter.

Those other funds are not needed right away; this will not have any immediate impact on the District or its citizens.

Now, it turns out the district does have an emergency operations plan, but it is clear it has some very serious problems.

These problems cannot be addressed by a hasty revision.

I trust this bill provides adequate resources to do a careful and complete revision of the Emergency Operations Plan, fully coordinated with other entities in the District, like the U.S. Capitol Police, the Federal Office of Personnel Management and other local governments.

The District should not rush through the process of developing its Emergency Operations Plan—it owes its citizens and the nation the best product possible.

Mr. FATTAH. Mr. Chairman, a lot has been said in particular about the Weldon amendment that we expect to hear from. I want to return, however, to compliment the chairman for the full body of work that is represented in the committee's efforts. I would hope that the committee bill will survive the day's attempts to amend it.

Mr. Chairman, I would now say in terms of the expected amendment offered by the gentleman from Florida (Mr. WELDON), I am reminded of the Hippocratic oath: First, do no harm. Obviously, if we were to pass the Weldon amendment, we are preventing an opportunity for citizens in the District to have health insurance. That is not something we should do, especially when they are going to pay for it with their own money.

Absent doing that, these people will have to be paid for through Federal resources in terms of their health care. So that the gentleman who just spoke is worried that he could not, in good conscience, have his citizens provide resources for this, but by supporting the Weldon amendment, we would, in a direct way, require that Federal resources through Medicaid have to be expended for the health care of these citizens who would have paid for, absent the Weldon amendment, health care under their own resources.

Mr. Chairman, we heard the gentleman from Massachusetts (Mr. DELAHUNT) refer to one of the heroes that saved the plane from crashing perhaps into the Capitol, who happened to be a gay person, but nonetheless, and maybe even because of, he felt a need to stand up and to do what was right.

I would hope that this House would do what is right and defeat the Weldon amendment.

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

In closing, I would like to thank all Members of Congress who took such an active interest in the District of Columbia appropriations bill this year. The subcommittee received an unprecedented number of requests from Members, which I think shows, as much as anything, how committed they are in this body to our Nation's Capital, and how far this city has come in the last 6 years.

Mr. Chairman, the bill before us is a good, bipartisan bill that reflects the priorities I set when I first became chairman, that being economic development, public safety, and education.

As was mentioned, this fully funds every penny of the city's budget, and it ensures that all Federal obligations are met. I want to reemphasize, as has been attested to here, that we have eliminated more than half of the general provisions that were included in last year's bill and by our manager's amendment that was included in our rule, we have shown our commitment to addressing any remaining concerns with the bill.

I intend certainly to do that with the various participants, including the gentleman from Pennsylvania (Mr. FATTAH), obviously, and the gentlewoman from the District of Columbia (Ms. NORTON).

My first year as chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations has been a very positive experience for me. I began to meet the leadership of the city, I began to meet the people in the city, and I got an understanding from them as to what was on their minds. Their input has been invaluable to me in crafting this bill.

I might also say that the residents have been very kind to me.

□ 1215

I look forward now to wrapping up this year's bill as quickly as possible, and I hope our colleagues in the other body will expeditiously consider their version of this legislation so we can get it to the President's desk and the District of Columbia can go about its business.

Mr. NUSSLE. Mr. Chairman I rise in favor of H.R. 2944, which provides appropriations for the District of Columbia. As modified by the rule, this bill is consistent with the budget resolution and complies with the Congressional Budget Act of 1974.

H.R. 2944 provides $402 million in budget authority and $409 million in outlays for fiscal year 2002. As reported by the Committee on Appropriations, the bill exceeds the subcommittee on the District of Columbia's 302(b) allocation of new budget authority by $3 million. Accordingly, the original reported bill violates section 302(f) of the budget, which stipulates that appropriations bills may not exceed the reporting subcommittee's 302(b) allocation.

I understand the overage was caused by an amendment in committee, which permitted revenue collected from the sale of surplus property associated with the Lorton correctional facility in Virginia to be made available for use by the District.

The appropriations committee has, to its credit, requested a self-executing rule that will bring the bill back within its 302(b) allocation. Accordingly, the bill as modified by the rule is consistent with the budget resolution and complies with the Congressional Budget Act.

H.R. 2944 contains no emergency-designated appropriations, advanced appropriations, or rescissions of previously appropriated budget authority.

As reported, the bill provides $44 million less in new budget authority than the enacted level for fiscal year 2001 but exceeds the President's request for fiscal year 2002 by $60 million.

I commend my colleagues on the appropriations committee for producing a bill that meets the needs of the District of Columbia within the framework of the budget resolution.

Mr. KNOLLENBERG. Mr. Chairman, I yield back any time remaining.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and the amendments printed in part A of House Report 107–217 are adopted.

The amendment printed in part B of the report may be offered only by a Member designated in the report and

only at the appropriate point in the reading of the bill, shall be considered read, debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2944

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 District of Columbia for the fiscal year ending September 30, 2002, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program, to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: *Provided further*, That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: ''For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: *Provided*, That such funds shall remain available until September 30, 2003, and shall be used to carry out all of the provisions of title 38 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13–172), as amended, except for section 3808.''.

FEDERAL PAYMENT TO THE CAPITOL CITY CAREER DEVELOPMENT AND JOB TRAINING PARTNERSHIP

For a Federal Payment to the Capitol City Career Development and Job Training Partnership, $1,500,000.

FEDERAL PAYMENT TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

For a Federal payment to the Fire and Emergency Medical Services Department, $500,000 for dry-docking of the Fire Boat.

FEDERAL PAYMENT TO THE CHIEF MEDICAL EXAMINER

For a Federal payment to the Chief Medical Examiner, $585,000 for reduction in the backlog of autopsies, case reports and for the purchase of toxicology and histology equipment.

FEDERAL PAYMENT TO THE YOUTH LIFE FOUNDATION

For a Federal payment to the Youth Life Foundation, $250,000 for technical assistance, operational expenses, and establishment of a National Training Institute.

FEDERAL PAYMENT TO FOOD AND FRIENDS

For a Federal payment to Food and Friends, $2,000,000 for their Capital Campaign.

FEDERAL PAYMENT TO THE CITY ADMINISTRATOR

For a Federal payment to the City Administrator, $300,000 for the Criminal Justice Coordinating Council for the District of Columbia.

FEDERAL PAYMENT TO SOUTHEASTERN UNIVERSITY

For a Federal payment to Southeastern University, $500,000 for a public/private partnership with the District of Columbia Public Schools at the McKinley Technology High School campus.

FEDERAL PAYMENT FOR VOYAGER UNIVERSAL LITERACY SYSTEM

For a Federal payment to Voyager Expanded Learning, to implement the Voyager Universal Literacy System in the District of Columbia public schools and public charter schools, $1,000,000: *Provided*, That the payment under this heading is contingent upon a certification by the Inspector General of the District of Columbia that the District of Columbia has deposited matching funds to implement such System into an escrow account held by the Chief Financial Officer of the District of Columbia.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the Chief Technology Officer of the District of Columbia to carry out the Local-Federal Mobile Wireless Interoperability Demonstration Project, $500,000: *Provided*, That the payment under this heading is contingent upon a certification by the Inspector General of the District of Columbia that each entity of the Federal Government which is participating in such Project has deposited matching funds to carry out the Project into an escrow account held by the Chief Financial Officer of the District of Columbia.

FEDERAL PAYMENT FOR EMERGENCY PLANNING

For a Federal payment to the District of Columbia for emergency planning, $16,058,000: *Provided*, That $4,623,000 of such amount shall be made available immediately for development of an emergency operations plan for the District of Columbia, to be submitted to the appropriate Federal agencies as soon as practicable: *Provided further*, That upon submission of such plan, $8,029,000 of such amount shall be made available to begin implementation of the plan: *Provided further*, That $3,406,000 of such amount shall be made available immediately for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: *Provided further*, That one-half of the amounts under the headings ''Federal Payment for Resident Tuition Support'', ''Federal Payment to the Fire and Emergency Medical Services Department'', ''Federal Payment to the Chief Medical Examiner'', and ''Federal Payment to the City Administrator'', shall not be made available until the emergency operations plan has been submitted to the appropriate Federal agencies in accordance with the preceding proviso: *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations on the use of the funds under this heading, beginning not later than January 2, 2002.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $2,350,000, of which $1,000,000 shall be for payment to the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis; $300,000 shall be for payment to the Woodlawn Cemetery for restoration of the Cemetery; $250,000 shall be for payment to the Real World Schools concerning 21st Century reform models for secondary education and the use of technology to support learning in the District of Columbia; $300,000 shall be for payment to a mentoring program and for hotline services; $250,000 shall be for payment to a youth development program with a character building curriculum; and $250,000 shall be for payment to a basic values training program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $32,700,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, $2,500,000 to remain available until September 30, 2003, for building renovations required to accommodate functions transferred from the Lorton Correctional Complex, and $2,000,000 to remain available until September 30, 2003, to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $111,238,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,003,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $66,091,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $31,149,000, of which not to exceed $1,500 is for official reception and representation expenses; and $5,995,000 to remain available until September 30, 2003, for capital improvements for District of Columbia courthouse facilities: *Provided*, That none of the funds in this Act or in any other Act shall be available for the purchase, installation or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be

apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT FOR FAMILY COURT ACT

For carrying out the District of Columbia Family Court Act of 2001, $23,316,000, of which $18,316,000 shall be for the Superior Court of the District of Columbia and $5,000,000 shall be for the Mayor of the District of Columbia: *Provided,* That the chief judge of the Superior Court shall submit the transition plan for the Family Court of the Superior Court required under section 2(b)(1) of the District of Columbia Family Court Act of 2001 to the Comptroller General (in addition to any other requirements under such section): *Provided further,* That the Comptroller General shall prepare and submit to the President and Congress an analysis of the contents and effectiveness of the plan, including an analysis of whether the plan contains all of the information required under such section: *Provided further,* That the funds provided under this heading to the Superior Court shall not be made available until the expiration of the 30-day period (excluding Saturdays, Sundays, legal public holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more that three days, or an adjournment of more than three days) which begins on the date the Comptroller General submits such analysis to the President and Congress: *Provided further,* That the Mayor shall prepare and submit to the President, Congress, and the Comptroller General a plan for the use of the funds provided to the Mayor under this heading, consistent with the requirements of the District of Columbia Family Court Act of 2001, including the requirement to integrate the computer systems of the District government with the computer systems of the Superior Court: *Provided further,* That the Comptroller General shall prepare and submit to the President and Congress an analysis of the contents and effectiveness of the plan: *Provided further,* That the funds provided under this heading to the Mayor shall not be made available until the expiration of the 30-day period (excluding Saturdays, Sundays, legal public holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days) which begins on the date the Comptroller General submits such plan to the President and Congress.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $34,311,000, to remain available until expended: *Provided,* That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $5,995,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further,* That, in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $5,995,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further,* That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further,* That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $147,300,000, of which $13,015,000 shall remain available until expended for construction project; not to exceed $1,500 is for official receptions related to offender and defendant support programs; $94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $20,829,000 shall be transferred to the Public Defender Service; and $32,359,000 shall be available to the Pretrial Services Agency: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast Washington, District of Columbia, to house or supervise offenders and defendants, with funds made available by this Act: *Provided further,* That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further,* That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $5,500,000, of which $500,000 shall be used for the network of satellite pediatric health clinics for children and families in underserved neighborhoods and communities in the District of Columbia and $5,000,000 shall be used to modernize the Children's National Medical Center and update its medical equipment.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc. for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, $1,000,000.

FEDERAL PAYMENT TO FAITH AND POLITICS INSTITUTE

For a Federal payment to the Faith and Politics Institute, $50,000, for grass roots-based racial sensitivity programs in the District of Columbia.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

Notwithstanding any other provision of law, the funds made available in the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2445), for Brownfield Remediation shall be available until expended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided,* That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 119 of this Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,043,881,000 (of which $124,163,000 shall be from intra-District funds and $3,571,343,000 shall be from local funds): *Provided further,* That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $285,359,000 (including $229,271,000 from local funds, $38,809,000 from Federal funds, and $17,279,000 from other funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia:

Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: *Provided further*, That not less than $50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel; *Provided further*, That not less than $50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $230,878,000 (including $60,786,000 from local funds, $96,199,000 from Federal funds, and $73,893,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec 2–1215.15(1)(2)): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further*, That the fees established and collected pursuant to D.C. Law 13–281 shall be identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $633,853,000 (including $594,803,000 from local funds, $8,298,000 from Federal funds, and $30,752,000 from other funds): *Provided*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That notwithstanding any other law, section 3703 of title XXXVII of the Fiscal Year 2002 Budget Support Act of 2001 (D.C. Bill 14–144), adopted by the Council of the District of Columbia, is enacted into law: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That no less than $173,000,000 shall be available to the Metropolitan Police Department for salary in support of 3,800 sworn officers: *Provided further*, That no less than $100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: *Provided further*, That not less than $296,000 shall be available to support the Child Fatality Review Committee.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $1,106,165,000 (including $894,494,000 from local funds, $185,044,000 from Federal funds, and $26,627,000 from other funds), to be allocated as follows: $810,542,000 (including $658,624,000 from local funds, $144,630,000 from Federal funds, and $7,288,000 from other funds), for the public schools of the District of Columbia; $47,370,000 (including $19,911,000 from local funds of which $17,000,000 is from a Federal payment previously appropriated in this Act for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents, $26,917,000 from Federal funds, and $542,000 from other funds), for the State Education Office, and $142,257,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104–134; D.C. Official Code, sec. 38–1804.03(a)(2)(D): *Provided further*, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That $76,542,000 (including $45,912,000 from local funds, $12,539,000 from Federal funds, and $18,091,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That $750,000 shall be available for Enhancing and Actualizing Internationalism and Multiculturalism in the Academic Programs of the University of the District of Columbia: $1,000,000 shall be paid to the Excel Institute Adult Education Program by the Chief Financial Officer quarterly on the first day of each quarter, and not less than $200,000 for the Adult Education and $27,256,000 (including $26,030,000 from local funds, $560,000 from Federal funds and $666,000 other funds) for the Public Library: *Provided further*, That $2,198,000 (including $1,760,000 from local funds, $398,000 from Federal funds and $40,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Official Code, sec. 38–201 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That the District of Columbia Public Schools shall spend $1,200,000 to implement the D.C. Teaching Fellows Program in the District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003.

HUMAN SUPPORT SERVICES

Human support services, $1,803,923,000 (including $711,072,000 from local funds, $1,075,960,000 from Federal funds, and $16,891,000 from other funds): *Provided*, That $27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That $90,000,000 transferred pursuant to the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2452), to the Public Benefit Corporation for restructuring shall be made available to the Department of Health's Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia shall remain available for obligation during fiscal year 2002: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in

section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.): *Provided further*, That no less than $500,000 of the $7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: *Provided further*, That no less than $2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: *Provided further*, That no less than $60,000 be available for a D.C. Energy Office Matching Grant: *Provided further*, That no less than $2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14–144).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $300,151,000 (including $286,334,000 from local funds, $4,392,000 from Federal funds, and $9,425,000 from other funds): *Provided*, That $11,000,000 of this appropriation shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund upon certification by the Chief Financial Officer that funds are available from the fiscal year 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $403,368,000 (including $250,015,000 from local funds, $134,339,000 from Federal funds, and $19,014,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $150,000,000 from local funds: *Provided*, That none of these funds shall be obligated or expended under this heading until the emergency reserve fund established under Sec. 450A(a) of the District of Columbia Home Rule Act (Public Law 93–198 as amended; 114 Stat. 2478; D.C. Official Code, Sec. 1–204.50a(a)) has been fully funded for fiscal year 2002.

CONTINGENCY RESERVE FUND

For the contingency reserve fund established under section 450A(b) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)), the amount provided for fiscal year 2002 under such section, to be derived from local funds.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198 as amended; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $247,902,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That $4,440,000 is allocated for the Fire and Emergency Medical Services Department, $2,010,000 for the Department of Parks and Recreation, and $7,850,000 for the Department of Public Works.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $500,000 from local funds.

EMERGENCY PLANNING

For an emergency operations plan, implementation of the emergency operations plan, and reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of the planned World Bank and International Monetary Fund September 2001 meetings, $16,058,000, from funds previously appropriated in this Act as a Federal payment: *Provided*, That this appropriation shall be apportioned by the Chief Financial Officer within the various appropriation heading in this Act.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $8,859,000 from local funds.

EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and, interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01(a)(2) et seq.) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1831.03), there is transferred the amount available pursuant thereto, but not to exceed $33,254,000, to the Emergency Reserve Fund established pursuant to section 450A(a) of the District of Columbia Home Rule Act (Public Law 93–198, as amended; 114 Stat. 2478; D.C. Official Code, sec. 1–204.50a(a)).

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $244,978,000 from other funds, of which $44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($17,952,936 payable to the District's debt service fund and $26,291,064 payable for other debt service). For construction projects, $152,114,000, in the following capital programs; $52,600,000 for the Blue Plains Wastewater Treatment Plant, $11,148,000 for the sewer program, $109,000 for the combined sewer program, $118,000 for the stormwater program, $77,957,000 for the water program, and $10,182,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further*, That section 106(b)(2) of the District of Columbia Public Works Act of 1954 (sec. 34–2401.25(b)(2), D.C. Official Code) is amended by inserting after ''the Office of Management and Budget,'' the following: ''the Secretary of the Treasury, and the head of each of the respective Federal departments, independent establishments, and agencies,'': *Provided further*, That section 212(b)(2) of the District of Columbia Public Works Act of 1954 (sec. 34–2112(b)(2), D.C. Official Code) is amended by inserting after ''the Office of Management and Budget,'' the following: ''the Secretary of the Treasury, and the head of each of the respective Federal departments, independent establishments, and agencies,''.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $46,510,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $229,688,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $9,127,000 (including $2,177,000 to be derived by transfer from the general fund of the District of Columbia and $6,950,000 from other funds): *Provided*, That the transfer of $2,177,000 from the general fund shall not be made unless the District of Columbia general fund has received $2,177,000 from the D.C. Sports and Entertainment Commission prior to September 20, 2001: *Provided further*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Official Code, sec. 1–204.42(b)).

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of

the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $57,278,000 from other funds.

HOUSING FINANCE AGENCY

For the Housing Finance Agency, $4,711,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $2,673,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,550,787,000 of which $1,348,783,000 shall be from local funds, $44,431,000 from Highway Trust funds, and $157,573,000 from Federal funds, and a rescission of $476,182,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,074,605,000 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 34, line 24, be considered as read, printed in the RECORD and open to amendment at any point.

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

Mr. FATTAH. Mr. Chairman, reserving the right to object, I just want to clarify that the gentleman from Florida (Mr. HASTINGS) would have an opportunity to offer his amendment. Obviously I think that there may be a point of order or something raised at that point, but that his opportunity not to offer be void by this unanimous consent.

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

Mr. FATTAH. Further reserving the right to object, I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I will continue to reserve the point of order, but I would be glad to yield to the gentleman from Florida (Mr. HASTINGS)

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding.

The amendment that I would offer, I talked with the chairman and ranking member about the fact that I will withdraw it. I apologize for the delay. I was trying to get an additional copy for the Reading Clerk.

I rise to have this considered to provide the District of Columbia's Metropolitan Police and Fire Department with an additional $5 million for the purpose of emergency preparation. In the wake of the terrorist attacks of September 11, it is clear that our country needs to do more to prepare for such attacks.

Let me make it very clear, the chairman and ranking member of this committee, as well as the chairman of the Committee on Appropriations, have already addressed this particular subject.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman from Pennsylvania (Mr. FATTAH) yield.

Mr. FATTAH. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, it would be appropriate, I think, for the amendment to be read so that the gentleman from Florida (Mr. HASTINGS) can, in fact, present it.

The CHAIRMAN. The gentleman has that opportunity, but under his reservation, the gentleman from Pennsylvania (Mr. FATTAH) is yielding to the gentleman from Florida (Mr. HASTINGS) for a discussion under his reservation.

Mr. FATTAH. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Are there any amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Florida:

In the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT FOR SECURITY PLANNING''—

(1) strike ''$16,058,000'' and insert ''$21,058,000''; and

(2) strike ''$8,029,000'' and all that follows through ''security plan:'' and insert the following: ''$13,058,000 of such amount shall be made available to begin implementation of the security plan, of which $5,000,000 shall be made available for the Metropolitan Police Department and the Fire Department of the District of Columbia:''.

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

Mr. HASTINGS of Florida. Mr. Chairman, I would hurry through this in the interest of time.

I was saying that I wanted to thank the chairman of the subcommittee and the ranking member, as well as the chairman and ranking member of the full committee. I know that they have observed the necessity by virtue of the fact that there are funds that are here, but I also know that in the District of Columbia there are significant problems that have not been addressed with reference, as we did at the Committee on Rules last night, I pointed this out, that they in some respects have inadequate resources in the fire and police department.

As our Nation's capital, the District of Columbia is an obvious target. However, as we saw 2 weeks ago, it is in many respects unprepared for such attacks. I applaud, as I have, and commend the efforts and actions of the District's law enforcement agencies and officials. I am equally concerned about the inadequacy of resources available to the District's police and fire departments, however.

No plan was in place on September 11 that dictated how the D.C. police and fire department would deal with a plane attack anywhere in the District, and I am unaware of any plan currently in place that deals with chemical or biological attacks or any other domestic disaster that may occur in the future. This is unacceptable.

In a day and age that warfare is unconventional and casualties will most likely occur within our homeland, our country needs to be prepared. Cities, States and the Federal Government, all need to do their part in developing emergency plans on how to deal with such disasters.

Congress needs to do its part today, and that is why I had offered the amendment which at this time I do thank the chairman and the ranking member for giving me the opportunity and the great hopes that if a supplemental comes along that we will contemplate the fact that we, this capital, are in the District of Columbia and that they need resources in order to be prepared for any future attacks that we may suffer.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. Are there any other amendments to that portion of the bill under consideration?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the

Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

AMENDMENT NO. 3 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. NORTON:

Strike sections 102, 104, 105, 106, 107, 108, 109, 111, 113, 114, 116, 117, 118, 120, 121, 122, 123, 124, 125, and 127 through 134.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the amendment.

Ms. NORTON. Mr. Chairman, my amendment would strike all general provisions in this bill. There are 27 in all. They include so-called social riders, and they include redundant and duplicative provisions.

I recognize that the chairman has removed half of those provisions. He will be the chairman next year. If this amendment does not prevail, we can perhaps work together next year to at least rid this bill of those redundant and duplicative riders.

Mr. Chairman, the Hill newspaper has an important headline this week: Congress United For Now. And the first paragraph reads: ''After a week of extraordinary bipartisanship, inspired by the terrorist attacks on New York and Washington, Members are questioning how long their unprecedented unity will last.''

I rise to ask that the appropriation for the District of Columbia not be the one that breaks this unity. We have heard of at least two riders that would break this unity. I ask that the Members hold back on breaking the unity that the Committee on Appropriations tried to preserve and that is in danger here.

These general provisions that I would have struck are a fancy word for attachments, legislating on an appropriation undemocratically, against the will of the people of the District of Columbia. Most of them are so-called social riders, the riders that chairman of the subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG) and chairman of the full committee, the gentleman from Florida (Mr. YOUNG), meant when they said let those riders go this time; that the ranking members, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Pennsylvania (Mr. FATTAH) meant when they said it is inappropriate to put such riders, attachments, to a bill of local jurisdiction.

These riders are duplicated in every jurisdiction of the United States. They are laws there, they are laws here. They are almost always controversial. That is the difference between L.A. and New York, yes and the District of Columbia on the one hand and small rural areas on the other. My colleagues, this is a Federal Republic. We are one Nation. And the only reason we have been able to hold together as one Nation is we have respected diversity and difference between jurisdictions and local law according to the democratic will.

It is here that we get a national consensus, not in local jurisdictions. We say to local jurisdictions, democracy means you can go your own way, we are not to intervene. That is your right as Americans. Do I have to remind this body that the 600,000 people I represent are Americans every bit as much as they, and they should demand exactly the rights that they would demand?

And yet there will be abortion services denied to poor women if the riders remain, even though almost half the States allow their local jurisdictions to pay for abortions for poor women. And in any case, what my colleagues have done is to create a fund in the District of Columbia so that private funds may be used to pay for abortions for poor women, and they are regularly used. So we have not reduced abortion in that way, but may I inform this body that, on our own, we have reduced abortion. The District of Columbia is one of only three jurisdictions in the country that is being awarded extra Federal funds for reducing teen pregnancy without abortion.

We are getting $25 million that almost none of the rest of my colleagues are getting because we, on our own, have reduced teen pregnancy without sending those teens to abortion clinics. We do not want those teens to go to abortion clinics. We want them to abstain. We want them to use birth control. And it is working. We, indeed, had the largest decline in teen pregnancy without the use of abortion.

And let me compare what we have done in the District as my colleagues try to bar our youth from abortion with what other States have done. Forty-eight States saw increases in their unwed birth rates that make almost all of my colleagues ineligible for the bonus that the District of Columbia will get. Virginia, right next door, had their unwed birthrate climb by 2.3 percent, making Virginia number 18 in the country; and Maryland's rate climbed 3.3 percent, making them number 33 in the country.

Mr. Chairman, I believe that in the name of democracy and the people I represent, I had to put this matter before the body.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

□ 1230

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I want to commend the committee, in particular the gentleman from Michigan (Mr. KNOLLENBERG), the gentleman from Pennsylvania (Mr. FATTAH), and the gentleman from Wisconsin (Mr. OBEY) for deleting from this legislation a very unjust restriction on the limit of legal rights of parents of special-needs children.

Mr. Chairman, I want to commend the Committee, and particularly the gentlemen from Michigan (Mr. KNOLLENBERG), from Pennsylvania (Mr. FATTAH) and Wisconsin (Mr. OBEY) for deleting from this legislation very unjust restrictions that limit the legal rights of parents of special needs children.

The DC appropriations law over the past several years has placed a very restricted ceiling on the legal awards to parents who successfully litigate to win special education benefits for their children. As the author of those due process provisions in the 1975 Education of All Handicapped Children Act (P.L. 94–142), now knows as IDEA, and the senior Democratic Member of the authorizing Committee, I greatly appreciate the Appropriations Committee's decision to delete this punitive and discriminatory provision.

The Congress included attorney fees in the 1975 law specifically because we anticipated that some states would be reluctant to provide children with the special education service the Supreme Court and the Congress declared they have a right to receive. Particularly in the case of low income parents who might be unable to otherwise secure legal representation to challenge Board of Education decisions to refuse to provide special education services, the possibility of receiving reasonable attorney fees is all that gives these parents a hope of securing a lawyer to win educational services for their children.

It is disgraceful that the Congress chose to deprive only the poorer parents of special needs children in the District of Columbia of these rights. The only entity in the continental United States that lacks voting rights. The only entity with a majority minority population. Yes, some fees awarded to some lawyers were excessive; that is why the law allows for reasonable fees. And high fees occurred in states other than the District of Columbia; but interestingly, no one suggested that their constituents be denied access to attorneys to secure special education services. We just decided to impose that restriction on parents—and generally, poor and minority parents—in D.C.

These legal fees can run $40,000 or more in Maryland and Virginia. yet the Congress has limited D.C. parents to a fraction of that amount. In effect, that means D.C. parents cannot find lawyers to represent them in cases against a Board of Education that has run a dreadful special education program for many years. The law granted parents the remedy of attorney fees specifically so that could pressure recalcitrant education officials to providing the services that special needs children require. Instead, the Congress has insulated the D.C. Board of Education at the expense of students who need special ED services.

The D.C. City Council and the Mayor have rightly opposed such a cap and I am delighted that this legislation before us today treats D.C. like every other jurisdiction in the country. It comes as no surprise that some in the education bureaucracy favor retaining a cap; they are the ones being sued. We should not be swayed by the cynical argument that money allocated to lawyers could otherwise go towards educating special needs children. If the

D.C. schools were educating these children, there would be no need for suits, and the suits would not be successful and thereby generating attorney fees.

If anyone has been misusing the attorney fees section of IDEA, that is a subject to be addressed in the reauthorization of the IDEA law, and it would be raised with respect to all jurisdictions that fall under the law, not just the residents of the District of Columbia who happen to have no vote here in the Congress. I will wait to see who appear before our Committee to recommend that residents of their district or state be denied access to attorneys to protect their child's right to special education services.

In the meantime, I congratulate the Committee for treating D.C. fairly and for allowing parents of special needs children in this city the same rights that all other parents in this country have to seek appropriate education services for their children.

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

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

Mr. STEARNS. Mr. Chairman, I have come here to speak in the debate portion on behalf of the Weldon amendment that is going to be voted on sooon. I think the point that the gentleman from Florida (Mr. WELDON) is making when he offers this, is that if we have in place the words that allow them to use private funds within the D.C. appropriations but not Federal funds, I am not sure that money, being fungible, won't turn out to be Federal funds also. Federal and private funds will be mixed.

I do not think we can be sure that by not adopting the Weldon amendment that we will have in place a bill that, up until the last 9 years, has essentially not allowed domestic partnerships. So I think by not adopting the Weldon amendment we are changing historically what the House has agreed to overwhelmingly in the past.

In fact, we have had several recent votes on this and I think just to remind Members, on June 30, 1993, 8 years ago, 251 to 177, rollcall No. 313, the Istook amendment for the full funding ban was passed. Then on November 1, 1995, it was 249 to 172, rollcall No. 759, the Hostettler amendment when the ban was sustained. So the House has spoken on this.

I hope the Weldon amendment will be adopted again. When the Members come to the House floor to vote on the Weldon amendment, I want them to realize that if they do not adopt it, then Federal and private money is fungible and that Federal and private will be mixed. That is the real issue. I do not think we have to go into what the will of the House has been year after year on this matter.

The gentleman from Texas (Mr. DELAY) in 1992 when we were in the minority, when the Democrats controlled Congress, offered an amendment to recommit the D.C. appropriation bill and force them to put the funding ban on D.C. domestic partners. This goes back to 1992. The motion of the gentleman passed 235 to 173. That was rollcall No. 420. The ban was ultimately signed into law.

So my colleagues, if Members come on the floor and vote against the Weldon amendment, they are voting against the tradition and history of this House that has overwhelmingly supported time and time again, going back to 1992, what the gentleman from Florida (Mr. WELDON) is doing today. So I think the argument is clear. I support the Weldon amendment.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 43, line 15 be considered as read, printed in the RECORD and open to any amendment at this point.

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

There was no objection.

The text of the bill from page 35 line 8 through page 43 line 15 is as follows:

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Official Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–422 et seq.).

SEC. 108. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 109. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 110. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming of funds which transfers any local funds from one appropriation to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed two percent of the local funds in the appropriation.

SEC. 111. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 112. (a) Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

(b)(1) CERTIFICATION OF NEED BY CHIEF TECHNOLOGY OFFICER.—Section 2706(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, as added by section 2 of the District Government Personnel Exchange Agreement Amendment Act of 2000 (D.C. Law 13–296), is amended by inserting after ''Director of Personnel'' each place it appears the following: ''(or the Chief Technology Officer, in the case of the Office of the Chief Technology Officer)''.

(2) INCLUSION OF OVERHEAD COSTS IN AGREEMENTS.—Section 2706(c)(3) of such Act is amended by striking the period at the end and inserting the following: '', except that in the case of the Office of the Chief Technology Officer, general and administrative costs shall include reasonable overhead costs and shall be calculated by the Chief Technology Officer (as determined under such criteria as the Chief Technology Officer independently deems appropriate, including a

consideration of standards used to calculate general, administrative, and overhead costs for off-site employees found in Federal law and regulation and in general private industry practice).''.

(3) REPORTING REQUIREMENT.—Section 2706 of such Act is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

''(f) Not later than 45 days after the end of each fiscal year (beginning with fiscal year 2002), the Chief Technology Officer shall prepare and submit to the Council and to the Committees on Appropriations of the House of Representatives and Senate a report describing all agreements entered into by the Chief Technology Officer under this section which are in effect during the fiscal year.''.

(c) NO LIMIT ON FTES.—Notwithstanding any other provision of law, no limit may be placed on the number of full-time equivalent employees of the Office of the Chief Technology Officer of the District of Columbia for any fiscal year.

(d) Section 424(b)(3) of the District of Columbia Home Rule Act (sec. 1–204.24b(c), D.C. Official Code) is amended by striking ''level IV'' and inserting ''level I''.

(e) EFFECTIVE DATE.—The amendment made by subsection (d) shall apply with respect to pay periods in fiscal year 2002 and each succeeding fiscal year.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures.

SEC. 114. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

ACCEPTANCE AND USE OF GIFTS

SEC. 115. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2002 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

The CHAIRMAN. Are there any amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

PART B AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment offered by Mr. WELDON of Florida:

In section 118 (relating to the use of funds to implement or enforce the Health Care Benefits Expansion Act of 1992), strike ''Federal''.

The CHAIRMAN. Pursuant to House Resolution 245, the gentleman from Florida (Mr. WELDON) and a Member opposed, the gentleman from Arizona (Mr. KOLBE), each will control 5 minutes.

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

Mr. WELDON of Florida. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am offering my amendment because the bill before us is such a stark departure from 9 years of previous law. My amendment simply continues current law.

Ever since the District of Columbia passed its domestic partnership act in 1992, the Congress has included a provision to prevent its implementation. Congress and the President have chosen to uphold the institution of marriage, and I am disappointed that others would choose this time to try to reverse it.

Please do not believe for a moment that this is about home rule. If you want to believe that, then I have a bridge in Brooklyn I would like to sell.

How you vote on this today will have an impact on the institution of marriage in the United States and on how corporations and State and municipal governments treat this issue throughout our Nation for the years to come. Furthermore, under article I of the Constitution and the D.C. home rule law, the Congress maintains full authority to do this.

Today, marriage is under assault from culture, the media, and many other entities. Do we want to add the Federal Government to that list? It is critical that we do not go down this path and that we take steps to encourage strong marriages.

Study after study have demonstrated that strong marriages between a man and a woman have a stabilizing influence on our community and our societies. The children suffer fewer problems and are less at risk when they are raised in families with a mother and father. We should be passing laws to encourage traditional families. We should not be passing laws that make traditional marriage simply one of several morally-equivalent options.

Mr. Chairman, a vote against my amendment is a vote to place heterosexual and homosexual cohabitating relationships on an equal footing with traditional marriage. A vote for my amendment says Members believe that traditional marriage is important and should remain a priority in our society.

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

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, it has been 9 long years since the District of Columbia passed the Health Care Benefits Expansion Act. The locally approved law has never taken effect, however, because each year Congress has banned the use of Federal or local money to implement the program. This is unfortunate. Let us put an end to this today, this congressional meddling.

Mr. Chairman, defeat the amendment offered by the gentleman from Florida (Mr. WELDON). Let the District of Columbia do what hundreds of other local governments and private businesses have done. It is a humanitarian measure. It grants not only gay and lesbian couples the same protections against illnesses as married heterosexual couples, but also extends the benefits to disabled people, to live-in health care providers, a single man or woman caring for an elderly parent, and other living situations not traditionally covered by health insurance.

The appropriations bill, and I must commend the chairman and the ranking member, as reported did not have

that provision. It allowed for the first time the District to put its own money toward this program that it believed in. Let the bill stand as is. Vote against the Weldon amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Chairman, let me explain to Members, a domestic partner means a person with whom an individual maintains a committed relationship. And a committed relationship means a familial relationship, not recognized by the United States in terms of marriage; it is just a committed relationship. The idea is the mutual caring and the sharing of a mutual residence. But commitments change.

What happens if that person says yes, I am living with this person and I want health care; but he or she does not report that he or she has left this person. How will the Federal Government develop all of the regulations that are required to get competent jurisdiction in civil suits to recover damages if this person does not show that he or she has a committed relationship. Why is the Federal Government getting involved in deciding what is a committed relationship? They should get married and be recognized as married, and it should be a heterosexual marriage.

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN), a member of the subcommittee.

Mr. MORAN of Virginia. Mr. Chairman, the bill that is before us says no Federal funds can be used to implement the D.C. Health Benefits Act, an act that was passed back in 1992. Since that act was passed, 113 other local cities have implemented the same domestic partnership legislation, cities like Atlanta, Albany, Chicago, New Orleans, and New York. They did it because their constituents wanted it.

D.C.'s elected city council understands its constituents, has asked them to pass this legislation. But it is not just municipal governments. Corporations like IBM, AT&T, Boeing, Citigroup, they have the same domestic partnership policy. It does not do exclusively what has been suggested. It applies to every situation where you have caring people living together, and in many cases providing for the other person.

Mr. Chairman, in so many households in D.C., we have a grandmother and a mother taking care of the children. We have disabled people, and their live-in care provider would be able to purchase health insurance. We have two sisters living together, two elderly people who cannot marry for economic reasons. They should be able to purchase health insurance at their own expense. At their own expense. There is no Federal Government money involved here. Keep the bill the way it is. Defeat the Weldon amendment.

Mr. WELDON of Florida. Mr. Chairman, does the gentleman from Arizona have any remaining speakers? I only have one remaining speaker.

Mr. KOLBE. Mr. Chairman, I have two remaining speakers; but representing the committee position, I believe I have the right to close.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE), representing the committee position, has the right to close.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, how can anyone with a heart or mind try to keep anyone from paying money for their own health care today? Cities such as Atlanta; Scottsdale, Arizona; New Orleans, and thousands of businesses have more comprehensive domestic partnership plans than the District of Columbia.

Mr. Chairman, the Weldon amendment is an expression of unadulterated bigotry. Do not mar the D.C. appropriations with ugly prejudice.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, sometimes words that are said on the floor are very unfortunate. This amendment has nothing to do with bigotry; it has to do with tradition and understanding what is marriage and what is the role of marriage in this country.

Members should support the Weldon amendment because it defends the traditional understanding of marriage. The Weldon amendment rejects a broad new recognition of relationships that would extend the benefits of marriage to people who have not made that special commitment. Marriage can only take place between a man and a woman, in my opinion.

Mr. Chairman, introducing domestic partnership benefits would have broad consequences extending far beyond the specific action contemplated here. We would be walking away from the traditions and virtues that we have respected and honored since our country was founded, and even before.

Doing so would radically undermine the special privileges and incentives of marriage by distributing them without requiring the unique commitment between a man and a woman. When married couples forsake all others and bind themselves together, they form a vital unit to rear their children and they strengthen society immeasurably.

Mr. Chairman, we should protect the sanctity of that special bond called marriage. Members should support the Weldon amendment.

□ 1245

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) has 30 seconds remaining if he wishes to use it.

Mr. WELDON of Florida. Mr. Chairman, for 7 years, I was one of the only physicians in my county who treated AIDS patients. I got up in the middle of the night, went into the hospital, examined them, took care of them, for years.

I really take offense at some of the language that has been used in response to my amendment. The purpose of my amendment is to protect the integrity of the institution of marriage in the United States. Some people do not understand that. But I would never call them names because they do not seem to understand that.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The gentleman from Arizona (Mr. KOLBE) has 2 minutes remaining.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

In contrast to what the two previous speakers said, I do not believe this has anything to do with marriage. Family law in our country is State law. One hundred thirteen or 117 jurisdictions in the United States have adopted similar provisions. Those States did not alter their definition of marriage when they allowed municipal jurisdictions in their States to audit these provisions.

This does not have anything to do with the definition of marriage in family law. This has to do with whether or not the District of Columbia, like those 113 other government units and one-third of the Fortune 500 companies, is going to be allowed to permit its employees to extend, to include in their health coverage at 100 percent expense to the individual, to include a partner, a woman who is raising her child who has her mother living with her as the caretaker, to include that grandmother in the coverage; a disabled person, to include his caregiver or her caregiver in the coverage.

That is what this is all about. It is not about the definition of marriage. And it is not expensive. Eighty-five percent of companies that offer these provisions do not experience additional costs according to the Society for Human Resources Management.

This is about allowing the District of Columbia and its employees to purchase the insurance at their own expense. Let me reiterate that. One hundred percent of the cost at their own expense. Not the Federal Government, not the District of Columbia. The only expense for the District of Columbia is the cost implementing the law by maintaining a register of domestic partners. There is no subsidy that is involved in this. It applies to all potential familial partners. It is not just a gay partner, a lesbian partner; it is heterosexual, it is the disabled partner, it is the grandmother and the daughter that I mentioned earlier. It is all kinds of people, seniors who might be living together.

The fact is that our traditional families have changed in American society. The family today is likely to include the arrangements mentioned earlier. I urge my colleagues to defeat this amendment. Show confidence in the District of Columbia; show respect for

the individuals who are affected and defeat this amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Florida to restrict the District of Columbia's ability to use their own local funds to implement the Health Care Benefits Act of 1992. For almost a decade now, this body has blocked the District of Columbia from using any local or federal funds to implement this law, which would expand health care benefits for domestic partners. This must stop.

Particularly today, with the attacks on our country fresh in our mind, it is extremely important that we come together as a nation and in our communities. Our American family includes many families, traditional and non-traditional. Our nation should welcome diversity. We should respect each other, not be divisive.

Domestic partnership laws acknowledge and respect the non-traditional family structures in our world today. These include relationships such as grandmothers and mothers living together raising children, persons with disabilities and their live-in care providers, and unmarried partners, both heterosexual and gay and lesbian. We as a government must grow with the society we are governing and embrace it.

We must respect the rights of non-traditional families. We must also respect the right of the District of Columbia to respond to the concerns and needs of its residents. Many other cities across the country provide domestic partnership benefits to their employees. Since 1997, the City of Chicago has offered domestic partner benefits. Other cities have been offering these benefits since the early 1990's. Those laws are working well, providing important protections for our constituents. There is absolutely no justification for this body to prevent D.C. residents from receiving those same benefits.

This amendment is anti-local control, anti-good public health policy, and just plain bad business. In 1999, a survey in Human Resources Management ranked domestic partner benefits as the most effective recruiting incentive for executives and the third most effective recruiting incentive for managers and line workers. Employers must have the ability to offer competitive benefit packages in order to recruit quality applicants.

I urge my colleagues to join me in opposing this restriction and allow the implementation of the Health Care Benefits Expansion Act of 1992 in the District of Columbia.

Mr. NADLER. Mr. Chairman, I rise to strongly oppose the Weldon amendment which would prevent the District of Columbia from using its own funds to provide domestic partner benefits.

There has been a lot of discussion in the past two weeks about sadness and anger, and most of that discussion was about the attacks of September 11th. Today, there is yet another reason to be both sad and angry.

Today, this House is departing from its partisan truce and healing rhetoric of unity. Today, the war will have to wait, while we strip gays and lesbians of legal benefits and once again thwart democracy right here in Washington, DC.

There are 113 jurisdictions nationwide that have domestic partner benefits and Congress has taken no action to block any of these benefits provided to other Americans.

The fact that some Members of Congress seek to do so today is insulting, outrageous, and, quite frankly, offensive.

The House Appropriations Committee acted in a bipartisan manner to allow DC to offer its residents domestic partner benefits, and now the House leadership has authorized the violation of House Rules in order to undo the work of the Committee on this issue.

Domestic partner benefits allow residents to visit loved ones in hospitals and long term care facilities, officially register as partners, and, for employees of the District of Columbia government, to purchase health insurance at their own expense for their partner. This is hardly revolutionary or even uncommon in our nation today. Over 4,200 employers around the country, including hundreds of cities, colleges, and universities, have already established domestic partnership health programs.

In fact, this amendment is not only mean-spirited and unwarranted, it is also bad health care policy. At a time when millions of Americans lack any health insurance, why would we stand in the way of any extension of health care benefits? Do we as a Congress really want to tell D.C. residents, they should be denied health care simply because of whom they love?

This amendment is a disgrace and should be defeated.

Mr. KUCINICH. Mr. Chairman, I rise in opposition to the Weldon amendment to H.R. 2944, the District of Columbia appropriations bill for FY2002. This amendment would prohibit local funds from being used to implement the District of Columbia domestic partnership act.

I would like to point out that the heroes of the tragic attacks on New York, Washington, D.C., and Pennsylvania include:

Mark Bingham, a passenger on American Airlines 77 who helped resist the hijackers and prevented the plane from crashing into a national monument in Washington, D.C.

David Charlesbois, American Airlines flight 77 co-pilot and resident of Washington, D.C.;

Father Mychal Judge, Fire Department Chaplain and Franciscan priest who died while delivering last rites to victims of the attack on the World Trade Center.

These three courageous Americans are all heroes and are all gay. Many more gay Americans continue to assist in efforts in the aftermath of the tragedies—rescue workers, healthcare professionals and volunteers from around the country.

How can we deny these heroes domestic partnership benefits? I strongly encourage my colleagues to vote against the Weldon amendment and support local funding for domestic partnership benefits.

I would also like to submit into the record a commentary from the National Public Radio show "Weekend Edition Saturday."

COMMENTARY: INAPPROPRIATE COMMENTS MADE BY THE REVERENDS JERRY FALWELL AND PAT ROBERTSON REGARDING THE WORLD TRADE CENTER BOMBING

(September 22, 2001)

SCOTT SIMON (host). I really don't want to be critical of anyone during a national crisis, especially people who are sources of spiritual guidance to millions of Americans. But sometimes the Reverends Jerry Falwell and Pat Robertson say something so staggering, they renew your capacity to be shocked, amen, even in a shocking time. Last week when America was wounded and confused, the Reverend Falwell was a guest on Pat Robertson's television show, "The 700 Club." He said that God Almighty, angered by America's abortion rights, gay rights and secularism in schools, had permitted terrorists to slay the World Trade Center and smite the Pentagon.

SOUNDBITE OF "THE 700 CLUB"

Reverend JERRY FALWELL. What we saw on Tuesday, as terrible as it is, could be miniscule if, in fact, God continues to lift the curtain and allow the enemies of America to give us probably what we deserve.

Reverend PAT ROBERTSON. Well, Jerry, that's my feeling. I think we've just seem the antechamber to terror. We haven't even begun to see what they can do to the major population.

Rev. FALWELL. I really believe that the pagans and the abortionists and the feminists and the gays and the lesbians who are actively trying to make that an alternate lifestyle, the ACLU, People for the American Way—all of them who've tried to secularize America, I point the finger in their face and say, "You helped this happen."

SIMON. This week, both the reverends issued apologies. Mr. Falwell called his own remarks "insensitive, uncalled for and unnecessary," everything but wrong. This week, it was reported that Mark Bingham, a San Francisco public relations executive, may well have been one of the passengers who so bravely resisted the hijackers of American Airlines Flight 77. That flight crashed into an unpopulated field outside of Pittsburgh instead of another national monument. Mr. Bingham was 31. He played on a local gay rugby team and hoped to compete in next year's Gay Games in Sydney, Australia.

I don't know if Mark Bingham was religious, but it seems to me that he lived a life that celebrated the preciousness of this world's infinite variety. Not so the Reverends Robertson and Falwell and the mullahs of the Taliban, who seem to see a god who frowns at tolerance and smiles with approval on murder and destruction. Let me put it in the bold terms in which many Americans may be thinking right now. If your plane was hijacked, who would you rather sit next to? Righteous reverneds who will sit back and say, "This is God's punishment for gay Teletubbies," or the gay rugby player who lays down his life to save others? And by the way, which person seems closer to God?

SOUNDBITE OF MUSIC

SIMON. And you're listening to NPR's WEEKEND EDITION.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

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

RECORDED VOTE

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

Mr. MORAN of Virginia. Mr. Chairman, could I ask how the Chair determined that a sufficient number had risen to ask for a recorded vote?

The CHAIRMAN. By a count of Members on their feet. It is not subject to appeal.

The vote was taken by electronic device, and there were—ayes 194, noes 226, not voting 10, as follows:

[Roll No. 352]

AYES—194

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Clement
Coble
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Dunn
Ehlers
Emerson
Everett
Flake
Fletcher
Forbes
Fossella
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—226

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Ganske
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Cooksey
Meeks (NY)
Owens
Peterson (MN)
Rehberg
Rush
Serrano
Towns
Velazquez
Watson (CA)

□ 1312

Messrs. MALONEY of Connecticut, ORTIZ, ROSS, LAFALCE and Ms. WOOLSEY changed their vote from ''aye'' to ''no.''

Mr. GEKAS and Mr. RADANOVICH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. REHBERG. Mr. Chairman, on rollcall No. 352 I put my voting card in the machine but the vote was not recorded. I would have voted ''aye.''

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 119. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council within 15 days after receipt of the report submitted under (A) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 121. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 122. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 123. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 124. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 125. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 126. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 127. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 128. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 129. Notwithstanding any other provision of law, the Mayor of the District of Columbia is hereby solely authorized to allocate the District's limitation amount of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 130. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 131. Section 149 of division A, Miscellaneous Appropriations Act, 2001, as enacted by section 1(A)(4) of Public Law 106–554 shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001 and would have qualified for interest payment under such section 149.

FEDERAL CONTRIBUTION FOR ENFORCEMENT OF LAW BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. 132. (a) CONTRIBUTION.—There is hereby appropriated a Federal contribution of $100,000 to the Metropolitan Police Department of the District of Columbia, effective upon the enactment by the District of Columbia of a law which reads as follows:

''BAN ON POSSESSION OF TOBACCO PRODUCTS BY MINORS

''SECTION 1. (a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

''(b) EXCEPTIONS.—

''(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

''(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

''(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

''(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

''(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed $50.

''(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

''(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.''.

(b) USE OF CONTRIBUTION.—The Metropolitan Police Department shall use the contribution made under subsection (a) to enforce the law referred to in such subsection.

SEC. 133. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 134. (a) Section 11201(g)(4)(A) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–1201(g)(4)(A), D.C. Code), as amended by section 163 of the District of Columbia Appropriations Act, 2001, is amended—

(1) by striking ''and'' at the end of clause (ix);

(2) by striking the period at the end of clause (x); and

(3) by adding at the end the following new clause:

''(xi) obligate and expend the proceeds and funds deposited under clauses (ix) and (x) as provided in such clauses.''.

(b) The amendment made by subsection (a) shall take effect on October 1, 20002.

''SEC. 135. No later than the later of November 1, 2001, or 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 136. Section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.03), is amended as follows:

(1) Subsection (c) is amended by striking ''shall receive, in addition to the compensation to which he is entitled as a member of the Council, $10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman.''

(2) A new subsection (d) is added to read as follows:

''(d) Notwithstanding subsection (a), as the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall

receive compensation, payable in equal installments, at a rate equal to $10,000 less than the compensation of the Mayor.''.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 55, line 15, be considered as read, printed in the RECORD, and open to amendment at any time.

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

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT NO. 1 OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HOSTETTLER:

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

SEC. . None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

□ 1315

Mr. HOSTETTLER. Mr. Chairman, I rise today to offer an amendment that will protect the Boy Scouts of America from the latest political attack on its constitutionally protected rights.

The most recent assault against the scouts occurred on June 20 when the District of Columbia Commission on Human Rights ruled that the Boy Scouts of America had violated the D.C. Human Rights Act of 1977. The Boy Scouts' crime? In keeping with their longstanding values and standards, the Boy Scouts had expelled two homosexual scout masters in Washington, D.C.

Now, despite the constitutional protection of freedom of association, and despite the Supreme Court ruling that reaffirmed the Boy Scouts' right to determine its criteria for members and leaders, the District of Columbia Human Rights Commission ordered the Boy Scouts to reinstate the troop leaders and pay them $50,000 each. In addition, the Commission ruled that the Scouts must also pay all attorneys' fees and court costs.

Mr. Chairman, this arrogant and intrusive ruling is just the latest in a long string of cultural broadsides against the Boy Scouts of America, a group dedicated to instilling selflessness, character, responsibility, and love for God and country of our Nation's boys and young men.

It was a year ago this month that legislation was brought to the floor that would have ended the Boy Scouts' Federal charter. I would remind my colleagues that of the 435 Members of the House of Representatives, only 12 voted to punish this private organization for putting its beliefs into practice.

Now, during this debate, we will hear that this is a local issue, a matter best left to home rule. But as Members who have sworn to uphold the Constitution, I would remind my colleagues that article I, section 8 states that ''Congress shall have the power to exercise exclusive legislation in all cases whatsoever over the District.''

The Constitution requires that we watch closely the power we have delegated, in this case to the District of Columbia. Since the District is a national city, it should be a reflection of our Nation's value system.

Mr. Chairman, all of us should be troubled by this ruling.

When a government agency tells a private organization it must accept behavior that violates its members' core beliefs, then every civic organization, service group, church, synagogue, and mosque is vulnerable to government interference. This so-called civil rights organization clearly does not have the best interests of our Nation's boys and young men at heart. Instead, its goal is to force a radical political agenda on a private civic group.

While ostensibly advancing the virtue of ''tolerance,'' the commission has approved only one politically correct viewpoint, determining that all other beliefs must be excluded or penalized, in this case.

The decision of the commission runs counter to our most basic liberties and, as such, must be stopped. My amendment would prohibit the District of Columbia from enforcing the commission's decision by preventing funds from being spent to do so, and I urge its passage.

Mr. Chairman, I simply say that in the discussion of this body's control and authority over the District of Columbia, it is clearly pointed out, not only in the home rule statute, but in the very Constitution itself. This body is afforded the obligation and authority, according to the Constitution, to effectively be the city council of the District of Columbia. So, whether we vote on Federal funds or local funds, every Member that votes on these issues votes as a Member of the legislative body overseeing all matters whatsoever according to the Constitution in this area.

This is not an issue of home rule. We do not have the authority, according to the Constitution, to govern on issues regarding the city of Atlanta or the city of San Francisco or the city of Tucson, Arizona. We do have constitutional authority over all legislative matters whatsoever in regard to the District of Columbia; and Members should stand up, recognize their constitutional authority, and recognize that all groups are under assault here with regard to the values that they hold dear.

Mr. Chairman, I would hope that all Members would support my amendment, would allow the Boy Scouts of America to determine the criteria for their members and their leaders, and allow them to freely associate without doing any damage whatsoever to the community when, in fact, the opposite is true. They strive to make the country and their community a better place to live, with all of the activities in which they endeavor.

Mr. HAYES. Mr. Chairman, I rise in support of Mr. HOSTETTLER's amendment—a vote in support of the Boy Scouts of America.

The Supreme Court has ruled on this issue—and they said that to force the Boy Scouts to accept homosexual troop leaders would violate their right to free association and would dilute the Scout's message. We must not threaten the Scouts' constitutional freedoms that were clearly upheld by the Supreme Court.

The process of appealing this ruling is costing the Scouts valuable dollars each day that could be better used to benefit the lives of young men—Young men who are being taught values such as duty to God and country, honor, respect, and community service.

We must send a message that Congress will uphold the full benefits of freedom of association, and that the Scouts, a private organization, may continue to define their own leadership and promote core American values that have been taught to children for over a century. I urge my fellow Members to vote in favor of the Hostettler amendment.

AMENDMENT OFFERED BY MS. NORTON TO THE AMENDMENT OFFERED BY MR. HOSTETTLER

Ms. NORTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON to the amendment offered by Mr. HOSTETTLER:

In the matter proposed to be inserted by the amendment, insert ''Federal'' before ''funds''.

Ms. NORTON. Mr. Chairman, this House has just done a historic act. For the first time, it has broken through the prejudice against gay men and lesbians on this floor. It is an extraordinary moment. It is even more important than recognizing the local prerogatives of the District of Columbia.

I am asking this House to do with respect to my amendment exactly as we have just voted very decisively to do in the last vote. My amendment would disallow any Federal funds for the enforcement of the provision and decision of the District of Columbia Human Rights Commission. Only local funds could be used. That is what we have just voted. Please be consistent.

Mr. Chairman, this was not a knee-jerk vote by the District of Columbia Human Rights Commission. They submitted a very well-reasoned, 74-page decision which I think they can reasonably argue is very much consistent with the Supreme Court decision on this very issue. The Supreme Court says that gay men cannot interfere with the message of the Boy Scouts. The District of Columbia found that the gay men here were not strong activists of the kind that the Supreme Court recognized as interfering with the message of the Boy Scouts. Let us suppose that the District of Columbia

is wrong. If the District is wrong, the Boy Scouts of America, as I speak, are pursuing their remedy. They are pursuing it because that decision was appealed on July 19. Therefore, they are now in the courts.

If we proceed, we are not only undermining the local courts of the District of Columbia, which, by the way, are Federal courts, but we are undermining the independence of the Federal judiciary as well, because this decision is based on a decision of the Supreme Court of the United States; and this matter will ultimately find its way there, if it has been incorrectly decided by the District's Human Rights Commission. We interfere with the independence of the judiciary when we, the Congress of the United States, decide that a politically unpopular decision has been made and, therefore, we will politically intervene into a court decision. We do not want to do that. We do not want to go there, especially not now.

So long as this matter is not settled, we ought to let it be, because there will always be another time to settle it. Suppose we do not like what the local courts find. We could come back and overturn the local courts. If, on the other hand, the Supreme Court finds that what the District of Columbia has done is consistent with Supreme Court decisions, then we will be barred and ought to be barred.

The fact is, Mr. Chairman, that this amendment piles on yet another constitutional violation, because the Congress of the United States is, in fact, imposing its own one-sided views on a matter that is of constitutional import. We cannot do that. Justice Scalia himself wrote, ''The government may not regulate speech based on hostility or favoritism towards the underlying message expressed.'' If it is the underlying message that you object to, you are in violation of what Justice Scalia has said, because the amendment is not viewpoint-neutral. My amendment, on the other hand, gets the Federal Government out of this messy business, leaving only the District of Columbia to do what it is doing anyway, which is responding to the appeal.

This matter will not be settled by my amendment. It still leaves to us, ultimately, if the local courts are wrong, the ability to come back next year and overturn it so long as the Supreme Court does not say that that amendment was correct. Leave this be. Vote as we have just voted on the prior amendment. Do not cast another vote against people who are gay just because they are gay.

Mr. KERNS. Mr. Chairman, I rise in support of the Hostettler amendment, and I move to strike the last word.

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

Mr. KERNS. Mr. Chairman, the Boy Scouts of America is an institution that since 1910 has been creating leaders and instilling principles to guide young men down the right path as they form their basic values and grow into adults. The scout oath and the scout law serve as the foundation of this organization's beliefs, including duty to God and country.

In June of 2000, the United States upheld the Boy Scouts' standing that as a private organization it has a right to set its own standards for membership.

We know that some have tried to force their views on the Scouts and confuse the true mission of the scouting organization. This effort has taken place right here in our Nation's Capitol. Since the Supreme Court's ruling, the D.C. Human Rights Commission has ignored the decision and acted directly to the contrary.

Mr. Chairman, I have had the opportunity to visit a variety of Boy Scout events in west central Indiana and I have talked with scouts; and I have had the honor of presenting the Eagle Scout Badge to a young man in Tippecanoe County. I have always been impressed by these young scouts. My son is a scout. I am impressed by their enthusiasm, their devotion, and their sense of pride in their communities. That is why I am here on the floor today to stand with the Boy Scouts of America and oppose the efforts to undermine this outstanding organization.

I thank the gentleman from Indiana (Mr. HOSTETTLER) for his leadership on this issue in trying to correct this wrong. I encourage my colleagues to support his amendment.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the underlying amendment for two good reasons. On June 28, 2000, the U.S. Supreme Court said that the Boy Scouts of America have the constitutional right to block gays from becoming troop leaders. That is what they said. They are the law of the land. The Court ruled 5 to 4 that the New Jersey Supreme Court was wrong in forcing the Boy Scouts to accept James Dale, who was fired from the organization when the organization learned of his sexual orientation.

The Boy Scouts of America is a private organization which does not receive public funds. They have consistently won court judgments; and they have won, in part, because they do not receive taxpayer money.

Last September, September 13, 2000, this House voted 362 to 12 to reject an effort to revoke the 80-year-old Federal charter of the Boy Scouts of America because the group excludes gays. I believe it would be inconsistent to challenge the decision of the Supreme Court of this land.

□ 1330

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a former Scout, and my son is a Scout. I am amazed that we are debating this matter as part of the D.C. appropriations bill.

It is probably appropriate in the authorizing bill, or perhaps maybe not even there, since it has always been the majority party's view that local communities, those closest to the people, should make decisions; that they know best, and that we should not, as a Federal government, intervene in these local matters.

But nonetheless, absent a reversal of the Supreme Court's viewpoint, I do not know why we are in this at all. I would hope that we could move on with the more important business of the Nation, which at this time makes this matter a pretty small issue, given tens of thousands of our troops being arrayed across the world, to be here now debating back and forth a decision by the Human Rights Commission here in the District.

Maybe some want to be a Member of the D.C. City Council, and I know that there are elections coming up, and perhaps they want to offer themselves.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) to the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

Ms. NORTON. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) to amendment No. 1 offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 55, after line 15, insert the following new section:

SEC. ____. No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a straightforward amendment that would prohibit anybody from getting any grants under this bill who has violated the Buy American Act. It has been added on to all the other appropriations bills.

I want to just take one second and commend the gentleman from Pennsylvania (Mr. FATTAH). As a representative of a large city, I think he has

shown and demonstrated leadership on our side, and I want to commend the gentleman from Michigan (Mr. KNOLLENBERG), who has worked very hard and brought forward a very good bill.

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

Mr. TRAFICANT. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I say to the gentleman from Ohio (Mr. TRAFICANT), we have examined his amendment and we have no objection to it.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I am prepared to accept the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I ask for an aye vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. NORTON TO AMENDMENT NO. 1 OFFERED BY MR. HOSTETLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) to amendment No. 1 offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the underlying amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The vote was taken by electronic device, and there were—ayes 173, noes 243, not voting 14, as follows:

[Roll No. 353]

AYES—173

Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Olver
Pallone
Pascrell
Payne
Pelosi
Price (NC)
Pryce (OH)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Abercrombie
Doolittle
Hunter
Lewis (GA)
Meeks (NY)
Obey
Owens
Peterson (MN)
Rush
Serrano
Towns
Velazquez
Watson (CA)
Weldon (PA)

□ 1355

Messrs. GOODLATTE, DUNCAN, SAXTON, REGULA, Mrs. CUBIN, and Messrs. GILCHREST, CLEMENT, SHADEGG, MASCARA and GREENWOOD changed their vote from ''aye'' to ''no.''

Mrs. KELLY, Mr. GREEN of Texas, Mrs. BONO and Ms. TAUSCHER changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 152, not voting 16, as follows:

[Roll No. 354]

AYES—262

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly

Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—152

Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barrett
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kolbe
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Levin
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Abercrombie
Chambliss
Clement
Hunter
Lee
Lewis (GA)
Meeks (NY)
Obey
Owens
Peterson (MN)
Rush
Serrano
Towns
Velazquez
Watson (CA)
Weldon (PA)

□ 1403

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''District of Columbia Appropriations Act, 2002''.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 245, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 327, nays 88, answered ''present'' 1, not voting 14, as follows:

[Roll No. 355]

YEAS—327

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Granger
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Harman
Hastings (FL)
Hastings (WA)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skeen
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman

Tierney	Walden	Wexler
Toomey	Walsh	Whitfield
Traficant	Wamp	Wilson
Turner	Waters	Wolf
Udall (CO)	Watt (NC)	Woolsey
Udall (NM)	Watts (OK)	Wu
Upton	Waxman	Wynn
Visclosky	Weiner	Young (FL)
Vitter	Weller	

NAYS—88

Akin	Green (TX)	Platts
Armey	Green (WI)	Riley
Barr	Hall (TX)	Roemer
Bartlett	Hansen	Royce
Berry	Hart	Ryan (WI)
Blunt	Hayes	Ryun (KS)
Brady (TX)	Hayworth	Schaffer
Bryant	Hefley	Schrock
Burton	Herger	Sensenbrenner
Cantor	Hilleary	Sessions
Chabot	Hunter	Shadegg
Coble	Jenkins	Shimkus
Collins	Johnson (IL)	Shows
Combest	Johnson, Sam	Skelton
Cox	Jones (NC)	Smith (NJ)
Culberson	Kennedy (MN)	Stearns
Davis, Jo Ann	Kerns	Stenholm
Deal	Lewis (KY)	Strickland
DeMint	Lucas (KY)	Stump
Duncan	Manzullo	Tancredo
Everett	McInnis	Taylor (MS)
Flake	Moran (KS)	Thornberry
Forbes	Ney	Tiahrt
Fossella	Norwood	Tiberi
Goode	Otter	Watkins (OK)
Goodlatte	Paul	Weldon (FL)
Gordon	Pence	Wicker
Goss	Petri	Young (AK)
Graham	Pickering	
Graves	Pitts	

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—14

Dunn	Rangel	Towns
Lewis (GA)	Rush	Velazquez
Meeks (NY)	Serrano	Watson (CA)
Owens	Shuster	Weldon (PA)
Peterson (MN)	Smith (MI)	

□ 1423

Mr. RYAN of Wisconsin and Mr. FOSSELLA changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SHUSTER. Mr. Speaker, on rollcall No. 355 I was unavoidably detained. Had I been present, I would have voted ''nay.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections and other conforming changes in the engrossment of H.R. 2944 to reflect the actions of the House.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO HAVE UNTIL MIDNIGHT, WEDNESDAY, SEPTEMBER 26, 2001 TO FILE A REPORT ON H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence may have until midnight tomorrow night, September 26, 2001, to file a report on the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

There was no objection.

DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2510) to extend the expiration date of the Defense Production Act of 1950, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, strike out all after line 8 down to and including line 14 and insert ''2002''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''2001'' and inserting ''2002''.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Senate amendment is agreed to, and a motion to reconsider is laid on the table.

There was no objection.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2510, the legislation just passed, and to insert extraneous material on the bill.

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

There was no objection.

VACATING PROCEEDINGS ON H.R. 2510, DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

The SPEAKER pro tempore. Without objection, the previous action of the House on H.R. 2510 will be vacated.

There was no objection.

DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2510) to extend the expiration date of the Defense Production Act of 1950, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, strike out all after line 8 down to and including line 14 and insert ''2002''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''2001'' and inserting ''2002''.

The Clerk read the House amendment to the Senate amendment, as follows:

House amendment to Senate amendment:

Line 3, strike ''2002'' and insert ''2003''.

Line 7, strike ''2002'' and insert ''2003''.

Mr. OXLEY. Mr. Speaker, I rise today in strong support for the reauthorization of the Defense Production Act and the amendment that will be adopted by the House today. As you are aware, the Defense Production Act gives the President important emergency powers to ensure that industry produces needed material during times of military or civil emergencies.

Unfortunately, with the events of September 11, we find ourselves in the midst of both. The President's authority under the DPA expires on Sunday, and it is important that we renew these powers during this critical period in our Nation's history.

The House passed a clean 3-year reauthorization on September 5. The Senate returned the bill to us late Friday night, limiting the President's authority to only one year. With the clock ticking, we don't want to be back in this same position next year. Therefore, in the best spirit of compromise, we are amending the Senate bill and splitting the difference—extending the DPA for 2 years. I know that some of my colleagues in the other body have some concerns about the powers granted to the President under the DPA, and particularly in how they have been used in the past. They have my assurance that we will look closely at those concerns in the interim, and make changes where they are necessary.

I want to thank Chairman KING, and ranking members LAFALCE and MALONEY for their help in moving this bipartisan legislation forward. I urge my colleagues to support this bill and this amendment.

Mr. LAFALCE. Mr. Speaker, I want to express my strong support for the extension of the Defense Production Act for a two-year period. I also want to commend the Chairman of the Financial Services Committee, as well as the Chairman and Ranking Member of the subcommittee on Domestic Monetary Policy, for their vigilance and bi-partisanship in ensuring that these statutes are extended prior to expiration.

Clearly, this body would have preferred a 3-year extension of the Act, as reflected in the earlier legislation already passed in the House. However, it is also clear that a 2-year

extension is the most prudent course of action in order to ensure that reauthorization of the Act is signed into law within the next few days.

As I have argued repeatedly during the past two weeks, the Act contains Presidential powers that may well be needed to be called upon in the aftermath of the terrorist attack. In fact, we already have indications that the DPA will be invoked in the coming weeks. One news report from this morning states, ''[The DPA] is one of an array of statutes likely to be used frequently in the coming weeks as DOD seeks to expedite procurements—especially in the information technology and telecommunications sectors.''

With today's action in this body, I am confident that we will have an extension of the DPA signed into law prior to its expiration on September 30, and I want to thank my colleagues again for demonstrating the wisdom and flexibility that has been necessary to make that happen.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I once again ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2510, the legislation just passed, and to insert extraneous material on the bill.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

DISTRICT OF COLUMBIA POLICE COORDINATION AMENDMENT ACT OF 2001

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2199) to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

The Clerk read as follows:

H.R. 2199

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 ''District of Columbia Police Coordination Amendment Act of 2001''.

SEC. 2. PERMITTING ADDITIONAL FEDERAL LAW ENFORCEMENT AGENCIES TO ENTER INTO COOPERATIVE AGREEMENTS WITH METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Section 11712(d) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 4–192(d)) is amended by adding at the end the following:

''(33) Any other law enforcement agency of the Federal government that the Chief of the Metropolitan Police Department and the United States Attorney for the District of Columbia deem appropriate to enter into an agreement pursuant to this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2199.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Our colleague the gentlewoman from the District of Columbia (Ms. NORTON) introduced this bill, H.R. 2199, on June 14 of this year. It was referred to the House Committee on Government Reform and was then referred to the Subcommittee on the District of Columbia on June 19. The subcommittee considered and marked up the legislation on June 26, forwarded it to the full committee by unanimous consent, and the committee considered and marked up H.R. 2199 on July 25 and ordered it to be reported.

Mr. Speaker, H.R. 2199 amends the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into an agreement with the D.C. Metropolitan Police Department in order to assist the Metropolitan Police Department with local law enforcement in the District.

□ 1330

The original 1997 legislation provided great assistance to the District of Columbia by enabling Federal law enforcement agencies to enforce local laws on or near their jurisdictional boundaries.

The 1997 legislation specified certain law enforcement agencies, inadvertently leaving out some agencies. H.R. 2199 cures this restriction by allowing other law enforcement agencies to enter into cooperative agreements with the Metropolitan Police Department if the Chief of the Metropolitan Police Department and the United States Attorney for the District of Columbia deem it appropriate.

Mr. Speaker, I would like to express my appreciation to the gentlewoman from the District of Columbia (Ms. NORTON), the ranking minority member of the Subcommittee on the District of Columbia, for her leadership in expanding the provisions of the existing law to improve public safety and reduce crime in the Nation's capital.

I would also like to thank the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), for his interest in District of Columbia issues and for his guidance in bringing this bill to the floor, and of course to the ranking member, the gentleman from California (Mr. WAXMAN).

Mr. Speaker, I urge all Members to support H.R. 2199, the District of Columbia Police Coordination Amendment Act of 2001.

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

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

Mr. Speaker, I rise in strong support of the bill to amend P.L. 105–33, legislation that has done much to cure our coordinated efforts of Federal and local law enforcement officials in the Nation's capital. I want to thank the chairman of the Subcommittee on the District of Columbia (Mrs. MORELLA) for her leadership and her work in bringing this bill to the floor today and moving so quickly to facilitate this important bill.

H.R. 2199, the District of Columbia Police Coordination Act of 2001, amends the Police Coordination Act I introduced in 1997, signed that year, by allowing those agencies not named in the original legislation to assist the Metropolitan Police Department with local law enforcement in the district. Inadvertently, P.L. 105–33 failed to make the language sufficiently open-ended to include agencies not mentioned in the original bill.

Prior to the Police Coordination Act, Federal agencies often were confined to agency premises and were not able to enforce local laws on or near their premises. Instead, for example, Federal officers sometimes called 911, taking hard-pressed D.C. police officers from urgent work in neighborhoods experiencing serious crime. Federal officers were trained and willing to do the job, but lacked the authority to do so before the passage of the Police Coordination Act. When our country has been attacked, this flexibility provided to Federal police officers to pursue suspects beyond their desks is both timely and necessary.

Five agencies have already signed agreements with the U.S. Attorney for the District of Columbia enabling them

to assist the Metropolitan Police Department, including the Federal Protective Service, the largest Federal force to participate. Now over 400 officers are assisting D.C. police.

Federal agencies understand that the extension of their jurisdiction will enhance safety and security within and around their agencies, while offering needed assistance as well to District residents. The Capitol Police and Amtrak police, who have the longest experience with expanded jurisdiction, report that the morale of their officers was affected positively because of the satisfaction that comes from being integrated into efforts to reduce and prevent crime in and around their agencies and in the Nation's capital.

This non-controversial technical amendment to the Police Coordination Act is another step toward achieving my goal of assuring the most efficient use of all the available police resources to protect Federal agency staff, visitors, commuters, and D.C. residents. I urge all of my colleagues to support H.R. 2199.

Once again, I thank the chairman for her work on this bill.

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

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

Mr. Speaker, I reiterate my thanks to the sponsor of the legislation, the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership on these issues. I urge unanimity supporting this important bill to coordinate the police action in the District of Columbia to provide for further public safety and reduction of crime.

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

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2199.

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.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 246 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 246

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2586) 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. No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

Yesterday, the Committee on Rules met and granted a rule providing for further consideration of H.R. 2586, the fiscal year 2002 Department of Defense Authorization Act. The rule makes in order only those amendments printed in the Committee on Rules report accompanying the resolution, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against such amendments. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this rule allows us to finish up our work on the defense bill. All of us on both sides of the aisle recognize that we must provide for our military in this time of crisis. The gentleman from Arizona (Chairman STUMP) and the gentleman from Missouri (Mr. SKELTON) deserve great credit for coming together this week to grease the skids on this bill.

The rule simply ratifies their agreement by providing for five amendments. The gentleman from Texas (Mr. FROST), who is managing the rule for the minority, worked hard on one of these amendments. In the wake of the terrorist attacks 2 weeks ago, the gentleman from Texas (Mr. Frost) and the gentleman from Arizona (Mr. STUMP) worked to ensure that the Pentagon commends its civilian employees who are killed and injured by terrorist attacks by awarding them a medal for the defense of freedom. This is a new medal to recognize civilian Department of Defense employees who are injured in the line of duty.

The rule makes in order another amendment that I strongly oppose, an amendment to allow abortions on our military bases overseas. There is no place for abortion at our sensitive foreign bases.

Finally, Mr. Speaker, in addition to a noncontroversial manager's amendment, the rule provides for two amendments that would beef up our military's ability to fight terrorism. All of America realizes how important this is. We can leave nothing to chance. The primary purpose of our Federal Government is to defend our citizens, and the military is our primary source of that defense.

The need for these amendments is all too clear. We must act quickly to give our men and women the tools that they need to patrol our borders and prevent terrorist attacks to protect us.

So let us pass this rule and pass the underlying defense authorization bill. At the end of the day, we will have provided $343 billion to our Armed Forces, the largest increase in support for our military since the 1980s. At this crucial time in our history, this bill is most important.

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

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

Mr. Speaker, let me start by saying that I am glad that today the House of Representatives will complete this bill, H.R. 2586, the National Defense Authorization Act for fiscal year 2002. It is a good example of the bipartisan support America's Armed Forces enjoy. It passed the Committee on Armed Services on a bipartisan vote of 58 to 1. That is because Democrats and Republicans are strongly committed to a first-rate military that will protect this Nation and its people and that will maintain our position as the chief protector of democracy and the rule of law throughout the world.

Since the horror of September 11, Mr. Speaker, America's commitment to the finest military in the world has only become stronger. That is clear from the hard work that went into reaching bipartisan consensus in this rule.

In the interest of national unity, several of the military's strongest defenders on the Democratic side agreed to forego important priorities. For example, I am disappointed that the manager's amendment strips out the provision of the gentleman from Hawaii (Mr. ABERCROMBIE) to make contracting procedures more equitable for Department of Defense civilian employees, a provision that was passed by the Committee on Armed Services. Last night,

Democrats on the Committee on Rules tried to restore this important provision, but failed in a party line vote. I hope that we can revisit this issue at a later date.

On the other hand, I am pleased that there is bipartisan support for the amendment offered by the gentleman from Arizona (Chairman STUMP) and the ranking member, the gentleman from Missouri (Mr. SKELTON). It provides $400 million for intelligence and counterterrorism initiatives by reducing the President's request for national missile defense. It reflects how America's national defense priorities have changed since September 11.

The rule also makes in order an amendment by the gentlewoman from California (Ms. SANCHEZ) to restore equal access to health services at overseas military hospitals for service men and women and their dependents stationed overseas.

Finally, I personally appreciate the work of the gentleman from Arizona (Chairman STUMP) and the gentleman from California (Chairman DREIER) to recognize the sacrifice of Defense Department civilians killed or injured at the Pentagon on September 11. The amendment of the gentleman from Arizona (Chairman STUMP) is a sense of the Congress resolution commending the Defense Department's decision to create a new award, a medal for the defense of freedom, to be awarded to Defense Department civilian employees killed or wounded as a result of terrorism.

Mr. Speaker, we urge the Secretary of Defense to move quickly to produce and present this new medal. These medals are typically awarded about the time of burial, and the Defense Department is now in the process of identifying the civilians killed in the September 11 attack on the Pentagon.

Until 1998, Mr. Speaker, civilian employees of the Defense Department were eligible for the Purple Heart, an honor begun by the Kennedy administration and continued during the Reagan Administration. The amendment of the gentleman from Arizona (Chairman STUMP) would ensure that once again they can receive the recognition they deserve for their service to America.

As for the bill itself, Mr. Speaker, I am pleased that it makes crucial quality of life improvements by raising military pay, improving military housing, and ensuring medical care for military retirees for the men and women of the Armed Forces and their families.

I am also pleased that the Committee on Armed Services has continued its commitment to the wide range of weapons programs that ensure our military's superiority throughout the world. The bill includes $865 million for research and development of the F–22 Raptor, the next generation air dominance fighter for the Air Force, as well as $2.7 billion for 13 low-rate initial production aircraft, and $379 million for advance procurement of 24 LRIP aircraft in fiscal year 2003.

□ 1445

Mr. Speaker, H.R. 2586 also includes $1.5 billion for continued development of the Joint Strike fighter and $1 billion for the procurement of 12 MV–22 helicopters. These aircraft are important components in our national arsenal, and moving forward on their research and development sends a clear signal that the United States has no intention of relinquishing our air superiority.

Mr. Speaker, the first duty of the Congress is to provide for the national defense and the men and women who protect it. This bipartisan bill does a great deal to improve military readiness and to improve the quality of life of our men and women in uniform, as well as for their families. For that reason, I urge the adoption of this rule and of the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

Mr. ACEVEDO-VILÁ. Mr. Speaker, I am glad the House today finally agrees on a rule to approve H.R. 2586, that will authorize the adequate funds for the Defense Department at this critical time, but I want to clarify some issues with regard to Puerto Ricans and Puerto Rico's commitment at this moment to the Nation.

Puerto Ricans will continue to support this great Nation and President George W. Bush in efforts to fight against the horrific elements of terrorism. Let no one question our commitment. Governor Calderon and I have reached out to support those directly impacted by the cowardly acts of September 11, 2001. Some 800 Puerto Ricans died that day in the Pentagon and in New York. We stand in steadfast support of efforts to realize justice and to heal the many wounds inflicted on America. We recognize that this bill works toward that commitment.

Nevertheless, I am concerned, however, about language contained in the chairman's mark that would, if enacted, alter the commitment of the Navy to find sufficient alternative training grounds to Vieques by May 1, 2003. I am also concerned about how this change in policy will be received in Puerto Rico should it become law. We reaffirm our support of President Bush's position that there is no need for another referendum and that the Navy depart Vieques on or before May 1, 2003.

Furthermore, since Navy Secretary Gordon England yesterday stated in a letter dated September 24, 2001, to Senate Committee on Armed Services Committee Chairman LEVIN that the Navy will meet its goal of May 1, 2003, there is no need to change the existing commitment. Such a change would create confusion and distrust in Vieques. We do not need that at this time of national unity.

I am confident that the President, this House, and the Senate will comply with the commitment made to the people of Vieques that the Navy will leave Vieques by 2003.

I want my colleagues to appreciate how committed Puerto Ricans are to our national defense. All of the recruitment goals of the armed services have been surpassed in Puerto Rico over the last 4 years. Even as this issue has been discussed on the island, young Puerto Ricans enlist to serve our Nation in numbers that increase year after year and exceed recruiting goals of our armed services, including the Navy.

Puerto Rico's support of this Nation is unconditional. However, I believe that the administration can still meet the commitment to find alternatives to Vieques by May 1, 2003.

Mrs. MYRICK. Mr. Speaker, I would just like to say to the gentleman from Puerto Rico that I hope he will accept our condolences for all of the people of Puerto Rico who lost their lives in that senseless act.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in support of this rule. Both the gentleman from Utah (Mr. HANSEN) and I had asked that amendments be made in order that deal with base closure. They were not made in order; but in the spirit of comity, we understand why that is the situation.

However, the other body has clearly made its preferences clear, and this will be an item at conference. Secretary Rumsfeld also made a very strong statement within the last 24 hours that he believes the events of 2 weeks ago in Washington and New York bring home even more the importance of finding dollars to save as we transform our military into dealing with the threats of the future. So while we will not have any language in this defense bill today that deals with base closure, I believe that at conference, we need to improve the language of the Senate so that those communities that go through this process hopefully can have more peace of mind than they did in previous rounds of base closure. We need to do base closure, and at some point we will save an additional $3 billion a year that can go into items that we need to deal with the threats of the future.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to take this opportunity to oppose this rule.

I find at a time when we are getting ready to ask another generation of Americans to lay their lives on the line for our Nation, that we are now willing to fulfill a promise made to previous generations of Americans who have served our country. One of the many promises that were made to the men and women in uniform was the promise of free lifetime health care. The implied promise for almost all of those people who served and enlisted back then was that the base hospital would

be made available to them for the rest of their lives.

Mr. Speaker, last year, after some effort to get an amendment to the floor, 406 of my colleagues voted to pass something called Medicare subvention, which would allow 65-year-old military retirees to use the base hospital and for Medicare to reimburse that base hospital so that there was no cost to the DOD for providing health care to our Nation's military retirees. Our military retirees, like every other American, pay Medicare taxes. This would allow them to take those Medicare taxes to the doctor of their choice.

Unfortunately, the other body, after we passed that by such a large vote, chose not to include that in the final version of the defense authorization bill. They took our language that said ''you must do it'' and said ''you may do it.'' Unfortunately, events have shown that neither HCFA, which is Medicare, nor the DOD could reach an agreement on the compensation.

So now, because the Committee on Rules said we would have to waive the budget rule, we cannot take care of our Nation's military retirees. I guess the gentleman from Arizona (Mr. HAYWORTH) and I would be the only two guys in this room to know that there is a song by the Isley Brothers called ''Harvest for the World.'' The rhetorical question is why do those who pay the price come home with the least? Mr. Speaker, if these Americans have paid the price, then why are they coming home with the least?

We are told that for hundreds of millions of dollars, we cannot reimburse the base hospitals with their own Medicare money. Mr. Speaker, 31 times this year, the Committee on Rules has seen fit to waive the budget rules; but almost always, it was for someone who had a big PAC, folks who made big contributions. Well, military retirees do not have big PACs; and they do not make big contributions, not the least donation-wise. What they have done is contributed their lives to our Nation, and we are not even willing to see to it that we can keep the promise to them.

So I am going to oppose this rule, and I would ask my fellow colleagues to oppose it.

I would also like to point out that one more budget tightening that is going on has to do with concurrent receipt. Federal employees who are disabled on the workplace are allowed to draw their disability and their retirement pay. Once again, the only Americans who are singled out to get one or the other are our Nation's military retirees. As the President just pointed out, we are going to have casualties in this war against terrorism; and if those casualties happen to have been someone who served our Nation for 20 years or more, and if they become disabled as a result of their military service, they will get their disability; but it will be deducted from their retirement pay.

Mr. Speaker, I want my colleagues, the Committee on Rules, I want the gentleman from California (Mr. THOMAS) of the Committee on Ways and Means, I want somebody to come to this floor and tell me that that is fair. Just last week we bailed out the airlines, and I voted for it, and some of the people we bailed out make $20 million and $30 million a year to run those companies, and they have not run them very well. We have seen to it that the wealthiest 5 percent of all Americans got more than their fair share of 1 trillion, 200 billion dollars worth of tax breaks; but we cannot take care of folks who have been disabled serving their country, and we cannot honor the promise of lifetime health care to our Nation's military retirees.

I want the Speaker of the House, I want the gentleman from California (Mr. THOMAS), I want someone to come forward and just tell me if they think that is fair, because if we are willing to do it behind the cloak of secrecy, if we are willing to get the folks on the Committee on Rules to do our dirty work for us, then please do not have the nerve 2 months from now to go to Veterans' Day celebrations, and when that military retiree comes to you and says, you know what, they will not let me in the base hospital, and when that disabled veteran comes to you, and says, you know what, I can get my military pay or disability pay, but I have earned both of them, and I cannot get both, you can look that guy in the eye and say, well, I was not aware of that, and maybe he will forget about it a year from November, or you can tell him the truth: yes, I knew you had a problem, but we were trying to move that bill along, so we just ignored you one more time.

Just last week we found $18 billion to bail out the airlines. The week before that we allocated $40 billion additional defense funds, but not one of those pennies is allocated to solve either one of these problems. Does somebody want to tell me that is right? This defense bill is more famous for what it does not do. It does not balance the budget. As of the end of August, even before the tragedy on September 11, our Nation was $31 billion in the red, again. It does not build ships. At the rate we are going, we are losing 15 ships a year, that is the impact, and headed towards a 200 ship fleet. I say to my colleagues, not the 400-ship fleet of just a few years ago and not the 600-ship fleet of the Reagan years. So someone tell me where the heck all the money goes and why we cannot set better priorities.

So for a lot of reasons, on behalf of my 405 colleagues who supported Medicare subvention last year, and who only asked for a fair up and down vote on that issue so that we can fulfill the promise to our Nation's military retirees, I ask my colleagues to oppose this rule.

Mr. FROST. Mr. Speaker, we have no additional speakers. I urge adoption of the rule, and I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 57 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1747

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCHUGH) at 5 o'clock and 47 minutes p.m.

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, September 25, 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 September 25, 2001 at 4:41 p.m.

That the Senate PASSED without amendment H.J. Res. 65.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The SPEAKER pro tempore. Pursuant to House Resolution 246 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2586.

□ 1748

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2586) 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, with Mrs. BIGGERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, September 20, 2001, proceedings pursuant to the order of the House of

Wednesday, September 19 had been completed.

Pursuant to House Resolution 246, no further amendment to the committee amendment in the nature of a substitute is in order, except amendments printed in House Report 207–218. Amendments printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107–218.

AMENDMENT NO. 1 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUMP:

At the end of subtitle A of title I (page 18, after line 25), insert the following new section:

SEC. ___. ADDITIONAL AMOUNT FOR SHIPBUILDING AND CONVERSION, NAVY.

(a) INCREASE IN SCN AMOUNT.—The amount provided in section 102(a)(3) for shipbuilding and conversion for the Navy is hereby increased by $57,100,000, to be available for the U.S.S. Eisenhower (CVN–69) Refueling Complex Overhaul program.

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by $57,100,000, to be derived from amounts for consulting services.

Strike section 121 (page 20, line 2, through page 21, line 2).

At the end of subtitle B of title II (page 27, after line 24), insert the following new sections:

SEC. ___. COST LIMITATION APPLICABLE TO F–22 AIRCRAFT PROGRAM ENGINEERING AND MANUFACTURING DEVELOPMENT.

Section 217(c)(3) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660) is amended by inserting ''plus $250,000,000'' after ''and (2))''.

SEC. ___. C–5 AIRCRAFT MODERNIZATION.

(a) INCREASE IN AIR FORCE RDTE AMOUNT.—The amount provided in section 201(3) for Research, Development, Test, and Evaluation for the Air Force is hereby increased by $30,000,000, to be available for Reengining and Avionics Modernization for the C-5 aircraft.

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by $30,000,000, to be derived from amounts for consulting services.

Strike section 331 (page 58, beginning on line 19) and insert the following:

SEC. 331. WORKFORCE REVIEW LIMITATIONS.

(a) LIMITATION PENDING GAO REPORT.—No more than 50 percent of the workforce reviews planned during fiscal year 2002 may be initiated before the date that is the earlier of (1) May 1, 2002, or (2) the date on which the Comptroller General submits to Congress the report required by section 832 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–221), regarding policies and procedures governing the transfer of commercial activities from Government personnel to Federal contractors.

(b) REQUIRED COST SAVINGS LEVEL FOR CHANGE.—(1) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector as a result of a workforce review unless, as a result of the cost comparison examination required as part of the review that employed the most efficient organization process described in Office of Management and Budget Circular A–76 or any successor administrative regulation or policy, at least a 10-percent cost savings would be achieved by performance of the function by the private sector over the term of the contract.

(2) The cost savings requirement specified in paragraph (1) does not apply to any contracts for special studies and analyses, construction services, architectural services, engineering services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

(3) The Secretary of Defense may waive the cost savings requirement if—

(A) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

(C) The Secretary of Defense shall publish a copy of the waiver in the Federal Register.

(c) WORKFORCE REVIEW DEFINED.—In this section, the term ''workforce review'' with respect to a function of the Department of Defense performed by Department of Defense civilian employees, means a review conducted under Office of Management and Budget Circular A–76 (or any successor administrative regulation or policy).

Strike subtitle G of title III (page 71, beginning on line 12), relating to the Department of Defense Service Contracting Reform Act of 2001.

At the end of subtitle F of title III (page 71, after line 11), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING SECURITY TO BE PROVIDED AT THE 2002 WINTER OLYMPIC GAMES.

It is the sense of Congress that the Secretary of Defense should provide essential and appropriate public safety and security support for the 2002 Winter Olympic Games in Salt Lake City, Utah.

Page 179, line 18, insert ''(a) ACCESS TO DIRECTORY INFORMATION.—'' before ''Section''.

Page 180, after line 3, insert the following:

(b) ENHANCED RECRUITER ACCESS.—Section 503(c)(5) of such title is amended by striking ''do not apply to—'' and all that follows through ''(B)'' and inserting ''do not apply to''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2002, immediately after the amendment to section 503(c) of title 10, United States Code, made, effective that date, by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–131).

Strike section 715 (page 231, beginning on line 8, and all that follows through page 234, line 18) and insert the following new section:

SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) CLARIFICATION REGARDING COVERAGE.—Subsection (b) of section 1111 of title 10, United States Code, is amended to read as follows:

''(b) In this chapter:

''(1) The term 'Department of Defense retiree health care programs' means the provisions of this title or any other provision of law creating an entitlement to or eligibility for health care under a Department of Defense or uniformed service program for a member or former member of a participating uniformed service who is entitled to retired or retainer pay, and an eligible dependent under such program.

''(2) The term 'eligible dependent' means a dependent (as such term is defined in section 1072(2) of this title) described in section 1076(a)(2) (other than a dependent of a member on active duty), 1076(b), 1086(c)(2), or 1086(c)(3).

''(3) The term 'medicare-eligible', with respect to any person, means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

''(4) The term 'participating uniformed service' means the Army, Navy, Air Force, and Marine Corps, and any other uniformed service that is covered by an agreement entered into under subsection (c).''.

(b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—(1) Section 1111 of such title is further amended by adding at the end the following new subsection:

''(c) The Secretary of Defense may enter into an agreement with any other administering Secretary (as defined in section 1072(3)) for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. Any such agreement shall require that Secretary to make contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary comparable to the contributions to the Fund made by the Secretary of Defense under section 1116, and such administering Secretary may make such contributions.''.

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:

''(4) Amounts paid into the Fund pursuant to section 1111(c).''.

(3) Section 1115 of such title is amended—

(A) in subsection (a), by inserting ''participating'' before ''uniformed services'';

(B) in subparagraphs (A)(ii) and (B)(ii) of subsection (b)(1), by inserting ''under the jurisdiction of the Secretary of Defense'' after ''uniformed services'';

(C) in subsection (b)(2), by inserting ''(or to the other executive department having jurisdiction over the participating uniformed service)'' after ''Department of Defense''; and

(D) in subparagraphs (A) and (B) of subsection (c)(1), by inserting ''participating'' before ''uniformed services''.

(4) Section 1116(a) of such title is amended in paragraphs (1)(B) and (2)(B) by inserting ''under the jurisdiction of the Secretary of Defense'' after ''uniformed services''.

(c) CLARIFICATION OF PAYMENTS FROM THE FUND.—(1) Subsection (a) of section 1113 of such title is amended to read as follows:

''(a) There shall be paid from the Fund amounts payable for the costs of all Department of Defense retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare eligible, and eligible dependents described in section 1111(b)(3) who are medicare eligible.''.

(2) Such section is further amended by adding at the end the following new subsections:

''(c)(1) In carrying out subsection (a), the Secretary of Defense may transfer periodically from the Fund to applicable appropriations of the Department of Defense, or to applicable appropriations of other departments or agencies, such amounts as the Secretary determines necessary to cover the costs chargeable to those appropriations for Department of Defense retiree health care programs for beneficiaries under those programs who are medicare-eligible. Such transfers may include amounts necessary for the administration of such programs. Amounts so

transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. Upon a determination that all or part of the funds transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund. This transfer authority is in addition to any other transfer authority that may be available to the Secretary.

''(2) A transfer from the Fund under paragraph (1) may not be made to an appropriation after the end of the second fiscal year after the fiscal year that the appropriation is available for obligation. A transfer back to the Fund under paragraph (1) may not be made after the end of the second fiscal year after the fiscal year that the appropriation to which the funds were originally transferred is available for obligation.

''(d) The Secretary of Defense shall by regulation establish the method or methods for calculating amounts to be transferred under subsection (c). Such method or methods may be based (in whole or in part) on a proportionate share of the volume (measured as the Secretary determines appropriate) of health care services provided or paid for under Department of Defense retiree health care programs for beneficiaries under those programs who are medicare-eligible in relation to the total volume of health care services provided or paid for under Department of Defense health care programs.

''(e) The regulations issued by the Secretary under subsection (d) shall be provided to the Comptroller General not less than 60 days before such regulations become effective. The Comptroller General shall, not later than 30 days after receiving such regulations, report to the Secretary of Defense and Congress on the adequacy and appropriateness of the regulations.

''(f) If the Secretary of Defense enters into an agreement with another administering Secretary pursuant to section 1111(c), the Secretary of Defense may take actions comparable to those described in subsections (c), (d), and (e) to effect comparable activities in relation to the beneficiaries and programs of the other participating uniformed service.''.

(d) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAYMENTS INTO THE FUND.—Section 1116 of such title is further amended—

(1) in subsection (a)(2)(B) (as amended by subsection (b)(7)), by striking the sentence beginning ''Amounts paid into''; and

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

''(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the health care programs of the participating uniformed services under the jurisdiction of the respective administering Secretaries.''.

(e) LIMITATION ON TOTAL AMOUNT CONTRIBUTED DURING A FISCAL YEAR.—Section 1116 of such title is further amended by adding at the end the following new subsection:

''(d) In no case may the total amount of monthly contributions to the Fund during a fiscal year under subsection (a) exceed the amount paid from the Fund during such fiscal year under section 1113.''.

(f) TECHNICAL AMENDMENTS.—(1) The heading for section 1111 of such title is amended to read as follows:

''§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements''.

(2) The item relating to section 1111 in the table of sections at the beginning of chapter 56 of such title is amended to read as follows:

''1111. Establishment and purpose of Fund; definitions; authority to enter into agreements.''.

(3) Section 1115(c)(1)(B) of such title is amended by inserting an open parenthesis before ''other than for training)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of chapter 56 of title 10, United States Code, by section 713(a)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–179).

(h) FIRST YEAR CONTRIBUTIONS.—With respect to contributions under section 1116(a) of title 10, United States Code, for the first year that the Department of Defense Medicare-Eligible Retiree Health Care Fund is established under chapter 56 of such title, if the Board of Actuaries is unable to execute its responsibilities with respect to such section, the Secretary of Defense may make contributions under such section using methods and assumptions developed by the Secretary.

At the end of title X (page 307, after line 20), insert the following new sections:

SEC. ___. AMENDMENTS RELATING TO COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.

(a) DEADLINE FOR REPORT.—Subsection (d)(1) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–302) is amended by striking ''March 1, 2002'' and inserting ''one year after the date of the first official meeting of the Commission''.

(b) TERMINATION OF COMMISSION.—Subsection (g) of such section is amended by striking ''30 days'' and inserting ''60 days''.

SEC. ___. AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR REPAIR AND RECONSTRUCTION OF PENTAGON RESERVATION.

Section 2674(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The Secretary of Defense may accept monetary contributions made for the purpose of assisting to finance the repair and reconstruction of the Pentagon Reservation following the terrorist attack that occurred on September 11, 2001. The Secretary shall deposit such contributions in the Fund.''; and

(3) in paragraph (3), as redesignated, by inserting at the end the following new sentence: ''However, contributions accepted under paragraph (2) shall be available for expenditure only for the purpose specified in such paragraph.''.

At the end of title XIV (page 348, after line 8), insert the following new section:

SEC. 1408. RELATIONSHIP TO AUTHORITIES AND RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.

Nothing in this title or the amendments made by this title shall modify, alter, or supersede the authorities and responsibilities of the Director of Central Intelligence.

Strike section 2863 (page 424, line 9, through page 426, line 6), and insert the following new section:

SEC. 2863. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.

(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

''SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.

''(a) AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.—Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section.

''(b) LEASE AMOUNT.—The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

''(c) CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.—Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the Treasury purchases new obligations of at least $80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional two years.''.

(b) INCREASED BORROWING AUTHORITY AND TECHNICAL CORRECTIONS.—Paragraphs (2) and (3) of section 104(d) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as amended by section 334 of appendix C of Public Law 106–113 (113 Stat. 1501A–199) and amended and redesignated by section 101(13) of Public Law 106–176 (114 Stat. 25), are amended—

(1) in paragraph (2), by striking ''including a review of the creditworthiness of the loan and establishment of a repayment schedule,'' the second place it appears; and

(2) in paragraph (3)—

(A) by striking ''$50,000,000'' and inserting ''$150,000,000''; and

(B) by striking ''paragraph (3) of''.

At the end of subtitle A of title XXXI (page 461, after line 6), insert the following new section:

SEC. ___. INCREASED AMOUNT FOR NONPROLIFERATION AND VERIFICATION.

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION.—The amounts provided in section 3101 for activities of the National Nuclear Security Administration, and in paragraph (2) of that section for defense nuclear nonproliferation, are each hereby increased by $10,000,000, for operation and maintenance for nonproliferation and verification research and development (and the amounts provided in subparagraph (A) of such paragraph (2) and in clause (i) of such subparagraph are each hereby increased by such amount).

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by $10,000,000, to be derived from amounts for consulting services.

Strike section 3304 (page 483, lines 9 through 16) and insert the following new section:

SEC. 3304. EXPEDITED IMPLEMENTATION OF AUTHORITY TO DISPOSE OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED DURING FISCAL YEAR 2002.—Subsection (a)(1) of section 3305 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note) is amended by striking ''fiscal year 2003'' and inserting ''the two-fiscal year period ending September 30, 2003''.

(b) LIMITATIONS ON DISPOSAL AUTHORITY.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: ''The total quantity of cobalt disposed

of under such subsection during fiscal year 2002 may not exceed 700,000 pounds.''.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

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

The amendment that I offer at this point in the bill has been developed in consultation with the gentleman from Missouri (Mr. SKELTON), the committee's ranking member, and results mostly from the unusual process the Committee on Armed Services had to deal with this year.

As Members are aware, we did not receive the administration's amended budget proposal for the Department of Defense until after the July 4 break. Details regarding the submission and backup justification materials continued to come into the committee throughout the month of July and even into August. However, the gentleman from Missouri (Mr. SKELTON) and I determined that in order to get the defense bill to the floor this month, the committee needed to get through the markup before the August district period.

The committee compressed what would normally be a 3-month deliberation into less than a month, but strived to accomplish the committee's usual comprehensive work product. Unfortunately, the reality of moving so quickly while greater levels of detail kept arriving from the administration, inevitably necessitated that a variety of changes be made to the bill based on that information.

Some of the provisions are more technical than others but, again, all have been worked out in consultation with the gentleman from Missouri (Mr. SKELTON), and I urge my colleagues to support the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Madam Chairman, one might call this a ''cats and dogs'' amendment. In this bill, as in every bill, there are minor housekeeping matters and new ideas and agreements that do not require their own specific amendment; and the gentleman from Arizona (Mr. STUMP), the chairman of the committee, and I have rounded up the strays and now present them en bloc. I have worked with the chairman to resolve these items. I support all of them, and I ask the Members to join us in the passage of this amendment.

Madam Chairman, I reserve the balance of my time.

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

I rise to engage the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the Permanent Select Committee on Intelligence, in a colloquy on space launch.

Madam Chairman, I yield to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the House Select Committee on Intelligence for a colloquy regarding section 121 of the bill.

Mr. BEREUTER. Madam Chairman, I thank the gentleman for yielding.

The gentleman from Florida (Mr. GOSS), the chairman of the Select Committee on Intelligence, and I appreciate the willingness of the gentleman from Arizona (Mr. STUMP), the chairman of the committee, to reach common ground on the issue of responsibility for contracts on defense space launches. We are particularly grateful that he has agreed with our amendment to remove section 121 from the bill.

As the gentleman knows, the House Permanent Select Committee on Intelligence included a provision in the fiscal year 2001 intelligence authorization bill that would encourage the National Reconnaissance Office to have greater input with respect to contracting related to the launch of national reconnaissance payloads. There have been positive developments from the introduction of this language in last year's intelligence bill, even though that language was removed by the other body prior to final passage. Since the beginning of 2001, the U.S. Air Force has been more forthcoming with the NRO on contracting matters, and this trend needs to be encouraged.

Mr. STUMP. Madam Chairman, reclaiming my time, it is my understanding that the House Select Committee on Intelligence does not plan to adopt any additional space launch contracting provisions in the fiscal year 2002 intelligence authorization bill; is that correct?

Mr. BEREUTER. Madam Chairman, the chairman's understanding of our position is correct.

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

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I rise to engage the gentleman from Arizona (Mr. STUMP), the chairman of the committee, in a colloquy.

Madam Chairman, I appreciate the gentleman's willingness to discuss an issue that takes on even more significance in light of the attacks on September 11, and that is computer cybersecurity. I had proposed an amendment to provide $2 million to the Secretary of Defense in order to assist the Department of Defense in ensuring that computers and computer-related products that the Department purchases from the commercial sector meet the highest level of national security and information security requirements. Unfortunately, my amendment was not ruled in order. This is a very important topic to me, and I hope to have the chairman's support as I continue to discuss and promote the need for information assurance within the Department of Defense.

Mr. STUMP. Madam Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Arizona.

Mr. STUMP. Madam Chairman, the gentleman raises a very important issue. In this day and age, information assurance and security of the Department's computers is vital. Our national defense relies on it. I assure the gentleman that I will continue to work with the gentleman on this matter.

Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Chairman, I thank the gentleman for yielding me this time.

I would like to speak in support of the manager's amendment, but I would like to talk briefly about part of that amendment that came from the heart of West Virginia.

The day after the tragedy on September 11, the eighth grade class of Moorefield Middle School, Mr. Sisler's class, got together and talked about what they could do to help. One of the girls in the class said, I would like to give some money to rebuild the Pentagon. So we engaged in a conversation; and what we came up with was a specific bill, part of this amendment, that would allow children and adults throughout the country to specifically donate to the Department of Defense to create a fund to rebuild and restructure our Pentagon. That is part of this manager's amendment.

It is with great pride that I offer this from the Moorefield Middle School children, from the hearts of West Virginia to the hearts of America; and I thank the gentleman for letting me be a part of this.

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

Mr. STUMP. Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Chairman, I thank the gentleman for yielding me this time.

I rise today in strong support of the manager's amendment of the gentleman from Arizona (Mr. STUMP). This amendment contains $57.1 million to complete the funding required for the refueling of the U.S.S. *Eisenhower* and will help to ensure our carrier force is ready for war.

Madam Chairman, there is no question that we have underfunded our true defense needs for over 10 years. Now is the time to correct this. Now is the time to fully fund our carriers.

Who could have imagined just 2 weeks ago that we would require two carriers in the New York Harbor flying combat air patrols? Who could have imagined that just 2 weeks ago we would require four carriers in just one theater of operation?

Madam Chairman, H.R. 2586 is a start toward funding our military at adequate levels, but it is only a start. This

manager's amendment will rush critical funding not only to our carriers, but C–5 aircraft modernization. These are two critical areas that need our immediate attention, and the gentleman from Arizona's amendment does just that.

In closing, I encourage all Members of the House to vote in support of this critical amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House report 107–218.

AMENDMENT NO. 2 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. STUMP:

At the end of subtitle E of title V (page 161, after line 12), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON NEW MEDAL TO RECOGNIZE CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE KILLED OR WOUNDED AS A RESULT OF HOSTILE ACTION.

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

(1) The role and importance of civilian nationals of the United States as Federal employees and contractors in support of operations of the Armed Forces worldwide has continued to expand.

(2) The expanded role performed by those civilians, both in the United States and overseas, has greatly increased the risk to those civilians of injury and death from hostile actions taken against United States Armed Forces, as demonstrated by the terrorist attack on the Pentagon on September 11, 2001, in which scores of Department of Defense civilian and contractor personnel were killed or wounded.

(3) No decoration exists for the recognition of civilian nationals of the United States who, while serving under competent authority in any capacity with the Armed Forces, are killed or wounded in the line of duty under circumstances which, if they were members of the Armed Forces, would qualify them for the award of the Purple Heart.

(4) Both the Congress and the Secretary of Defense have previously agreed to the need for such a decoration.

(5) On September 20, 2001, the Deputy Secretary of Defense approved the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action and at the same time directed that a comprehensive review be conducted to develop a more uniform approach to the award of decorations to military and civilian personnel of the Department of Defense.

(b) COMMENDATION OF CREATION OF NEW AWARD.—Congress commends the decision announced by the Deputy Secretary of Defense on September 20, 2001, to approve the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense—

(1) should move expeditiously to produce and award the new medal referred to in subsection (b); and

(2) should develop a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

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

My amendment expresses a sense of Congress regarding the recognition of civilian employees within the Department of Defense who are killed or wounded as a result of hostile action.

□ 1800

For those in the uniformed services who have died or were injured in the recent terrorist attacks, the services have a variety of decorations that may be awarded in recognition of their service, including the Purple Heart. However, appropriate medals or decorations have not been available to recognize the sacrifices of civilian employees of the Department of Defense who befall fates similar to those of their military counterparts.

In the 105th Congress, we realized the need to give proper recognition to U.S. civilians who were killed or wounded while serving in an official capacity with our Armed Forces. Public Law 105–261 required the Secretary of Defense to study the need for such awards. Subsequently, former Secretary of Defense William Cohen signed a letter to the Speaker of the House dated January 28, 2000, which stated that in situations that are, ''analogous to the circumstances wherein military members receive the Purple Heart, we will move forward to create an appropriate recognition for civilian nationals of the United States within the near future.''

Unfortunately, nothing came to fruition during this 18 months, and DOD did not have an appropriate civilian award in place. I understand that now the Department is finally moving forward to establish an award appropriately recognizing civilians.

Many veterans' organizations and military associations that believe the Purple Heart should remain an exclusive military decoration support the Department's action. My amendment commends the Department of Defense for approving the creation of a new medal, a medal in the defense of freedom to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action.

I urge my colleagues to support this amendment.

Mr. SKELTON. Madam Chairman, I ask to claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri in opposition to the amendment.

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

Madam Chairman, let me state that I do rise in support of the amendment offered by my friend and our chairman, the gentleman from Arizona (Mr. STUMP). This amendment expresses the sense of Congress that the Secretary of Defense should move expeditiously to produce an award of a freedom medal to be awarded to civilians employed with the Department of Defense who are killed or wounded as a result of hostile action.

It also urges the Secretary of Defense to develop a comprehensive, uniform policy for the award of decorations to military and civilian personnel.

The tragic and deadly attack of the Pentagon by terrorists has raised public awareness that our Nation's civilian personnel also take an oath to defend and protect our Nation. Their selfless contributions and their sacrifices are just as vital to our efforts to protect the constitutional freedoms that we enjoy.

On September 11, nearly 200 of our finest military personnel and civil servants gave the ultimate sacrifice, their lives, in a terrorist war against our Nation. Members of the Armed Forces who were killed or wounded in the Pentagon attack will receive the Purple Heart. Sadly, the sacrifices of their civilian coworkers will not be acknowledged, since no decoration existed to recognize civilians who were also killed or wounded in the line of duty.

These and many other civilians often work with their military colleagues side by side, and oftentimes are deployed to hostile areas in support of military operations. They are essential to support military operations worldwide, and it is right and just that we recognize their contributions and sacrifices on behalf of our Nation.

On September 20, the Deputy Secretary of Defense approved of a new defense of freedom medal for civilians of the Department of Defense who were killed or wounded as a result of hostile action. The defense of freedom medal, like the Purple Heart, will recognize the sacrifices of our civilian personnel.

I urge the support of my colleagues.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Madam Chairman, I rise in support of my friend and chairman, the gentleman from Arizona, and his efforts in this Purple Heart area. I think he has given us a very great argument on it, and one that I totally support.

I would like to say on the manager's amendments that he just recently passed, the State of Utah will be

hosting the 2002 Winter Games starting in coming February. A lot of people go to that, and in the other body there was a very misguided amendment that said that the U.S. military could have nothing to do with the Winter Games, and that is the law we have now.

Fortunately, that amendment that the gentleman from Arizona (Mr. STUMP) recently carried here would straighten that thing out. I do not think people realize how many people watch the downhill, for an example. Do Members know how many people watched the last Winter Games downhill? Take this figure, 3 billion people.

So this is not something that just the State of Utah is going to be doing, it is basically something the United States is going to be doing. The world watches this. The men's downhill, that is the number one thing they watch. They watch the skating, they watch every part of it, which they find interesting.

Our Nation has a responsibility to our citizens and the citizens of the world to ensure that these games are very safe and they are very successful. The Department of Defense must be freed from unnecessary bureaucratic red tape and misguided past legislation to provide all necessary security for this event that only the United States military can provide.

In light of something that happened 2 weeks ago, it would seem to me the very prudent and reasonable approach to this is the amendment offered by the gentleman from Arizona (Mr. STUMP), and which has been accepted by this body. I compliment the chairman for putting that in and support him completely, and the Secretary, to ensure safe and successful Winter Games, which should be a wonderful thing that we will all take great pride in next winter.

Mr. REYES. Madam Chairman, I ask unanimous consent to control the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Texas may control the time.

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in support of the Stump Amendment to H.R. 2586.

This amendment recognizes the role that civilians play in support of our Armed Services during peace and war. I am happy to join my colleagues in commending the Defense Department for its decision to create a new medal for civilians employed by the Department of Defense who are wounded or killed as a result of their presence in or near the theatre of action.

There are numerous duties carried out by government civilians during wartime. Civilians conduct the necessary tests on essential military equipment and serve as liaisons between government contracts and active duty field commanders.

At a time when we have seen the personal sacrifice that American civilians are willing to make in defense of freedom, an amendment honoring Defense Department civilian employees is a meaningful way to show our friends and foes the resolve of the American people.

Madam Chairman, we must ensure that those civilians who risk their lives for us are never forgotten.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 107–218.

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 271, after line 17), insert the following new section:

SEC. ____. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

''(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

''(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

''(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Attorney General or the Secretary of the Treasury may establish ongoing joint task forces when accompanied by a certification by the President that the assignment of members pursuant to the request to establish a joint task force is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

''(2) When established, any joint task force shall fully comply with the standards as set forth in this section.

''(f) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

''(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

''(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2004.''.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

Madam Chairman, 2 weeks ago a foreign force came across our borders and attempted to take away our domestic tranquility. In 1941, Japan attacked Pearl Harbor, a nation with evil intent, and their victims claimed were less than half of that, of three terrorist strikes, with no Nation coming forward to claim, if you will, that debacle.

We are not talking about the border between D.C. and Virginia, we are not talking about the border between Pennsylvania and Ohio, and we are not talking about only the Southwest borders of the United States. The two planes that struck the World Trade Center, those individuals came through Canada.

The Traficant amendment does not mandate anything at this point. It does not deal with illegal immigration. I think the Border Patrol is well capable of doing that. The Traficant amendment allows the President, Mr. Ridge, my friend and former neighbor, now in charge of our homeland security, the Pentagon, in conjunction with the Secretary of the Treasury, and the U.S. Attorney General, to provide that support, land or air.

I say to this Congress again, if 300,000 illegal immigrants trying to find a better life can gain access to America, do not believe for one moment that a larger contingent of people with evil intentions could not gain entry into America and continue to kill American citizens.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. Who rises to control the time in opposition?

Mr. REYES. Madam Chairman, I rise in strong opposition to this amendment.

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

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

Madam Chairman, I want to, first of all, commend my colleague, the gentleman from Ohio (Mr. TRAFICANT). Year after year he comes to the floor, out of sheer frustration with this recommendation.

I am here this afternoon, Madam Chair, because I spent a whole career on the border between the United States and Mexico, so I know and understand the frustrations that we face as a country about controlling and doing a better job, and understanding and identifying and stopping those that are coming into this country. This arises perhaps out of frustration, making sure that we do a better job.

But this amendment is not a good idea. It was not a good idea 4 years ago, it was not a good idea last year, and it certainly is less of a good idea today, because just recently, President Bush activated 50,000 reservists. That tells us, it sends a very clear message that we do not have enough troops to go around.

Those reservists that have been activated have been activated because we are about to go and make those accountable for the very acts that my colleague mentioned, the bombing and the terrible and tragic acts against the World Trade Center and against our own Pentagon.

This is not an argument about illegal immigration, this is not an argument that we are engaged here in about who has a better plan. It is a practical understanding of the limitations that our military is capable of carrying out.

We clearly do not have enough active military to carry out the mission that the President has stated will be necessary against terrorism, so he has activated 50,000 reservists.

I would ask my colleague to, instead, work to get a plan to fund on, an overtime basis, police and sheriff's department personnel to augment and better staff our already understaffed Border Patrol and Customs personnel.

Madam Chairman, I yield 1½ minutes to my good friend and colleague, the gentleman from Texas (Mr. ORTIZ), the distinguished gentleman who, prior to coming to Congress, was in law enforcement as a sheriff.

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

Mr. ORTIZ. Madam Chairman, I stand in opposition to the Traficant amendment.

Madam Chairman, I understand that my friend from Ohio, he is a very good friend, and I think his amendment has some merits, but I think this is the wrong time to be moving troops and to be positioning them at the border when we have a more serious problem of dealing with terrorists.

It takes people at the border who understand the skills, or who have the skills to do the right job. The military, and I served in the military, we are trained to do a different job: to destroy the enemy, to do covert operations. We are dealing with a friendly country on both sides, Canada and the United States.

Now, this new war that we are now involved in includes a host of fronts which include law enforcement on our borders, which includes Customs, Border Patrols, the INS, and just like what we are trying to do now, to be sure that when we get people who work at airports, that we pay them a decent salary, that they have the skills necessary so that they know exactly what they are dealing with, what they are looking for. Stationing troops at the border will not do the job.

I was in law enforcement for about 8 years.

Mr. TRAFICANT. Madam Chairman, I continue to reserve my time.

Mr. REYES. Madam Chairman, I yield 15 seconds to the gentleman from Missouri (Mr. SKELTON), my colleague and the distinguished ranking member.

Mr. SKELTON. Madam Chairman, let me say, in recent testimony, Madam Chairman, the Chief of Staff of the United States Army, as well as the Secretary of the Army, testified that they are in need of at least 40,000 additional soldiers for our present missions. I have recommended publicly at least an additional 20,000.

I would point out that these are soldiers, as opposed to those who are policemen. Their job is to protect America's interests as soldiers.

□ 1815

Mr. TRAFICANT. Madam Chairman, might I inquire how much time is remaining on either side?

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has 3 minutes. The gentleman from Texas (Mr. Reyes) has ¾ of a minute, and the gentleman from Texas has the right to close.

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

Over 6,300 Americans are now dead since our last debate. President Bush has shown wisdom in calling up 50,000 reservists. If we need more, tell me what is more important than the national security of the United States nor the charge that we have here in Congress.

I am a former sheriff. Sheriffs and police chiefs do not fight wars. Border patrols and customs do not fight wars. They are a great help.

All this business about traffic and deploying troops is an absolute lie. We, in fact, through legislation create the training for a specific mechanism of military combat to terrorism. We do not know who our enemy is, but I know this: on September 11 there was one other unusual headline. China signed a cooperative agreement economically with the Taliban government, and today there was another headline, that China is testing super missiles.

If not now, when? If not this, what? We cannot guard all these borders. We give the chance to make sure that there is adequate training; that we support our President; that there is a strong aviation presence; and that if there are to be troops deployed, they are deployed as former-President Bush did with his task force that worked successfully. Yes, there were some setbacks, but never has America been more threatened.

Let me ask this question of Congress. How do we defend our home if our back door and our front door is unlocked? It is unlocked. That is not offending customs. That is not offending border patrol. There is one border patrol for every two miles, and that is not talking about the northern border. I am not talking about the Southwest border. Quite frankly, I think the most inviting aspect to most terrorists now looks to the North.

We have a responsibility to secure our Nation. This is a national security location checkpoint, our border. I know the politics. It took me 12 years to pass changing the burden of proof in the civil tax case, 12 years. It was the right thing to do and seizures of homes dropped from 10,050 to 51.

We have lost double the amount from three terrorist strikes than we did from an attack from Japan. My God, what do we stand for? If we cannot secure our borders, how many more Americans will die? I hate to say this, but I assure you they will, because if 300,000 illegal immigrants come across a border, an army could come across one, perhaps maybe with a nuclear device, in some subway.

I ask the Members and urge them to vote aye on this amendment and fight to keep it in our conference.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. TRAFICANT) has expired.

Mr. REYES. Madam Chairman, I yield myself the remainder of my time.

I know this puts my colleagues in a difficult situation, whether to show the courage to vote against this amendment, which is the right thing to do, or whether to go along and seem patriotic by saying let us put our troops on the border.

My colleague mentioned we do not know who our enemy is but we do know that the people who live along the border, both on the Southern border and the Northern border, are not the enemy; and we should not deploy the military to the Southern border or the Northern border.

Let us use some of that money that we just authorized, that $40 billion, to augment through overtime the presence of professional law enforcement personnel to help the border patrol and to help customs. That is the rational thing to do. That is the right thing to do. Putting the military on the border has never been a good idea.

Marshal law is not a good idea just because we fear terrorism. President Bush, the Secretaries this afternoon have said, let us go back to normal life. A normal life is not marshal law. I urge all my colleagues to vote against this amendment

Mr. STUMP. Madam Chairman, I rise in support of the amendment offered by the gentleman from Ohio, Mr. TRAFICANT.

The amendment would reaffirm existing authorities of the President to use members of the Armed Forces in support of law enforcement operations to deny terrorists and drug traffickers entry into the United States. The Department of Defense currently provides personnel, equipment, and intelligence to assist local, state, and federal law enforcement organizations to include the Customs Service and the U.S. Border Patrol.

I believe the Department of Defense must continue to be prepared to respond to the range of threats against the nation and participate where appropriate with law enforcement. While this amendment does not mandate any specific actions by the President, it would establish a process by which the Secretary of Defense may make available additional personnel at the request of the Attorney General or the Secretary of the Treasury.

Mr. Chairman, the amendment is reasonable and I support its adoption.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in opposition to the Trafficant Amendment to H.R. 2586.

The Trafficant Amendment would assign, at the request of the Attorney General and the Treasury Department, military personnel to assist in patrolling the borders of the United States. The Trafficant amendment also provides for the establishment of a task force by either the Treasury Department or the Justice Department to aid in counter-terrorism and drug interdiction efforts.

The Trafficant Amendment is a bad amendment for a number of reasons. First, Mr. Chairman, our military forces are spread too thin internationally. This amendment would cause additional stress on our service men and women and their families at a time when our forces are engaged in the world's largest terrorist eradication campaign. Even our National Guard and reserve units around the country are engaged in this effort. To use military personnel in civilian roles is simply not an efficient use of this nation's manpower, especially when our border patrol agents can accomplish the same goals with the assistance of new rules and regulations. Let me point out a few key reasons why we need a policy change in our current structure.

The U.S.-Canadian border, which extends for approximately 4,000 miles (excluding Alaska) is one of the longest land borders in the world. Approximately 300 Border Patrol Agents assigned to one of eight Sectors share responsibility for controlling this vast border.

The current national strategy of the Border Patrol directs the vast majority of Border Patrol resources to the Southwest border which is about half the length of the U.S.-Canada border. We need more resources to be directed to the northern border. Currently, threadbare resources have left the United States vulnerable to terrorist sneaking into the country from Canada.

Monitoring the Northern Border is an enormous task and we do not have enough border patrol agents to be dispatched when illegal crossings are detected and there is a lack of agents on duty from midnight to sunrise.

With such a low number of agents assigned to each station that only cover a portion of the border—and no coverage of the border at certain hours—it is surprising that people are apprehended at all.

The best enforcement strategy should be a regional one that will ultimately focus key screening efforts at the two countries external borders through the use of joint intelligence.

Madam Chairman, I do acknowledge the fact that State and federal military personnel have been used in civilian law enforcement activities. For example, the U.S. Forest Service and U.S. Customs Service have used federal military personnel to plan drug interdiction operations. But, the utilization of federal military personnel is rarely used to implement and carryout full blown civilian law enforcement activities.

The Trafficant Amendment goes too far and could very well violate the posse comitatus prohibition found in Title 10 of the U.S. Code which, in most cases, prohibits the use of full time active U.S. personnel for civilian law enforcement purposes. I urge my colleagues to oppose the Trafficant Amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Madam Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 107–218.

AMENDMENT NO. 4 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. SANCHEZ:

At the end of title VII (page 234, after line 18), insert the following new section:

SEC. 7___. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting ''in the United States'' after ''Defense''.

The CHAIRMAN. Pursuant to House Resolution 246 the gentlewoman from California (Ms. SANCHEZ) and a Member opposed each will control 5 minutes.

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

Ms. SANCHEZ. Madam Chairman, I yield myself 1 minute.

Today, I join my colleague the gentlewoman from California (Ms. HARMAN) to offer this amendment. Our amendment is about safety and choice, and it is simple and fair.

This amendment allows military personnel and their dependents overseas to use their own funds to obtain legal, safe abortion services in military hospitals. The amendment has been redrafted to leave no room for misinterpretation. It only affects U.S. military bases overseas.

In light of the recent events, I cannot think of a better time to address this issue. The President has already started to activate reserve units, and our brave men and women are being deployed overseas.

The military will not transport a woman out of a forward deployment unit to obtain medical services in a U.S. hospital. That is why our amendment has never been more important.

Women who volunteer to serve in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights because of a policy with no valid military purpose.

This is a health care concern. Local facilities in foreign nations are not equipped to handle procedures. This is a matter of fairness.

Our amendment does not allow taxpayer-funded abortions at military hospitals nor does it compel any doctor who opposes abortion on principle to perform an abortion.

Vote for the Sanchez-Harman amendment.

Madam Chairman, I reserve the balance of my time.

Mr. RYUN of Kansas. Madam Chairman, I rise in opposition, and I yield myself such time as I may consume.

Our military serves to protect the lives of the innocent. This is clear to us now more than ever. Military treatment centers are dedicated to healing and nurturing life. They should not be forced to facilitate the taking of the most innocent of human life, the child in the womb.

Supporters of abortion in military hospitals argue that women in countries where abortion is not permitted will have nowhere else to turn. However, the U.S. military follows the prevailing laws and rules of the host country regarding abortions. Military doctors must obey the laws of the country where they are providing services, so abortions still could not be performed in these locations even if we passed this amendment that we are considering today.

This is also the wrong time for Congress to allow overseas military treatment facilities to become abortion clinics. Our administration is working hard to recruit Muslim countries to be a part of our coalition against terrorism. They are working to build a partnership to allow our military to operate in these countries. It would be counterproductive to risk eroding relationships with these countries that oppose abortion.

For the past 5 years, since 1996, the House has rejected attempts to overturn the ban on overseas abortions. The Sanchez amendment is simply one more attempt to reopen a contentious issue that this House has rejected from time to time. I urge my colleagues to maintain current law by voting ''no'' on the Sanchez amendment.

Madam Chairman, I reserve the balance of my time.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), my colleague and the cosponsor of this amendment.

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

Ms. HARMAN. Madam Chairman, I thank my colleague, the gentlewoman from California (Ms. SANCHEZ), for her leadership and co-leadership on this very important issue.

Madam Chairman, as we mount our multilayered global efforts to fight terrorism, we need America's best talent. All of it. That includes the majority of Americans: women. And those women serving in our military overseas need access to health care.

As we have heard, this amendment is about health care, which may be denied these women, especially serving in austere countries, as travel back to the United States may become impossible.

We are not asking that the Federal Government pay for abortions for women overseas. Women who want this procedure will have to pay for it themselves. We are not asking that health professionals who do not wish to perform abortions be required to do so. Only willing doctors would provide this service.

As women deploy abroad, it is time to send the right message: as they protect our constitutional rights to life and liberty, we need to protect theirs.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Chairman, I rise today to speak against this amendment to expand abortion services in overseas military hospitals.

Madam Chairman, let us be clear what we are talking about here. We need to put aside all the rhetoric. What this amendment does is allow the use of hard-earned taxpayer money to fund the procurement of abortions in our military hospitals overseas. The other side will throw out all kinds of false arguments and accusations concerning this, but the amendment is fundamentally about how we use our taxpayer dollars.

This is not a controversial issue. The overwhelming majority of taxpayers oppose the use of publicly held Federal tax dollars for abortion. This is an amendment that has been rejected five times by this same House. Do the right thing and vote against passage of this amendment again.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), my colleague on the committee.

Mr. KIRK. Madam Chairman, I thank the gentlewoman for yielding the time, and rise in support of this amendment.

Currently, Congress bans all abortions for military service members and their dependents in U.S. military hospitals overseas, including those which are privately funded. Women stationed overseas depend on base hospitals for medical care, often situated in areas where local facilities are inadequate. Prohibiting women from using their own funds to obtain these services endangers their health and well-being.

Madam Chairman, I speak as someone who served in Operation Northern Watch at Incirlik Air Base in Turkey just last year. The thought of sending one of our service women from Incirlik to a Turkish hospital in Adana for the kind of services they would receive there is not something I want to support.

I think our women in uniform deserve the very best health care, especially when they use their own funds.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Madam Chairman, I was in the Army Medical Corps when the original policy banning abortions in U.S. military facilities was instituted by Ronald Reagan back in the early 1980s. And I could best describe the climate in those hospitals at the time as a collective sigh of relief.

While there were many people who were pro life, who objected to having abortions performed in the military facilities, there were quite a few people who were pro choice that I encountered who, nonetheless, took the position that they did not want to in any way, directly or indirectly, be affiliated with the performance of an abortion.

Anyone who has ever seen an abortion can understand why I am saying that. Typically, at the conclusion of the procedure, the abortionist attempts to reassemble the body of the aborted baby to make certain that they obtained all of the products of the conception, quote-unquote. It is quite a grisly procedure, and I think a lot of people who perhaps maybe lean on the pro choice side would nonetheless prefer it be done elsewhere.

I believe the current policy should be supported. This amendment should be voted down.

□ 1830

Ms. SANCHEZ. Madam Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentlewoman from California (Ms. SANCHEZ) has 2 minutes. The gentleman from Kansas (Mr. RYUN) has 1½ minutes.

Ms. SANCHEZ. I reserve the balance of my time, Madam Chairman.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Chairman, the best reason to reject this amendment is because the military medical personnel want you to. It has only been fairly recently we actually had a law enforcing the policy that has been in effect for a long time that we are not going to do abortions in military medical facilities. Our military medical personnel do not want abortions done in their facilities no matter who pays for it. It is very important now to support our military. Please reject this amendment. This is not helpful to our military.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 1 minute remaining. The gentlewoman from California (Ms. SANCHEZ) has 2 minutes. The gentleman from Kansas has the right to close.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to my colleague, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Chairman, as I said earlier, this is an amendment on which I have spent considerable time. Let us understand what we are talking about.

The gentleman from Maryland (Mr. BARTLETT) just said personnel in military hospitals do not want to perform this service. They do not have to under this legislation.

He said let us support our military while deployed abroad. That is my point too.

Our military includes American women who have a constitutional right to reproductive health care. So let us give them access. Let us support them while they are deployed aboard. If there were easy answers, easy ways for them to return to the United States to have these procedures, that might be fine, but that is not the case.

If they are in Pakistan or other far-off places where access to quality

health care may be difficult, they will not be able to return to the United States and their constitutional rights will be abridged.

The point I made earlier, consistent with the thrust of this amendment, is that we need to respect women and men in our military. We need to pass the Sanchez amendment.

Ms. SANCHEZ. Madam Chairman, I will leave the closing of this amendment to the gentlewoman from New York. I yield the balance of my time to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Chairman, I rise in support of the Sanchez-Harman amendment.

Our country is at war. Our troops overseas are risking their lives to protect our lives and our rights as U.S. citizens. One of those rights is a woman's right to choose. But women serving effectively lose this constitutional right at U.S. military bases where they literally cannot even buy an abortion.

A male member of the armed services needing medical attention receives the best. A female member needing a specific medical procedure must return to the United States, often at great expense, or go to a foreign hospital which may be unsanitary and dangerous. All she wants is the right to choose and the right to pay for the bill.

We need to come together as a Nation to support our armed services. Passing this amendment is the least that we can do.

Mr. RYUN of Kansas. Madam Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Chairman, have not we had enough violence lately? With all due respect to the gentlewoman from California (Ms. SANCHEZ), the amendment she offers will result in babies being brutally killed by abortion and will force pro-life Americans to facilitate the slaughter of innocent children. Sanchez will turn military hospitals into abortions mills. I want no part of the carnage.

Madam Chairwoman, abortion is violence against children. Some abortion methods dismember and rip apart the fragile little bodies of children. Other abortion methods chemically poison children. There is nothing benign or ''curing'' or nurturing about abortion. It is violence.

We worry today about the agony of chemical attack. Yet abortionists routinely attack unborn children with lethal chemicals. Abortionists turn the babies spines to jelly. Abortionists turn children's bodies into burned corpses, a direct result of the caustic effect of salt poisoning and other methods of chemical abortions. It's gruesome yet the apologists sanitize the awful deed with soothing, misleading rhetoric.

Abortion methods are particularly ugly, Madam Chairman, because under the guise of choice, they turn human baby girls and baby boys into dead baby boys and baby girls. We have had enough loss of innocent life. Reject the Sanchez amendment.

Ms. SCHAKOWSKY. Madam Chairman, I strongly support the amendment offered by the Gentlewoman from California to lift the ban which forbids service women and female military dependants from using their own funds for abortions at overseas military hospitals. At a time when we are sending more military personnel overseas, we must not limit the medical care those individuals will have to be able to access.

These brave women serving our Nation risk their lives for our freedom and they deserve the same constitutionally protected health care we enjoy in the United States. Their lives should not be further endangered because they can not receive quality health care while they are serving in the line of duty. This policy is unfair. It denies women in the military the right to make their own decisions regarding their reproductive health. Is this the way we really want to treat women who are overseas or heading overseas to defend our Nation?

We as lawmakers can not continue to place the reproductive health of American women in uniform at risk. I urge my colleagues to join me in supporting this amendment and repealing this ban which discriminates against our Nation's service women and their dependents, preventing them from obtaining needed medical services simply because they are stationed overseas.

Ms. JACKSON-LEE of Texas. Madam Chairman I rise in support of the Sanchez/Harman Amendment to H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. This amendment would reverse the ban on privately funded abortion services at U.S. military bases overseas.

The brave men and women serving our Nation risk their lives for our freedom, and they give up liberties that many of us take for granted. But our soldiers and their families deserve the same constitutionally protected health care as we enjoy living in the United States. This amendment is not only in the best interest of our military families, but will help our national recruiting and retention efforts as well.

The facts are simple: No Federal funds would be used for these abortion services. Health care professionals who are opposed to performing abortions as a matter of conscience or moral principle would not be required to do so. This simply repeals the statutory prohibition on abortions in overseas military hospitals, allowing women stationed overseas to use their own funds for abortions. It returns the policy to the way it was for decades—during administrations of both parties.

Our soldiers cannot do their jobs when they have to go off base—often in hostile nations—for medical care. And they cannot do their jobs if they are taking time off to go halfway around the world to come back to the United States for a procedure they should have been able to get on base. This is a legal procedure available to all other American women.

Further, this is not the time to debate abortion, or to argue over whether it's right or wrong. Roe v. Wade guarantees the right to choose, and that should be the rule for military bases as well. Abortion is legal, and the law should apply to all U.S. citizens, not just those who don't wear our country's uniform.

In the past this amendment has been supported by the Department of Defense. And let me repeat, this amendment requires no taxpayer money, no public funds for any expenses related to an abortion.

I urge my colleagues to correct this misguided policy and vote for the Sanchez-Harman amendment.

Ms. MCKINNEY. Madam Chairman, I rise in support of the Sanchez amendment. Though the U.S. Supreme Court has affirmed the right of women to seek abortions if they choose, this right does not carry with women when they travel overseas with our military. This amendment would simply permit service women and female dependents who serve or reside overseas to obtain privately funded abortions in military facilities. Should we instead force them to seek such medical procedures in back alleys or third world hospitals, or are we ceding ourselves the authority of the Supreme Court in prohibiting a woman's right to choose? We all respect women's health, we all support the sanctity of the Supreme Court, and we should all support this important amendment.

Ms. MILLENDER-McDONALD. Madam Chairman, I rise today in support of the Sanchez/Harman amendment because I believe in healthcare parity. Our servicemen and servicewomen operate under the premise that the level of health care they receive anywhere they are stationed will be consistent with the same quality of care they would receive in the United States.

This amendment is not about the legal merits of Roe v. Wade. We are not evaluating the moral merits of a woman's right to choose. We are debating the policy of parity and the assurance that uniform health care services will be delivered to service people wherever they are stationed. Medical services will be provided consistent with historical practice, medical convention and statutory requirements consistent with the laws of the state where they reside. The facts are clear. Federal funds will not be used to terminate pregnancies. Furthermore, physicians opposed to performing said operations are not forced to do so.

Finally, the provision of health services should not be predicated on one's ability to pay for it. We must ensure that all female service personnel can avail themselves of legal medical services that are comparable to those in the United States, even if they are on a military base. Otherwise we will be creating a caste system, whereby only persons with the financial means to return to the states to receive the medical treatment they want and need would be able to do so. I ask my colleagues to support the Sanchez/Harman amendment.

Ms. WATERS. Madam Chairman, I rise in support of the amendment being offered by Representatives SANCHEZ and HARMAN. This amendment is a common sense approach to the question of abortion procedures for servicewomen at bases overseas.

The law is clear here in the United States: women have the right to choose to have an abortion and to obtain it without undue interference from the government. Roe v. Wade established that right nearly 30 years ago, and no case since then has struck it down. That right belongs to all women residing in the U.S. It should not be taken away when our women decide to serve this country and are stationed overseas.

Without this amendment, our servicewomen will not have access to safe abortion procedures in U.S. military medical facilities overseas. They are at risk of being subjected to unsafe methods in non-military medical facilities. Meanwhile, overseas servicemen and servicewomen seeking any other type of health care are able to access good, safe health care at military medical facilities.

This amendment does not ask the government or taxpayers to fund the abortions. And the amendment would not force anyone in a U.S. military medical facilities overseas to perform the procedure. Rather, this amendment merely gives our servicewomen the right to have an abortion in a safe facility, provided that they pay the cost of the procedure and the doctor agrees to perform it.

This is the very right those same women would have here in the United States, if they had not willingly sacrificed so much to serve our country. The amendment simply would restore previous policy that was in effect for decades, through both Democratic and Republican administrations. It is the least we can do for our servicewomen.

Mrs. LOWEY, Madam Chairman I rise in strong support of the Sanchez amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. And I want to thank my colleague LORETTA SANCHEZ for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful Nation. These women work to protect the freedoms of our country. And yet, these women—for the past 7 years—have been denied the very Constitutional rights they fight to protect.

My colleagues, this restriction is un-American, undemocratic, and would be unconstitutional on U.S. soil. How can this body deny constitutional liberties to the very women who toil to preserve them? Mr. Speaker, as we work to promote and ensure democracy worldwide we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions because no federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to because they are protected by a broad exemption. This amendment is about ensuring that all American women have the ability to exercise their Constitutional right to privacy and access to safe and legal abortion services.

As our Nation prepares for a severe and lengthy battle to preserve our freedoms and democracy, now is not the time to put barriers in the path of our troops overseas. We know that not one of these restrictions on abortion does anything to make abortion less necessary—it simply makes abortion more difficult and dangerous.

It is time to lift this ban, and ensure the fair treatment of our military personnel. I urge passage of the Sanchez amendment.

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

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

Mr. RYUN of Kansas. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 107–218.

AMENDMENT NO. 5 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. STUMP:

At the end of division A (page 348; after line 8), insert the following new title:

TITLE XV—ACTIVITIES TO COMBAT TERRORISM

Subtitle A—Increased Funding to Combat Terrorism

SEC. 1501. INCREASED FUNDING.

(a) IN GENERAL.—The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby increased by $400,000,000, to be available as follows:

(1) INTELLIGENCE PROGRAMS.—For increased situational awareness and upgrades to intelligence programs to enhance United States security posture, $100,000,000.

(2) ANTI-TERRORISM INITIATIVES.—For enhanced anti-terrorism and force protection initiatives to reduce vulnerabilities at United States military installations and facilities in the United States and worldwide, $150,000,000.

(3) COUNTER-TERRORISM INITIATIVES.—For offensive counter-terrorism initiatives, $100,000,000.

(4) CONSEQUENCE MANAGEMENT ACTIVITIES.—For consequence management activities, $50,000,000.

(b) TRANSFER AUTHORITY.—The amounts specified in subsection (a) are available for transfer to other current accounts of the Department of Defense, as determined by the Secretary of Defense.

(c) OFFSETTING REDUCTIONS.—

(1) The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-Wide is hereby reduced by $265,000,000, to be derived from amounts for the Ballistic Missile Defense Organization, of which—

(A) $145,000,000 shall be derived from the Mid-Course Defense Segment program element (PE603882C); and

(B) $120,000,000 shall be derived from the Boost Phase Defense Segment program element (PE603883C) for space-based activities.

(2) The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby reduced by $135,000,000, to be derived from amounts for consulting services.

SEC. 1502. TREATMENT OF TRANSFERRED AMOUNTS.

Funds transferred under authority of section 1501(a) shall be merged with, and shall be available for the same time period as, the appropriations to which transferred. The transfer authority under that section is in addition to the transfer authority provided by section 1001.

Subtitle B—Policy Matters Relating to Combating Terrorism

SEC. 1511. ASSESSMENT OF DEPARTMENT OF DEFENSE ABILITY TO RESPOND TO TERRORIST ATTACKS.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the ability of the Department of Defense to provide support for the consequence management activities of other Federal, State, and local agencies, directly taking into account the terrorist attacks on the United States on September 11, 2001, and the changed situation regarding terrorism.

(b) RECOMMENDATIONS.—The Secretary of Defense shall submit to the President and Congress a report providing recommendations for ways to enhance the ability of the Department of Defense to provide support described in subsection (a). The report shall address the recommendations made by the Vice President in his report to the President on the development of a coordinated national effort to improve national preparedness, including efforts to combat terrorism, as directed by the President in May 2001. The report shall be submitted not later than 60 days after the date on which the Vice President submits to the President the report under the preceding sentence.

SEC. 1512. REPORT ON DEPARTMENT OF DEFENSE ABILITY TO PROTECT THE UNITED STATES FROM AIRBORNE THREATS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the ability of the Department of Defense to protect the United States from airborne threats, including threats originating from within the borders of the United States. The report shall identify improvements that can be made to enhance the security of the American people against these threats and shall recommend actions, including legislative proposals, designed to address and overcome existing vulnerabilities.

SEC. 1513. ESTABLISHMENT OF COMBATING TERRORISM AS A NATIONAL SECURITY MISSION.

Section 108(b)(2) of the National Security Act of 1947 (50 U.S.C. 404a(b)(2)) is amended by inserting '', including acts of terrorism,'' after ''aggression''.

SEC. 1514. DEPARTMENT OF DEFENSE COORDINATION WITH FEMA AND FBI.

The Secretary of Defense shall seek an agreement with the Director of the Federal Bureau of Investigation and the Director of Federal Emergency Management Agency that clarifies the roles of Department of Defense Weapons of Mass Destruction Civil Support Teams in relation to both agencies with respect to coordination of the roles and missions of those teams in support of crisis management and consequence management efforts.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 20 minutes.

Mr. TIERNEY. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Massachusetts (Mr. TIERNEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

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

Madam Chairman, I rise in support of this amendment. The September 11 terrorist attack on the United States was a wake-up call for our country. It demonstrated the vulnerability of our Nation to attack on a magnitude unseen

since Pearl Harbor. Thousands of innocent Americans lost their lives as a result of terrorist attacks that we failed to detect and prevent. This situation must never be allowed to happen again.

Terrorists have declared war on the United States, and it is up to the Congress to ensure that the United States has the appropriate means to respond. H.R. 2586 provides nearly $6 billion to the Department of Defense for the purpose of combating terrorism. This amendment would authorize an additional $400 million as a down payment on additional improvements to ensure that our ability to detect, prevent and, if necessary, respond to terrorist attacks is strong and effective.

Madam Chairman, this amendment would increase funds to the Department of Defense in a number of important areas that will strengthen our ability to combat terrorism. It would provide an additional $100 million for improved intelligence.

It includes an additional $150 million for antiterrorism initiatives. Force protection is an essential priority if we are to reduce existing vulnerabilities at military installations at home and abroad.

An additional $100 million would be dedicated to improvements in our offensive counterterrorism capabilities. In addition, the amendment would add $50 million to improve DOD's ability to assist in the effort to deal with the consequences of a terrorist attack.

Clearly, more than this will be needed to respond and to properly equip the Pentagon to deal with this new challenge. This amendment provides an initial down payment until the President can better assess the long-term needs.

Finally, this amendment would grant the Secretary of Defense the flexibility he needs to apply these additional funds to the most critical priorities. The amendment also contains a number of legislative initiatives designed to improve DOD's overall ability to protect Americans against the threat of terrorism.

This amendment has been carefully crafted with the support of the committee's ranking member, the gentleman from Missouri (Mr. SKELTON), and is well balanced; and I thank the gentleman for his cooperation. I urge my colleagues to support the amendment.

Madam Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Madam Chairman, I support this amendment because I believe it correctly sets out today's priorities for the Department of Defense. I have to say that this amendment represents an unusual, but successful, collaboration.

The gentleman from South Carolina (Mr. SPRATT) and I set out earlier this year to revise what we believed to be a disproportionate increase in the amount dedicated to missile defense. Members from both sides recognize the gentleman from South Carolina (Mr. SPRATT) as a true authority on the subject with a grasp of detail which is astonishing. We believe that other items in the budget deserve a higher priority, so we proposed to move a substantial amount from national missile defense into increased pay and improved family housing and counterproliferation efforts. And had matters turned out differently, this may have been a very spirited debate.

Then America was struck with an abominable act that demanded a united response. Both parties, from the Speaker and the minority leader on down, agree whatever our differences are on this subject, the Nation would not be served by a divisive debate. So we reached a compromise.

While I support missile defense, and the gentleman from South Carolina (Mr. SPRATT) supports missile defense, we have clear differences on how rapid and wide-ranging the research effort should be. But those differences pale next to our common goal of enhancing the security of our country from its most proximate threat.

Today, that threat is acts of terror against the innocent by the inhuman. This revealed importance of fighting terrorism has joined us in common cause.

The public is so often cynical about agreements in Congress, but we made an agreement; and this is one that aims toward the highest military priority, the fight against terrorism; and that is what this amendment does.

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

Madam Chairman, I, too, have high words of praise for the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arizona (Mr. STUMP), who worked hard on this issue.

However, I have to make mention that I think we are going in the right direction perhaps in reducing the amount of money allocated to national missile defense, but we are not going far enough. We would all love to throw an umbrella around this country and stop any type of missile projection coming in here; and if we could do that, there would not be a Member of Congress that would hesitate to vote for it.

The fact of the matter is that we do not have a system that works that way, and every reputable scientist indicates that we will not have a system like that in the foreseeable future, if at all.

The Pentagon's own operations office and research office and technical office has indicated that not only have the tests not been successful to indicate that a system would work, but that the regime for testing as we go forward is not adequate to ever give us the confidence that any system would be reliable. In essence, we would be buying a false sense of national security.

We have to as a Nation set our priorities on this issue. We have been setting our priorities supposedly in line with what dangers, what risks, what threats may actually exist. But our intelligence services do not tell us that the primary risk threat to us is an intercontinental ballistic missile sent from a so-called rogue nation.

It is, instead, something along the lines of what we experienced on September 11, and yet we do not align our national security budget in that direction. We are going to pay the price if we do not pay attention on that.

There are a number of reasons why we should not go beyond just testing this system; and yet this budget calls for not only testing a national missile defense system, but actually deploying it and violating the ABM treaty in the process, something which many in this country do not think is wise, certainly our allies do not think is wise, and gives great concern to Russia and China, nations upon whom we are now calling for their cooperation, yet telling them at the same time that we are going to unilaterally violate an agreement, a treaty, binding their countries and ours.

□ 1845

It does not make sense, it is not good fiscal policy, and frankly it is not good national security policy. If we want to really protect this country and give our citizens some feeling that we are secure in our lives and in this land, we should organize our priorities, understand which risks really are threats of immediacy, and allocate our resources in that direction. Spending 60 to $100 billion on a system we have not yet proven can work and have not yet shown that we can have any confidence in its reliability is not the right direction.

Putting resources into home front security, where we know now especially what our concerns are, knowing that we have some 40 agencies whose efforts have to be coordinated, knowing that we have to work diplomatically, through intelligence, through law enforcement, as well as the military, and we have to make sure we have cooperation of everyone throughout the world, we know that this is going to be expensive, and we know that we still have a domestic budget and items that we have to confront at the same time.

We should get our priorities straight, Madam Chairman. We should not put this excessive money into national missile defense. Even those of us who think that we are nowhere near ready to go forward can get others to agree that we should just, at most, do testing and not move us into this dangerous path of starting to build before we are ready, before we have something that can be shown to work. We have done that in other programs, the F–22, the Osprey, at our great risk and disappointment and sometimes lives. We ought not to start down this particular path.

We ask people to consider that when they vote on this particular amendment. It does not go far enough in cutting funds for national missile defense. It does not put our priorities in the proper order. It does not give us true national security but, rather, gives us a prospect of national insecurity.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Madam Chairman, I thank the gentleman for yielding time. I rise to support his amendment and also support his intent.

He talks about this being a down payment on what we are going to need to do to fight a war on terrorism, and it is. It is really just a placeholder, a down payment on what will be required in conference with the Senate. All of us know in this Chamber that with respect to fighting the war on terrorism, this bill is woefully inadequate. It is a pre-September 11 bill.

I would like to highlight some of the things that we are going to have to do in conference with the Senate and with the assistance and the leadership of the President of the United States. Our job is to look forward at what are the capabilities we need to make sure are in place to defend this country when our men and women are called upon to defend this country. We need to establish in law the Office of Homeland Security. I am glad Governor Ridge will be taking up that responsibility. But we need to give him the support he will need to do the job.

We are going to have to completely rebuild airport security in this country. What we have now is inadequate, and everyone who travels on our airlines knows it. We are going to have to fund the operations, readiness and munitions accounts at much higher levels. The assumptions in this bill on operational tempo do not take into account what we are currently asking our military to do. And, perhaps most importantly, the most gaping hole that has been shown to the world in the last 2 weeks is the gaping hole in domestic intelligence. Without even changing the laws on what the government can gather for information, we are not coordinating the information that we have now between the Border Patrol and Customs and local law enforcement and the FBI. Without doing that, we will never be able to provide the protection that we need that will come first and foremost from intelligence.

Finally, Madam Chairman, this bill is inadequate with respect to what it funds for the National Nuclear Security Agency. We have authorized the refurbishment of four classes of weapons. Yet we do not fund that refurbishment. We have said that we want to have science-based stockpiled stewardship so we can have a safe, reliable nuclear weapons stockpile without nuclear testing, but we do not fund it. We are short $300 million in those accounts. We are short also on cybersecurity in the National Nuclear Security Agency which the Cox report and the President's foreign intelligence advisory board have said is a major priority for this country. That total shortfall of over $800 million in the National Nuclear Security Agency must be remedied.

We are going to have to make major changes in this bill in conference. I think all of my colleagues understand that.

Mr. TIERNEY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Madam Chairman, on September 11, America was assaulted, attacked, not with missiles, but with knives. This amendment reflects that new reality. It reduces funds for programs that could violate the ABM treaty and shifts that money to counterterrorism and sends the message that America honors its commitment.

Former Secretary of Defense Mel Laird, who played a key role in the treaty's ratification under President Nixon, recently said, and I am quoting, ''An amended ABM treaty remains as relevant to peace and security today as it was 30 years ago. Deep-sixing the treaty instead of negotiating amendments would only create a less stable relationship.''

Last week, there were reports that the U.S. was about to withdraw from the treaty, but since then, Secretary Powell has reaffirmed our commitment to a new understanding with Russia on missile defense. That is eminently wise. Russia will be a key ally in the days ahead as the administration attempts to create an international coalition to fight terrorism.

So let us support those efforts and commit resources to the real threat we face today.

Mr. STUMP. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Chairman, let me thank the chairman and obviously the Congress for looking very critically at this amendment. This is very, very important.

I never served in the military. My father did. But one thing I know for certain, the responsibility of the Federal Government is to provide for national security and domestic tranquility. These two points of view that are shared in this bill are essential to that operation.

I appreciate the work of the gentleman from Missouri (Mr. SKELTON) and certainly of the gentleman from Arizona (Mr. STUMP) and all the Members who have been active in military preparedness for this Nation. Yes, September 11 was a horrifying day. It woke this Member up to the fact that we are ill prepared to meet the challenge and this is vitally important.

People have scoffed at missile defense, they have said it is not necessary, and they make the representation that the attack was by knives. I agree. There were issues in that attack that knives were used. But if we allow our safeguard to diminish, if we do not properly apply technology and we do not thoroughly fund this program, we will rue the day we were ill prepared to defend American soil.

I applaud the manager's amendment, and I support the underlying legislation.

Mr. TIERNEY. Madam Chairman, I yield myself 45 seconds.

First, we will have national insecurity, not national security if we start down the path of deploying and actually building and producing a system that is not yet workable. I do not think anybody can make a logical argument that this system is ready to work. I understand everybody would love to have it, but it just does not work that way. Our testing is not there. That is simply the argument here. Are we going to give in this budget so much money that it goes beyond testing and starts with building when it is not ready, therefore giving us national insecurity?

Are we going to give ourselves just the amount that we need for testing and continue to do that until testing shows that we have something that is workable, or are we going to waste resources by building something and then have to go back to the beginning at far more expense, at possibly the expense of lives, because we relied on something that does not work? For $1.6 billion, we can put money into airline security that we choose to put it in this way, and that is wrong.

Mr. STUMP. Madam Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Madam Chairman, I rise in an attempt to try to set the record straight on some of the facts for those who have spent the time attending all the classified hearings and briefings and asking the questions of both the intelligence community and the members of the committee. I might say for the 6 years that I chaired the Research Committee, we opened up our briefings and hearings to every member. I do not know how many of those my colleague attended. I know I attended 160.

So we can get up on the floor publicly and talk about something, but it is something else to sit in on all the classified briefings and ask the tough questions of the people who are making these decisions. I am not challenging the gentleman's motives because he has the right to do what he thinks is in the best interests of the country, but I also think we need to understand that many of our colleagues have sat through these briefings, and let us clarify some misinformation.

First of all, we do not have an adequate testing program. It was this Congress for the past 6 years, 7 years, with

an overwhelmingly bipartisan vote that called for more money for testing. It was this Congress, in spite of the objections of those who opposed missile defense, who now say we need more testing, who opposed us when we put more money in for testing. It was this Congress who led the effort to find a way to come together in a bipartisan effort to support a consensus around missile defense. It is this Congress that tomorrow will send 12 Members of Congress to Russia to seek very deliberate discussions to build a cooperative arrangement with the Russians that does not have them feel as though they are isolated.

I invite my colleague to go with us. We still have room on the plane. I can get him a visa tomorrow so that he can support our effort which his colleagues will be a part of to meet with the Russian Duma leaders, to meet with the Russian defense ministry to show them that we do care about a cooperative arrangement as opposed to sitting on the floor of the House and in some cases, not particularly perhaps the gentleman, but in some cases demagoging this issue.

Let us get down to the facts and let us talk about tests. The last time I checked, we had about 31 tests of our missile defense programs. Sixteen times, I will admit, we did not have successes. But that was not because of missile defense. It was because the contractors could not get the rocket in the atmosphere.

Now, if the gentleman's argument is that that constitutes a failure, then he better shut down Cape Kennedy, because the same technology for stage separation, the same technology for launching a ballistic missile is the same identical technology for launching rockets. If you believe that is a reason to cancel missile defense, you better shut down our space program. It is the same technology.

Of the 15 times that we had tests where we did get out to the atmosphere, we hit the target 13. We missed it twice. Thirteen of 15 where the interceptor saw the target and hit it is not a bad track record. I ask for my colleague to dispute that with the facts. I will back mine up with ballistic missile defense organization numbers. So, in fact, our testing program has been successful.

The point is, Madam Chairman, the colleague is saying we need more money for weapons of mass destruction. Cut me a break. If you check the facts of our defense bill, in each of these last 7 years, we have put more money into weapons of mass destruction than the President asked for. We have put more money into cyberterrorism, more money into detection systems by hundreds of millions of dollars every year. And my colleague says, well, an airplane is not going to be impacted by a missile defense system.

Well, I hate to make the comparison here, but what do you think an airplane is? It is a large missile. It just so happens that these terrorists could use people on that plane because they did not have the technology ready to put that missile on a cargo ship off of our coast. We have no defense against that kind of capability. I can tell you, when the Iranians, when the Iraqis, the Syrians and Libyans have that capability, which they are very close to now, we are not going to have the capability to defeat it and then it will not be an airplane, it will be a missile without people in it.

So I say to my colleagues, support the compromise. I am not happy with this. But the gentleman and the ranking member do what they have to. Support it. It is good policy and it is a good vote in favor of, I think, a logical solution.

Mr. TIERNEY. Madam Chairman, I yield myself such time as I may consume only because I do not want to let time pass between the gentleman's comments and reality.

The fact of the matter is, I heard the word ''demagogue'' used in there, and I certainly hope that it was not pointed in this direction after what I just heard. The true fact of the matter is we only have to look at scientists. There are a number of people missing from this debate that would not be in favor of national missile defense. They are basically most scientists, our European allies and friends in other countries and a large part of our military.

The fact of the matter also is that we do not rely on the same technology for NASA that we rely on for the missiles because if NASA fails, we understand that we need to go forward in there, we can have other attempts at this. If we are relying on a missile defense system and it fails, we are all dead. The fact of the matter is we need to test to make sure it works.

As to further facts on that, I have been to classified briefings. You would think after 106, that that would settle in and the information would come out clearer. It does not take 106 to understand what is going on here and what is happening with the allocation of resources. This system has never fully tested the exact system that will be used ultimately. It has never shown that that would work. In fact, when there have been so-called successes here, it has usually been because there has been a beacon, because there has been some other sort of radar systems working other than the ones that will eventually come in. We have spent over $60 billion in the last several years on trying to design a national missile defense system that has not worked.

□ 1900

If we are going to continue to spend money, it ought to be testing to get to a system that we can then have some level of confidence in its reliability, not start building something that the Pentagon's own Office of Testing and Evaluation tells us has not been tested properly, has not been tested to show it is successful, and whose testing regime does not show that.

It is not a lack of money. Colonel Welch on the panel says clearly, you can keep throwing money at this. Money is not the issue. The issue is doing the tests, doing them properly, and getting to a point where you have some success on that.

Madam Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I thank the gentleman for yielding me time and for the opportunity to work with him on this. I also want to thank the gentleman from Pennsylvania (Mr. WELDON), because in the time I have been in Congress, there are not many people as patriotic and concerned about defending America as the gentleman from Pennsylvania (Mr. WELDON). I have had the chance to go to Russia with him and travel with him on many opportunities.

We may not agree on this issue, but I do not doubt for a second the gentleman's commitment to this country. And I would ask that our commitment to our country not be doubted when we say that it is really time to look at missile defense with great skepticism. When we look at the events of the last 2 weeks, we have seen our President put together a coalition of countries from around the world, a world coalition that is going to challenge terrorism.

I think that now, more than ever, we have an opportunity to build from this world cooperation; to get rid of nuclear weapons once and for all, which was the promise of the non-proliferation treaty, it was the promise of the ABM treaty, and the United States has a new opportunity here.

I think the gentleman from Massachusetts is right when he raises questions that go to the heart of national missile defense, because the truth of the matter is if we pursue national missile defense, we inevitably deconstruct the ABM treaty, which is a basis for bringing nations together. And that ought to be our effort now as we are in the 21st century, at a time when democratic institutions are under attack.

I rise in support of the amendment, because I think the amendment reflects the new priorities of our Nation in the wake of the terrorist attacks. And I appreciate the ranking member's work and the chairman of the committee for their work in crafting the amendment.

The events of September 11, I would submit, have demonstrated that missile defense is ineffective in the threats facing the Nation today. Who can argue that a missile shield would have protected against the events of 2 weeks ago? We know that that attack on our country was so devastating, precisely because it was perpetrated anonymously and amorphously, disarming and instilling fear in our Nation.

Aggressors employing this type of battle, what Pentagon experts have

long known as fourth generational warfare, shun the conventional. Rather than intercontinental ballistic missiles, they employ car bombs; rather than armies, they target civilians and institutions. That is why this transfer of funds, from the development of an unproven, ineffective weapons system, to programs that will immediately help protect Americans citizens from attack, is so crucial.

Madam Chairman, let me say there is no illusion here. This amendment is not nearly enough. The defense bill authorizes the expenditure of $343 billion. We must ask ourselves, will the expenditure of this money protect our Nation from the type of attack we faced 2 weeks ago?

Madam Chairman, I believe we need a new set of principles to guide our national defense. We need a lighter, more mobile force, capable of adapting to changing circumstances, including the emergence of terrorists and other fourth generational threats. We need to recognize that people, not machines, are our most effective asset. It is not excusable that our armed service members go wanting for housing and proper equipment, while we sink money into an unworkable weapons system.

We need to demand financial accountability from the Pentagon, which has not once passed the test of an independent audit. Similarly, we need a new comprehensive threat and risk assessment; and we need to combine these efforts to a comprehensive program to prevent attacks like we had 2 weeks ago.

Mr. STUMP. Madam Chairman, we have only one speaker remaining. I reserve the balance of my time.

Mr. TIERNEY. Madam Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Chairman, the gentleman from Missouri (Mr. SKELTON) and I began with an amendment of $920 million to be taken out of ballistic missile defense and transferred into a pay raise, family housing, homeland defense, and counterproliferation, all urgent needs, none of which is fully met.

It became apparent to us, particularly after September 11, that we were not going to be able to sell an amendment cutting this amount. So we, in the spirit of bipartisanship, made a deal. We agreed to lower the amount of the amendment to $400 million, of which $135 million had already been cut or reduced by the gentleman from California (Mr. HUNTER), the chairman of the subcommittee with jurisdiction over this matter. That left $265 million to be taken from basically two places in the BMDO budget.

First of all we took $120 million out of space-based lasers. Why? To put it in common parlance, we are simply saying, walk before you run. We have got an airborne laser system which has yet to prove itself. We should prove that technology on an airborne platform before we try to put it in outer space. This is a futuristic system, way over the horizon. Ballistic missile defense does not lose anything at all by that cut.

Secondly, we took $145 million out of mid-course systems and particularly out of sea-based mid-course systems. Why? The Navy has two systems now which are ship based. One is an area-wide system called ''lower tier,'' the other is a theater-wide system called ''upper tier.'' The area-wide system has just been slipped 20 months. The upper tier system has yet to make the first intercept. We are simply saying again, walk before you run, and, for goodness sake, do not start up a proliferation of programs that cannot be sustained in follow-on budgets. So we would trim there.

We made the cuts discreetly. We did not make hand-fisted, meat-ax cuts; we made discrete cuts that will allow this program to go forward more, I think more efficiently and more effectively.

Where did we put the money? Well, September 11 caught us nodding, and it also caught us focused on a threat, almost fixated on this threat, and ignoring other threats. So taking a page, a cue from the lesson of September 11, we took this $400 million and put $100 million into intelligence programs, $150 million into antiterrorism initiatives, $100 million into counterterrorism initiatives, and $50 million into consequence-management activities, the kind of activities that will have to occur in the wake of the next tragedy, God forbid that there be one.

So we have made the cuts wisely and discretely. We have made the allocation of the savings wisely as well. This is a good compromise, it is a good amendment. I urge support for it.

Madam Chairman, on September 6, 2001, Ranking Member IKE SKELTON and I filed an amendment with the Rules Committee affecting the Ballistic Missile Defense Organization (BMDO) title of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

The amendment would have taken less than one-third, $918 million, out of the $3 billion increase proposed for BMDO and transferred the money to three areas of urgent national security interest: $450 million for an additional 1 percent pay raise for military personnel; $250 million to address the most pressing family housing improvement needs; and $219 million for homeland defense and counter-proliferation efforts. Even with our amendment, spending on ballistic missile defense (BMD) programs would have increased next year by $2 billion to $7.3 billion, or 38 percent.

The largest cut in our amendment as originally filed would have come from Fort Greely, Alaska, and here's why:

Greely is said to be part of the Pacific test bed, but in truth, no missiles can be launched and tested from the silos at Fort Greely, as the booster stages would separate and drop over populated areas.

The booster on the missiles to be based at Fort Greely is not the objective booster; it's an improvised Minuteman booster. The kinetic kill vehicle that sits atop the booster is also a test article, far from being proven. Its configuration will surely change as a result of testing before the final production design is selected.

The site at Fort Greely lacks an X-band radar for tracking incoming re-entry vehicles and guiding the interceptors as they close on their targets; a radar with this kind of range and resolution is essential to a mid-course intercept system.

Finally, the system of Low-Earth Orbit, Space-Based Infrared Sensors known as ''SBIRS-Low'' is still years away from being deployed; any ground-based intercept system without X-band radar and SBIRS-Low is going to be an extremely limited system.

BMDO argues that the 5 interceptors at Ft. Greely may give us an ''early capability'' against an emerging threat. But with test article components and a subpar radar, this system will have little, if any, utility against a threat launched against the West Coast of the United States, and BMDO freely admits it will have no capability whatsoever against a missile launched at the East Coast.

I felt then that given the unmet needs in this budget, it was not wise to sink so much money into these silos, for such little gain. Frankly, I continue to believe that. However, in the wake of the horrible events of September 11th, Members on both sides of the aisle have come together to seek a compromise on this issue.

We have agreed not to cut funding for Ft. Greely, but in truth, many on this side of the aisle continue to have concerns about that proposal. In the interest of bipartisanship, we are putting aside this issue today, but I expect that we will revisit this issue in the next budget cycle. As a result, the amount of the cut contained in the compromise amendment is far below the level contained in the Skelton-Spratt amendment. However, two important elements of our original amendment have been largely preserved. I want to thank Chairman STUMP for his willingness to work on this with us.

The compromise makes a total cut below the President's request for BMDO of $400 million. $120 million of this total is taken from Space-Based Programs. This is the same amount as was cut by the Skelton-Spratt amendment, and reflects the good government logic that this immature technology should be funded only at a concept development level.

Another $145 million is taken from the Mid-Course Intercept program. I argued for this cut to come out of Sea-Based Mid Course intercept, which is where the Skelton-Spratt amendment would have taken it, but the agreement leaves the cut less specific. I believe the cut should be made out of the Sea-Based NMD account, and it is my hope we can make the cut more specific at a future time.

A sea-based mid-course defense would entail an entirely new NMD platform, and before embarking on such an effort, BMDO should first demonstrate the maturity of the Navy's theater defense programs, which are technically less demanding. At present, however, the Navy Area Wide program has seen its schedule slip by 20 months, and the Navy Theater Wide program has yet to have a successful intercept. Until these simpler technological hurdles are cleared, it does not make sense to pour hundreds of millions into an even more challenging, and even less mature system like sea-based NMD.

The balance of the $400 million is a cut of $135 million, based on the grounds that the funding could not be executed wisely in 2002.

I have been saying for many years now that Congress needs to stop treating missile defense like a political totem. And while this compromise is disappointing to many on both sides, perhaps it represents a small step in that direction. I urge my colleagues to support the Stump-Skelton amendment.

Mr. TIERNEY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Madam Chairman, I rise reluctantly in support of this amendment, not because in the current context I have any hesitations about it, but because I would rather that we have been having the fuller debate on this issue that a few weeks ago it looked like we could have. Obviously, we regret, all of us terribly, the circumstances that have compressed this.

I believe that the continued expenditure on missile defense is gravely mistaken. I understand that to have a debate under these circumstances would not be in our interests on the broader aspects of this, because, frankly, given the impulse, the understandable and laudable impulse to show our unity and support, I think the project would get more votes than it might get in a calmer atmosphere. I look forward to our being able to debate this at a future time, because I think the leadership on our side, on the committee and on the Committee on Appropriations subcommittee, has done an excellent job of vetting this project. So I am going to vote for this amendment because it is the most reasonable thing to do in this context.

But I want to repeat again what I think is a very important point to the President: there is an accommodation going forward here. There is less of a debate on this issue and less of an attempt to reduce it than would otherwise have happened in the interests of showing national unity.

I hope we will see a reciprocal response, in particular at a time when we are trying to build an international cooperative coalition with Russia, with China, and with other nations. It would ill-behoove this Nation to take unilateral action to undermine the ABM treaty. It would be an error to use the fact that the House has said, okay, and the other body has said okay, we understand that this is not the appropriate time to have the full debate. I regret that, but I understand the decision.

But I hope we will not see the executive branch take advantage of that to go forward with steps that would lead to a fracturing of our efforts to build an international coalition and that would inappropriately unilaterally undermine the ABM treaty and the international cooperative framework.

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

Madam Chairman, listening as this debate goes on to both the gentleman from South Carolina (Mr. SPRATT), who eloquently set forth his position, and the gentleman from Massachusetts (Mr. FRANK), who also did the same, I think they make convincing arguments about why, as much as many of us feel this does not go nearly as far as it should go, it may in this instance be all that we can get, as sad as that is to say.

It is important that we spend the money on intelligence and that we spend it on antiterrorism and counterterrorism and consequence management. It is just amazing sometimes to some of us that we do not think to do that without extracting a price of overspending on a system that has not been tested, and starting to deploy a system that, I think, in many ways will work to our disadvantage; that we will have $2.9 billion, or 55 percent of an increase over current spending on this. That we would have initial deployment that would lead to the breaching of the ABM treaty is somewhat beyond comprehension.

As I mentioned earlier, for $1.6 to $2 billion, we could secure Americans in their air travel. Yet we will put $2.9 billion instead on getting way ahead of ourselves, starting to build something before it is adequately tested, pursuant to the Pentagon's own operations and testing and evaluation firm.

We are risking the stability internationally that this might present in unilaterally breaking that treaty. We are certainly going well beyond this Congress' intention, who said we should move forward only if it ever proved feasible. We are certainly failing to put our priorities in proper order. Where it is clear we are spending some $60 billion to $100 billion on an item that has not been proven to work and our own intelligence services say falls well behind the needs for security against terrorism, it just does not seem to make sense.

But I do want to commend the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Missouri (Mr. SKELTON) for the work they have done on this. I was with them at the $920 million mark. I was a little beyond that, as were many, because that is what we really ought to be doing, being sensible.

But I join in congratulating them for getting at least something from folks that do not seem to want to take a really objective look at this and see where we are going.

I say that the gentleman from Massachusetts (Mr. FRANK) is probably right. Let us see what we get for a reciprocal response. Let us hope that this administration can evaluate the entire situation and understand that this would not be the time to unilaterally violate this treaty. This would be the time to show good faith, and we can be responsible partners in cooperating with people as we ask for their cooperation internationally.

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

Mr. STUMP. Madam Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Chairman, I want to thank the chairman and the ranking member for putting together this compromise that allows us to stand united during this defense bill and not send out the wrong signal to the world, and yet continue to move forward on missile defense.

It has been suggested that the question of the day is will we ever be attacked by ballistic missiles? Is it possible, is it imaginable that someday Americans will be killed by ballistic missiles?

Well, that question has been answered. It was answered 10 years ago when 28 Americans were killed, the first American casualties, by ballistic missiles during Desert Storm.

□ 1915

They were killed by the slow ballistic missile known as the Scud, the Model-T of ballistic missiles, the ones that are proliferated around the world.

So the facts are, we have been struck by ballistic missiles, they have killed Americans, they are a real threat, and Democrats and Republicans agree that we have to be able to stop these thousands of ballistic missiles that are proliferating around the world, some of them a function of military sales where countries like North Korea and China and Russia sell these missiles to countries and to groups that would aim them at us; and the other one as a result of information and technology now that is going to rogue groups, going to nations that are not our friends around the world which, indeed, will aim these systems at the United States.

Now, let me just address this compromise and what it does. First, it has been suggested over and over again by the gentleman from Massachusetts (Mr. TIERNEY) that we do not want to use these things; we do not want to deploy a ballistic missile defense system until we know it works. That is the point. Most of the testing is for the so-called national missile defense system, that is, being able to stop the fast ballistic missiles that can go intercontinental. It is for testing.

Now, we just had a test about a month ago, a successful test in which we shot our standard shot; and when we shot our standard shot, we launched a target missile from Vandenberg Air Base. It went west across the Pacific. It was hit, it went about 4,800 miles, it cleared Hawaii; and after it cleared Hawaii, we fired up an interceptor missile out of Kwajalein Island that hit it about 148 miles above the Earth's surface and killed it. Now, we fired that shot several times; and if we ask the ballistic missile defense program, can we make that shot, we can make that shot. With that angle, with that speed, with those physics, we can make that shot.

But the critics of the system have said, wait a minute. There are other things we have to be able to do. How about the tougher angles? How about the faster closing speeds? How about

the different closing speeds? How about all of those things that are variables?

Well, the answer is to this cry for tough testing, we have to expand the test range to have tough testing; and that means we cannot have the same shot time after time where we shoot over Hawaii and we come up with an intercept from Kwajalein Island. We have to now have the Alaskan dimension. The Alaskan dimension is going to make the closing angles, the shooting angles. Just like we are shooting on a skeet range, instead of shooting at the clay bird going straightaway every time, we are now going to have to shoot one that is going at a fast angle. It is going to give us a variety of speeds that we have to shoot at. It is going to give faster interceptor speeds. It is going to make all the difficult challenges that our critics are telling us and that the gentleman from Massachusetts (Mr. TIERNEY) alluded to when he talked about these commissions that have said we have to make tougher testing. It is going to give us tougher testing.

So I would say to my colleagues, whether one is for missile defense or against missile defense, we certainly want to know what the outcome of these tough tests are going to be.

Well, I have news for my colleague. There is not going to be any outcome for us to judge if we do not build the range. Most of the money that goes into this system goes to build the range.

Now, let me just say with respect to the Soviet Union, because the ABM Treaty has been mentioned, and I think everybody has reflected on the effect of this strike on America with respect to our position in the world, our relationship with the Soviet Union. We told the Soviet Union, we did make the agreement, the ABM agreement, not to defend ourselves. That is an agreement not to defend ourselves. But we have always said to them, we are not just worried about you, we are worried about these other people. We are worried about all of these nations that are depicted here on this map of the world which are now building and developing ballistic missiles and none of these countries, none of these groups signed any treaty not to defend themselves. They did not sign the ABM Treaty, and we are concerned about that. I think that the Russians now are looking at this more realistically, and I think the President has more credibility in his statement when he said we are truly worried about the unimaginable happening.

For those people who said up until a few weeks ago a strike on the United States is unimaginable, a missile strike on the United States is unimaginable, it now becomes apparent to us that unimaginable things happen.

So what we need is not just defense against people that take over airlines, it is not just defense at our borders against cargo containers coming in, it is not just defense against submarines and ships and guerrilla warfare and terrorism; it is broad capability against a number of threats. We live today, I say to my colleagues, in an age of missiles; and we are going to have to learn to defend against those missiles if we are going to maintain the national security.

Our two leaders have put together a compromise that I do not fully agree with; it does make a $265 million cut from this missile defense budget. However, they did it in a spirit of compromise to get this bill moving, to move it into the conference, and to be able to work our will from that point. Because of that, and because of the need to let the world know that we stand together, that we are not fractured, I support this compromise. I urge everyone to vote for it.

Ms. MCKINNEY. Madam Chairman, I rise in support of the Stump/Skelton amendment to combat terrorism. If there is one thing that we have learned from the tragedy of September 11, it is that the greatest threat to our Nation is not from high-tech weapons such as ballistic missiles being launched at our Nation. Therefore, the defense that is of the greatest priority to our Nation is not an $8.3 billion missile defense shield that has no guarantee to work. Instead, we need to protect ourselves from the modern threat of terrorism, protecting our airports and hubs of activity, seeking out those who are responsible for previous attacks, to be aware of and prepared for plans of future attacks, and to act appropriately with the intelligence we gather. This amendment takes away less than 9 percent of the increase for missile defense research and development, and only 3 percent of the entire missile defense budget. I believe that we should reprogram much more towards protecting our constituents from the real threats that our Nation is facing, and spend much less on some Star Wars program. This amendment supports that concept of refocusing our priorities on the true threats to our Nation, and I urge my colleagues to support it.

Mr. UNDERWOOD. Madam Chairman, I rise in strong support of this amendment and I thank the Chairman and the Ranking Member for bringing it to the floor in a bi-partisan fashion. This amendment deserves our attention and support if we are to begin addressing our pressing national needs in combating the horrific practice of terrorism. The tragic events of September 11th prompt use to do more in this effort and this amendment gives us the opportunity to enact sound policy in this regard. By providing $400 million in new funding for intelligence, anti-terrorism and counter-terrorism initiatives, this amendment equips the Department of Defense with the resources needed to begin defending our nation against future terrorist aggression.

Combating terrorism is and should be a national security concern and this amendment establishes it as such. This amendment is a significant step towards overcoming existing vulnerabilities, as it requires DoD to report on their ability to defend the nation against airborne threats. Furthermore, as assessment of DoD's ability to respond to terrorist attacks and provide support for Federal, State, and local consequence management activities as required by this amendment will ensure that our government is better prepared to handle any future terrorist crisis.

This amendment addresses our national security needs with regards to terrorism without compromising our need to protect and defend the nation against ballistic missile attacks. As the individual in this body representing Guam, well within striking range of nations like North Korea, I am keenly aware of our Nation's vulnerability to the threat of a ballistic missile attack. But I am also acutely aware of our need to defend our people against terrorism.

If we are to protect our nation, safeguard our democracy, and rid the world of terror, we must begin to vigorously combat terrorism. Passage of this amendment is a significant start towards this end and it is necessary if we are to reduce vulnerabilities at our military installations and facilities, not only within the continental United States, but also in Guam, and throughout the world.

Mr. RODRIGUEZ. Madam Chairman, I rise in support of the Stump-Skelton amendment to take $400 million from the national missile defense program to fund intelligence, anti-terrorism, force protection, and counter-terrorism efforts. The funding shift in the amendment is a good start but more needs to be done.

We must question spending an additional $2.5 billion next year and possibly $100 billion in the future to establish a national missile defense system when deadly terrorist attacks can occur with the purchase of an airline ticket.

Don't get me wrong. I strongly support a theatre missile defense system to protect our troops and allies on the battlefield. But not a national missile defense system that threatens our world wide treaties. But, let's take this one step at a time in light of our many priorities. The enormous sum of $100 billion could be better spent on intelligence, diplomacy, rebuilding the military, and protecting America's ports of entry.

My Congressional district includes several border crossings between the U.S. and Mexico. The U.S. Customs agents at the border crossings are undermanned and underfunded even though they are on the frontline of protecting our Nation.

For three years Customs has been attempting to upgrade its computer systems to enhance the inspection of goods crossing U.S. borders. Funding shortfalls have prevented the implementation of this critical system.

Customs is only one example of where money could be better spent to protect Americans from terrorist attacks.

I urge my colleagues to support the amendment.

Mr. HOLT. Madam Chairman, I rise in strong support of the Stump/Skelton amendment. As our Nation is working to deal with the tremendous needs of our armed forces in the wake of the September 11 terror attacks, this is one amendment that is particularly important.

The Stump/Skelton bipartisan amendment cuts $400 million from the President's request for National Missile Defense programs, and transfers these funds to intelligence and counter-terrorism initiatives. The Stump/Skelton amendment represents a consensus, compromise position that all of us should support.

As a Nation, there are many lessons to be learned from the recent attacks on the World Trade Center and the Pentagon. One of the things that is underscored by the events of September 11 is how careful we must be about where we put our defense dollars and

the priorities that we as a nation fund in our defense budget.

The pursuit of a National Missile Defense is an expensive, unproven and destabilizing policy that should be rejected. There are so many more important needs to fund in our defense budget. While this amendment does not eliminate all of the funds the President has requested for a National Missile Defense system, it does make important reductions in that account and important increases in areas where we clearly need to make investments, particularly in our intelligence and counter intelligence efforts.

The National Missile Defense as proposed would not be effective. It would be costly to deploy and easily circumvented. It could be confused with decoys. It could be bypassed with suitcase bombs and pickup trucks and sea-launched missiles or need I say it, wayward airlines. It would be billions of dollars down the drain. But it is not just a diversion of precious resources that we are told are not available for health care, for smaller class sizes, for modern school facilities, for securing open space or for taking care of America's veterans.

It is worse than a waste. Simple strategic analysis will tell us that provocative yet permeable defenses are destabilizing and lead to reduced security.

The U.S. has not been able to develop a workable missile defense system after 40 years of trying and spending $108 billion.

Clearly this money is better spent in supporting up our intelligence and counter intelligence efforts. I urge all of my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 3 by Mr. TRAFICANT of Ohio and amendment No. 4 by Ms. SANCHEZ of California.

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

POINT OF ORDER

Mr. TIERNEY. Madam Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TIERNEY. Madam Chairman, just looking around and counting, I am not sure that I reached the same conclusion that the Chairman did, and I am wondering if she might want to count again.

The CHAIRMAN. A recorded vote has been ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 173, not voting 15, as follows:

[Roll No. 356]

AYES—242

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Duncan
Dunn
Emerson
English
Eshoo
Etheridge
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Langevin
Lantos
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Matheson
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Otter
Pallone
Pascrell
Pence
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Young (AK)
Young (FL)

NOES—173

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehner
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Ganske
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Mascara
Matsui
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pastor
Paul
Payne
Pelosi
Petri
Putnam
Radanovich
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sherman
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Stark
Stupak
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Turner
Waters
Watt (NC)
Waxman
Weiner
Wexler
Whitfield
Wilson
Woolsey
Wu
Wynn

NOT VOTING—15

Conyers
Engel
McInnis
Meeks (NY)
Mollohan
Moran (VA)
Nadler
Peterson (MN)
Peterson (PA)
Rush
Serrano
Towns
Velazquez
Visclosky
Watson (CA)

□ 1946

Ms. MCKINNEY, Ms. DELAURO, and Messrs. INSLEE, HOLDEN, and DINGELL changed their vote from ''aye'' to ''no.''

Mrs. NORTHUP and Messrs. JOHNSON of Illinois, BURTON of Indiana, WATKINS of Oklahoma, LANTOS, SHIMKUS, AKIN, SPRATT, ISRAEL, DEUTSCH, BLUNT, ISSA, RYUN of Kansas, CARSON of Oklahoma, and REYNOLDS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1945

AMENDMENT NO. 4 OFFERED BY MS. SANCHEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentlewoman from California (Ms. SANCHEZ) on which further proceedings

were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 217, not voting 14, as follows:

[Roll No. 357]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Dunn
Edwards
Ehrlich
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (VA)
Morella
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Conyers
Engel
McInnis
Meeks (NY)
Mollohan
Nadler
Peterson (MN)
Peterson (PA)
Rush
Serrano
Towns
Velazquez
Visclosky
Watson (CA)

□ 1956

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The SPEAKER pro tempore. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. STUMP. Madam Chairman, as the House is about to move to final passage on this defense authorization bill, I think it is appropriate that we take a moment to note that this will be the first defense bill in over 30 years that we have passed that Floyd Spence did not have a part in. Floyd had a hand in shaping and guiding all the defense bills for the last 3 decades, and particularly in the last 6 years where he served as chairman of the House Committee on Armed Services.

Madam Chairman, there was not a stronger defender of our military, no truer friend of the men and women in uniform, and no tougher critic on those who allowed our defenses to deteriorate over the years. Floyd Spence had vision, he had sense of purpose, and he had a clear commitment to ensuring that the Congress fulfill its constitutional obligation to provide for the common defense.

We all miss Floyd, but I did not want this moment to go without the record reflecting his leadership, his commitment, and his wise counsel on national security matters, which still burns bright in the many of us that were privileged to work with this quiet, unassuming and passionate American patriot.

Mr. SKELTON. Madam Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Missouri.

Mr. SKELTON. Madam Chairman, I applaud the gentleman on his comments and his memory of Floyd Spence. He was truly a gentleman's gentleman, a true Southern gentleman, from his infectious laugh to his strong support of the troops. We will recall him very, very fondly; and I thank the gentleman for his remembrance of him.

And for 19 years, I might say, sitting next to me on the Committee on Armed Services was our colleague Norm Sisisky, who made such a great contribution. At this moment, I would also like to pay tribute to his memory for the wonderful work that he did. And I thank the gentleman.

□ 2000

Mr. STUMP. Madam Chairman, may I take a moment to thank our staff on both sides of the aisle for the tremendous job and the many late nights that they have spent here and put up with us and produced this good bill.

Madam Chairman, I urge everyone to support the bill.

Mr. SHAYS. Madam Chairman, as a longtime critic of the manner in which we finance our nation's military, I had intended to oppose the legislation being considered today.

This year's defense budget contains a number of deficiencies, the most glaring of which is this: it is not designed to equip our military for the task at hand. Written prior to the attack of September the 11th, this legislation continues the mistakes of the past decade. It is designed to fight the cold war, but that war ended years ago, and as we saw all too brutally in New York and Washington, the world is a far more dangerous place.

Furthermore, this bill leaves our military, on the eve of an epic undertaking, with a number of acute needs that have yet to be adequately addressed—needs we've known about for many years.

As the chairman of the Government Reform Subcommittee on National Security, which has oversight jurisdiction over the entire Department of Defense, I have seen first hand the needs of our military. We need to do a better

job attracting new enlistees and maintaining the necessary level of reenlistment. Our training has suffered in recent years. We lack the necessary munitions for new encounters. We are cannibalizing existing planes, tanks and other equipment for their parts, in order to make other equipment operational. Our soldiers, sailors, pilots and Marines are overworked and underpaid. At least this last part we have begun to address. And I strongly support the military pay raise included in this legislation.

Regretfully, like its predecessors, this year's National Defense Authorization Act fails to cancel the procurement of expensive, unnecessary weapon systems; close unnecessary bases and depots, at home and overseas; and require our allies, particularly Europeans, to pay their fair share of stationing U.S. troops in their countries.

So why will I vote for this bill? Because I strongly support the President of the United States and the campaign against terrorism on which we've embarked. And I don't want anyone, particularly our enemies, to misunderstand a No vote.

Unlike the climate in which we debated past budgets, today our country is entering a new, uncharted period. In these trying times, I want to be certain we're providing the brave men and women of our military with every resource they will need in the difficult days, months and years to come.

The Government Reform Subcommittee on National Security has conducted 19 hearings on our preparedness against terrorist threats, chemical and biological defense programs, the Defense Department's role in homeland security, and proposals to reorganize our terrorism programs. We know waging the war on terrorism will require not only enormous expenditures, but also a fundamental reexamination of our changing national security needs.

Unfortunately, this legislation provides the funding, but not the reforms. I pray future defense bills address these glaring needs, but mostly I pray for the brave men and women going into battle.

Mr. STARK. Madam Chairman, I rise in support of our armed forces that are preparing to deliver justice to the organizations who initiated the attack on the United States on September 11, 2001. However, I must still oppose the Defense Department Authorization bill before us today. This legislation simply fails to meet the mark for what is needed to defend our nation today.

It does have several measures that I support including: pay raises for the average soldier and increased funding for medical benefits. However, all that's bad in this bill outweighs these positive components.

Like previous defense authorization bills, it wastes billions of dollars on attack submarines, advanced destroyers, a National Missile Defense (NMD) System, and continues to fund the outdated F–22 program.

The investment of hundreds of billions of dollars in aircraft carriers and ships has done little to protect American citizens from attack. It has only been used to line the pockets of big defense contractors who are more interested in profit margins than defending the United States. We continue to waste billions of dollars to build these ships at the cost of truly effective military investments like training in counter-terrorism, anti-guerrilla warfare tactics, and intelligence gathering—all of which would yield far greater benefits than the big ticket items currently included in the bill.

The F–22 program is another wasteful program. We continue to fund this program despite its consistent cost overruns and failures to meet performance and production guidelines. This program made sense in the late 1990's when we were still preparing to defend against advanced Soviet technology, but today that is no longer the case. Our potential enemies are flying old Soviet fighters Su–22's and MiG–21's. These planes are on par with our old F–4 Phantoms which were the premier fighter when we were fighting in Vietnam.

Finally it provides over $8 billion to continue to develop the National Missile Defense system. The attack on September 11th proves that any potential enemy would be far wiser to invest a couple million dollars to train people to fly a plane into the US to delivery weapons of mass destruction, rather than hundreds of billions of dollars to develop an Inter-Continental Ballistic Missile. In light of this reality, it seems foolish, wasteful and completely inappropriate to direct huge sums of money at a national missile defense system that has never been proven to work and is probably irrelevant to the dangers we face today.

It is for these reasons that I must oppose this authorization bill.

Mr. UNDERWOOD. Madam Chairman, I rise in support of H.R. 2586, the National Defense Authorization Act for FY02. Among the many provisions included in this legislation are a number of measures that directly support Guam and its military infrastructure. Our nation's military readiness stands to benefit from over $66 million in new construction and improvements to Guam's military installations and facilities. The people of Guam welcome this funding as it strengthens U.S. military presence and national security in the Asia-Pacific region in addition to providing an economic boost for our island.

Seven major military construction projects for Guam are included in this bill. Phase II of the Guam Army Guard Readiness Center will receive $7 million and $4 million is included for a training facility for the Guam Air National Guard. Other projects include $4.5 million for a Forward Operation Location War Reserve Material Facility at Andersen Air Force Base and $24 million for the upgrading of the Navy's Bachelor Enlisted Quarters and Public Works Waterfront Utilities. The bill also includes $20 million for the continued replacement of Andersen's hydrant fuel system. These projects are significant towards modernizing Guam's military infrastructure and equipping our troops stationed in the Western Pacific with the resources they need to meet our increased national security demands.

In addition to military construction projects, the bill also provides for the conveyance of a water supply system at Andersen Air Force Base and the construction of a war memorial on Guam to honor the victims of the Yigo Massacre, which occurred during World War II. Guam was the only U.S. State or Territory with a civilian population to suffer occupation during World War II. Immediately following the liberation of Guam, decapitated bodies of 45 men were discovered in the village of Yigo. Today, it is presumed that these men were forcibly conscripted by the Japanese forces to be of service to them during their retreat. The story of these men has largely been forgotten since the time they were forcibly separated from their homes and families. The memorial included in this bill will commemorate the sacrifices made by these men and resurrect and preserve their story in history.

I am also pleased that the House Armed Services Committee has addressed the issue of the Department of Defense's responsibility and duty to clean up former military sites. Guam was home to significant and tremendous military activity during World War II. Unexploded ordnance and other weaponry have been found on Guam in recent years as a result of this activity. The report accompanying this bill stresses the need for the Department of Defense to be more aggressive in their management and clearance of unexploded ordnance and other dangerous weaponry found on Guam. This language is essential in ensuring that the proper attention is devoted towards the cleanup of our island.

In conclusion, this bill goes a long way towards improving our nation's military readiness and supports Guam role in contributing to our national security. The people of Guam welcome the forthcoming military construction activity and look forward to doing their part in providing for the national defense.

Mr. DEFAZIO. Madam Chairman, I have worked for more than a decade to reorient federal budget priorities so they better reflect the needs and wants of average Americans.

I have also been a vocal advocate for taking a serious look at the spending priorities within the Department of Defense (DOD). I have regularly drafted legislation and amendments to force the Pentagon to reevaluate and justify how it spends taxpayer money.

We demand accountability from all other federal agencies. We should demand no less of the DOD. After all, the $343 billion authorized in this legislation represents one of every two dollars in discretionary spending that can be appropriated by Congress.

There are clearly significant flaws with H.R. 2586. While the basic needs of many of our young men and women in uniform have not been met, this legislation provides tens of billions of dollars to fund weapons systems that are of dubious necessity, over-budget, behind schedule, and fail to meet performance requirements.

For example, at G.I. Joe's in Eugene, Oregon, I met a dad who was buying a waterproof bag for his son in the Marines. He told me his son was issued an expensive radio without any waterproof protection. All the Pentagon supplied was a plastic garbage bag.

The legislation provides around $8 billion for an ill-defined, unworkable national missile defense system. This represents more than a 50 percent increase over current spending levels. American taxpayers have already generously provided more than $60 billion over the last two decades to develop this system with little to show for it.

Even if the system could be made to work consistently, it doesn't address the most significant threat our nation faces. As I've said in debates over NMD in past years, given our awesome retaliatory power, one of the least likely threats confronting the U.S. is an intercontinental missile with a return address. In those previous debates, I went on to raise concerns about the money NMD was diverting from our preparation for more likely attacks by terrorists with primitive delivery systems like rental trucks, freighters, or even suitcases.

The legislation continues to fund the development of three new fighter jets when one

should do, and continues to fund an oversized nuclear stockpile.

I am concerned that the spending priorities reflected in this bill are oriented to fighting the last war, not meeting the threats our nation faces today.

That said, I am going to support this legislation. I do not make this decision lightly. The world changed on September 11, 2001. The terrorist strikes on U.S. soil have created a sense of urgency to guarantee our troops are adequately supplied and supported in order to respond and defend our country.

Some of the funds in this legislation and the emergency package approved by Congress last week will go to make sure our men and women in uniform have everything they need to deal with the current crisis. However, I fully intend to revisit the spending priorities of the Pentagon next year and look forward to reviewing Secretary Rumsfeld's plans for retooling our nation's military to more adequately meet the threats of today.

But, that critical debate can wait for another day. In this time of crisis, I will vote in favor of this legislation in order to stand firmly behind our young men and women in uniform who may soon be put in harm's way.

Ms. BALDWIN. Madam Chairman, when President Dwight D. Eisenhower gave his farewell address in 1961, he spoke about the ''military-industrial complex.'' He said, ''In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.''

It is forty years later, and yet his words still ring true. The corporations and organizations that profit so much from military build-ups are unaccountable to the American people. That was true in 1961, it was true on September 10th, 2001, and it remains true today. In America, the nation's military priorities ought to be set by the people.

For that reason, I have been a harsh critic of our nation's military budget.

I have regarded its priorities as misplaced.

I have vehemently opposed deploying National Missile Defense.

I have disagreed with the decision to build the F–22 Raptor.

I have questioned the need for new attack submarines, battleships and guided missile destroyers.

I lament our failure to adequately compensate the men and women who serve in the Armed Forces and our failure to keep our promises to our nation's veterans.

I decry the failure to fully fund our non-proliferation efforts and nuclear disarmament programs.

I have opposed every defense authorization and defense appropriation bill put before me since I came to Congress.

And I would expect to do so again in the future, if I am not able to have greater influence on their content, their magnitude and their priorities.

But today is different. I have struggled with this vote as I have struggled with no other. Here is where that struggle has brought me. I regard my two central duties at this unprecedented time to be the protection of American lives and the protection of the American way of life—our freedoms of speech, our expectation of privacy, our right to due process.

I do not know what our President is being told by our intelligence agencies or by the criminal investigators. I do not know what tools our President will need to protect our families from further attacks and threats. I could not accept the responsibility for denying those charged with protecting our immediate safety and security with the tools they need. The Administration has told us that these are the tools they need. Not knowing what they know, I take them at their word.

No one should interpret this vote as any indication that I will not continue to question and criticize policy that I believe is wrong. No one should take this vote as an indication that we should not push to reconfigure, rethink and reprioritize our national defense program.

In this unprecedented time, we give our President what he has requested in order to protect American life. At the same time, I do not forget General Eisenhower's caution that we must guard against the acquisition of unwarranted influence by the military-industrial complex.

Mr. BLUMENAUER. Madam Chairman, in these times of extreme pressure on our national security team, we want to be assured that America is properly prepared. This defense authorization bill has much that I find commendable. It provides funding for providing the essential defense requirements that will assure that the United States continues to have the most powerful armed forces anywhere in the world, far and away superior to the next seven countries combined. There are many improvements that are made to quality of life for our fighting men and women including increased resources for their pay and for their housing which are critical and which I strongly support. It also recognizes work that I've been championing to have the military clean up after itself and deal with unexploded ordnance and other military pollution. Having an inventory of these contaminated sites is an important step forward and I appreciate the work that Committee leadership and staff have done in that regard.

I reluctantly vote in opposition to this defense authorization because of the continued clear misallocation of resources it includes for national missile defense. In fact, I have grave reservations about several of our patterns in military technology and hardware. For example, we are still developing three new tactical aircraft systems simultaneously. It is critical that we deal with the meat and potatoes of our nation's defense and the support of our military retirees before launching forth with some of these troubling weapons systems. The most problematic of them all is missile defense. There is nearly $8 billion in this bill for a system that was demonstrated two weeks ago to not be our top priority. We were caught flat-footed with a severe act of domestic terrorism illustrating that we need to be doing more to protect against conventional threats: intelligence on the ground and improving civilian capacity to assist our citizens. It is ill-advised to continue to feed money into a system for remote risks that are far into the future which may not even work and may further destabilize the world balance of power.

We need to focus our efforts now more than ever before on making sure that our armed forces are equipped to deal with today's threats and responsibilities, not what we wish they would be in the future or know they were in the past. Missile defense is the worst example of both these premises.

I hope that we will be able, in the course of this Congress, to do a better job of effectively evaluating our threats and redeploying our resources to protect our citizens and support our fighting men and women.

Ms. BROWN of Florida. Madam Chairman, as you may know, the Senate has authorized another round of military base closures. I rise in opposition to any attempts to weaken our national defense through another round of base closing.

Another round of base closing will subject the future of our national defense to a political and arbitrary process of back-room-deals and broken promises. All of the past BRAC rounds have been full of last-minute games, empty promises, false cost savings and unreliable data.

At a time when our nation has been attacked by terrorist forces, further base closures would make our country look weak and further undermine the security of the American people. Closing additional military installations will make our remaining bases easier targets.

Why should we be shutting down existing bases when we are only beginning to understand the extent of our enemies evil wishes?

Why should we be shutting down existing bases when we are still learning of our enemies' ability to completely surprise even our best defenses?

Why should we be shutting down existing bases when we need all of our people and materials to fight against the terrorist enemy?

I rise in strong opposition to another round of base closing and encourage our conferees to do the same.

Ms. LOFGREN. Madam Chairman, I had urged that this Department of Defense spending bill be brought up without including the controversial missile defense program. It was my belief that we, as a Congress, would be best served by taking up a bill that most of us could vote for, which could then be followed with the controversial missile defense bill about which so many of us disagree.

Last week, on the floor, I had occasion to discuss the missile defense plan with a Congressman from across the aisle. There has been a lot of that lately, discussions among Republicans and Democrats that are respectful. He said he would vote for ''missile defense'' if it would save one American city from nuclear annihilation.

Well, so would I. But this missile defense program won't do that. It won't make us safer. The technology doesn't work. Further, in order to proceed, we also have to abrogate treaties just at the time when we need international allies in the war against terrorism.

As the September 11 attacks on our country showed us so terribly, we need more and better defenses. Some of those defenses need to be in the Department of Defense and in the Department of Justice, and I favor increased funding to enhance those capabilities. Enhancement of our intelligence capabilities is also called for along with better coordination and communication between intelligence and law enforcement. Improved airport and airline safety is also a necessity.

But spending billions on missile defense, in my view, will not make our country safer. It wouldn't stop the terrorists who attacked us on September 11th and it won't work to stop ''nuclear terrorism'' either. Unfortunately, the technology isn't even advanced enough to stop the so called rogue nations that are identified to be its target.

I favor additional funding for avionics, parts, upgraded technology and military pay. I wish I were able to vote for such good things separately from this flawed missile defense plan.

Mr. GUTIERREZ. Madam Chairman, I rise in strong opposition to the language in this bill concerning the future of the Puerto Rican island of Vieques.

The United States Navy has trained in Vieques for more than sixty years.

The effects of that training on the environment of the island and on the lives of its 9300 residents are painfully clear.

Thousands of acres on that beautiful topical island are devastated, bearing witness to the presence of hundreds of thousands of tons of metals, chemicals and materials that have been shown to increase the incidence of cancer and other diseases.

Vieques, which was once a thriving, albeit developing agricultural, fishing and tourist society of 12,000 residents, has been mired in poverty, unemployment, forced migration and underdevelopment for several decades, because the largest ''tenant'' on the island—the U.S. Navy—who occupies close to two thirds of the total land mass of the island, prevents the development of any significant economic activity in Vieques.

After the accidental death of David Sanes—a civilian security guard from Vieques—the people of Vieques, supported by the people of Puerto Rico and by many people from the United States declared that they had enough of the bombing, enough of the contamination, enough of the constraining of their lives hopes and aspirations by the U.S. Navy. Together with the religious, civic, political, and labor leadership of Puerto Rico, the people of Vieques began a sustained campaign of peaceful protest and peaceful civil disobedience to put a stop to the abuses of their land by the Navy.

Madam Chairman, last year President Clinton and this Congress attempted to mediate in the dispute.

I believe that President Clinton, as commander-in-chief under our Constitution could have resolved the issue the same way President Ford had resolved the matter of Culebra in 1975, or President Bush had resolved the issue of Kahoolave in 1991, by simply ordering his subordinates in the U.S. Navy to cease operations in Vieques.

He chose, instead, to do a combination of Executive orders and Congressional action.

That is now known as the Clinton-Rosselló agreement.

I opposed that ''compromise'' precisely because I suspected that what is happening here today—that Congress is literally going back on its word given to the people of Vieques and the people of Puerto Rico could happen. That is why I called on President Clinton to resolve the matter once and for all.

Madam Chairman: The people of Vieques have expressed their aspirations for peace in every peaceful manner possible. They have protested peacefully, the have engaged in peaceful civil disobedience . . . and they voted-overwhelmingly, 70 percent of the vote—for the Navy to leave them in peace.

And this Congress had promised them that the Navy would indeed leave, if—we told them last year—you vote in a federally sponsored referendum to be held at a date of the Navy's choosing, for the Navy to leave.

That referendum, that opportunity for the people of Vieques to once again express their wish to live in peace and free of contaminants and threats to their lives and their safety, was going to take place on November, on the date chosen by the Navy.

But the Navy and their allies in Congress now know what I always said, that the people of Vieques, whom the Navy was called their ''neighbors'' no longer want the Navy in their land.

So, what do we do when the people of Vieques are about to beat the Navy at a game whose rules were designed by the Navy and its political allies in Congress? We will now change the rules, to prevent the people of Vieques from winning fair and square.

In this time of crisis, we are all feeling a growing sense of patriotism. I am pleased and proud that the people of our nation are rallying to our country and about what it stands for. Sadly, what this Congress intends to do to the people of Vieques does not represent the best of America. It disrespects the clearly and democratically expressed will of the majority of the people of Vieques.

Madam Chairman, tonight I will vote for this DOD authorization bill, because, despite this and many other disagreements I have with this bill, its enactment is necessary for the defense of our country and of our democracy.

But I want to make clear for the record that we are committing a grave injustice to a peaceful people who have the right, the same right as any of my constituents or any of the constituents represented in this body to live in peace, free of fear, free of deadly contamination with a hope for a decent future for themselves and their children. I vote for this bill to support that defense of our nation—and despite language regarding Vieques that is unjust and counterproductive.

Mr. BENTSEN. Madam Chairman, I rise in strong support of this legislation, which authorizes appropriations for the Department of Defense for a total of $343 billion in budget authority, consistent with the President's amended defense budget request.

H.R. 2586 provides the men and women in our nation's armed forces with the tools needed to address the challenges our country will face in the next decade and beyond. This legislation provides much needed increases in weapons procurement; research and development; operations and maintenance; and a 32 percent increase in military construction and family housing. This legislation also addresses military health care by fully funding lifetime health care for military retirees and their eligible family members. I am pleased that this bill contains the largest military pay raise since 1982 and provides significant increases in funding for key military readiness accounts. The bill also makes great strides in beginning to address our aging military infrastructure and makes a modest down payment toward the next priority—the modernization of our fleet of combat equipment. Perhaps most importantly, this bill takes critical steps toward ensuring that the United States is ready to meet the challenges that lie ahead, including the challenge of meeting and defeating international terrorism.

I also want to express my strong support for the Stump/Skelton managers amendment to transfer $400 million from missile defense to intelligence and anti-terrorism measures. From the bill's $8.2 billion authorization for missile defense programs, the amendment would direct $100 million to offensive counter-terrorism initiatives; $100 million for enhanced intelligence programs; $150 million for increased security at U.S. military bases, and $50 million for consequence management activities. The amendment would also require the Defense Department to assess its capability to respond to terrorist attacks; require a DoD assessment report on airborne threats and establish counter-terrorism as a national security priority. I believe this amendment offers a reasonable approach to counter the growing threat of terrorism on our soil, while providing the funds necessary to continue development of the missile defense program. In fact, the funds provided under the underlying bill for missile defense are 55 percent more than the amount appropriated for FY2001. As such, I believe the $400 million transfer included in the Stump/Skelton amendment is a reasonable trade-off to bolster our nation's intelligence and counter-terrorism initiatives, and I urge my colleagues to support its passage.

As we all know, the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon have forever changed our nation. This horrible incident removed forever the belief that Americans here at home were safe from the kinds of attacks that have occurred against our citizens, our military personnel, and our allies overseas. It is clear that the United States itself is a target, and that terrorists will not hesitate to use whatever means at their disposal to kill innocent Americans on a massive scale. Our response to the terrorist actions must be deliberate and calculated. As we consider this bill today, our armed forces are preparing again to defend our nation—this time from the scourge of terrorism. While I have no doubt that they will respond effectively, we must make sure that they have the necessary tools and resources to do the job. To that end, this legislation authorizes $6 billion for Department of Defense programs to combat terrorism.

While this bill is carefully balanced to address the most critical needs of our military forces, we must be prepared to provide additional resources, if needed. The war against terrorism cannot be won in a single year, and we must be prepared to provide the funding necessary to get the job done. We must also recognize that our responsibility to protect the citizens of the United States against other emerging threats cannot be assured with a single year of defense increases. The effort to improve our nation's defenses and our people's security must be significant and it must be sustained. With that in mind, the funding levels provided in this legislation may not be sufficient to support the level of effort that the DoD must undertake to track down the perpetrators of last week's terrorist attack. The Administration in consultation with the Pentagon are working to identify the additional resources required and we stand ready to address these needs in the near future.

I urge my colleagues to support passage of this critical legislation. By enacting this legislation today, we are reaffirming our commitment to our national security, and to the men and women who so ably serve and defend our nation.

Mr. CARDIN. Madam Chairman, I rise today in support of this important bill. Since 1987, my first year in the House of Representatives, perhaps no defense authorization vote has been more timely or more significant, and I am proud to join my colleagues on the floor as we consider this legislation.

The health care provisions of this bill are key. In an effort to fully meet America's promises to the military, last year Congress created a Senior Pharmacy Benefit that took effect last April 1, and authorized expanding TRICARE to Medicare-eligible retirees and their dependents. Starting Oct. 1, 2001, all military retirees and their dependents who are age 65, or who are otherwise eligible for Medicare will be able to use TRICARE as a second payer. This year's bill authorizes full funding for these programs, a necessary and important step that our military retirees and their spouses deserve.

In the past, military retirees who reached the age of 65 lost their TRICARE eligibility and were required to purchase supplemental policies, which are often prohibitively expensive, to cover Medicare's deductibles and coinsurance. By expanding TRICARE to the 65 years of age and older population, Congress can ensure that these men and women who served our nation are eligible for the best health care this nation can offer.

There is one more step that Congress should take as soon as possible to ensure that every Medicare-eligible retiree can access the health care benefits to which they are entitled. I recently became aware of an inequitable situation facing many military retirees. Under current law, seniors who failed to enroll in Medicare Part B when they first became eligible are subject to a premium penalty of 10 percent for every year they did not enroll, effectively increasing the monthly premium for a 70-year old first-time enrollee from $50 to $75 for the rest of his or her life. Because military retirees could not have anticipated how their benefits would change, tens of thousands of retirees are now subject to these late penalties.

On June 6, 2001, the 57th anniversary of D-Day, I introduced the TRICARE Retirees Opportunity Act, legislation to waive the penalty for military retirees who enroll between January 1, 2001 and December 31, 2002. There is another barrier to full participation facing our military retirees. Current law permits late enrollees to sign up only during Medicare's annual open enrollment period—January 1 through March 31—with benefits beginning on July 1. My legislation will create a continuous open enrollment period through the end of 2002 for military retirees so that these prospective beneficiaries may access their new coverage immediately.

Because the cost of this bill—a scant $10 million a year, as scored by the Congressional Budget Office—would affect the Medicare Part B Trust Fund, this authorization bill is not the appropriate venue to correct this inequity. However, I want to urge Congress to adopt this provision with all deliberate speed this year.

Madam Chairman, this country has done a good job of meeting the health care needs of our active duty military. The Floyd A. Spence National Defense Authorization Act of Fiscal Year 2001 was a milestone in our efforts to help the military retirees who devoted years of their lives to defend this nation. This year's authorization bill builds upon that work. My bill takes one more important step to ensure that these retirees, their spouses, and their survivors have full access to the benefits we enacted for them last year. I urge all my colleagues to join me in support of this key legislation so that we may truly fulfill our promise to the nation's military retirees this year.

Mr. STRICKLAND. Madam Chairman, last year a single group of veterans in my district, the 6th District of Ohio, volunteered to perform military honors at over 60 funerals. They perform this solemn duty out of the kindness of their hearts and with the deepest respect for our nation's fallen heroes. A sad fact is that many of these same veterans lack the financial resources necessary to purchase the appropriate uniform for a full rendering of military honors.

The Department of Defense (DoD) implemented important provisions with the FY00 Defense Authorization Act, providing support for honor guard details performing military honors to veterans. The bill specifies the Secretary of Defense may provide material, equipment, and training to support non-governmental organizations as necessary to support honor guard details.

However, in discussion with DoD about their proposed plans to implement these provisions, I have been told that no uniforms will be provided to a veteran performing military honors. The DoD has even said no to the idea of providing uniforms to veterans who can demonstrate financial hardship. This decision by DoD is arbitrary and indefensible.

I am pleased that the committee leadership accepted my amendment as part of the en bloc amendment which passed on September 20, 2001. This provision will require the DoD to supply the appropriate civilian uniforms to those veterans performing an honor guard program who demonstrate a financial need for such support. Posing little difficulty, this authority gives the DoD broad discretion in developing a policy of which we all can be proud.

On another matter, I would like to bring to your attention a provision in the Senate Defense Authorization Act that is of importance to workers and their survivors who were made ill as a result of their employment in the nations' nuclear weapons facilities and beryllium suppliers to the energy Department across the nation. One of these facilities, the Portsmouth Gaseous Diffusion Plant, enriched uranium for the nation's nuclear deterrent and naval propulsion programs in my district.

The Senate included technical corrections to the Energy Employees Occupational Illness Compensation Program Act of 2000—a compensation program that was included in Title 36 of the FY 2001 Defense Authorization Act. These changes embodied in Section 3151 of the Senate Committee report include:

Expanding the definition of a ''survivor'' for uranium miners and nuclear weapons workers to eliminate a requirement that survivors must have been under the age of 18 when the covered worker died.

Adjusting definition of the disease ''silicosis'' to conform to the medically accepted definition of 1/0.

Setting a 10% cap on attorney fees for contested compensation claims beyond the 2% cap for the initial filing of compensation claim.

Clarifying that rights of third party tort claimants to receive federal benefits who did not receive any recovery from these suite prior to the date of enactment of the FY'02 Defense Authorization Act.

Requring a study on residual radiation and beryllium contamination in facilities that supplied materials to the Department of Energy for use in nuclear weapons.

Clarifying that leukemia will be covered without regard to age of occupational exposure to radiation (currently the law only covers those exposed after age 20) for those in a Special Exposure Cohort.

These amendments were accepted on a biparitsnan basis in the Senate and the costs estimated at $100 million are covered within direct spending authorized for the Defense Authorization Act as part of the FY'02 budget resolution.

These amendments respond to concerns that were raised by hundreds of participants at over 50 field meetings conducted by the Department of Labor in its implementation of the EEOICPA. It is my understanding that the Department of Labor has no formal position on these amendments, and has not raised any specific objections.

In conclusion, I hope the Armed Services Committee will agree to include in these amendments in the final legislation.

Mr. SPRATT. Madam Chairman, the devastation wreaked by terrorists on September 11, 2001 was horrendous. But had the terrorists used nuclear weapons, the death and destruction would have been even worse. The one essential element terrorists lack in making nuclear weapons is fissile materials, and we should make every effort to ensure that they do not obtain them. Only days before September 11, smugglers were apprehended in Turkey trying to move weapons-grade uranium out of Russia. This was not the first instance, and there is no doubt that terrorists and their sponsors are trying. There is however, reason to doubt that we are doing all that we should to keep such materials and nuclear know-how out of their hands.

The Department of Energy shares the non-proliferation campaign with the Department of Defense and focuses on its particular realm of expertise: nuclear materials. Despite the gravity of this mission, this bill follows President Bush's request, and without explanation, cuts the DOE budget for stopping the spread of nuclear materials.

The Department of Energy oversees several programs to stem the spread of weapons of mass destruction, particularly nuclear weapons. All told, the DOW non-proliferation budget for FY 2001 is $874 million. The President cut those programs in his FY 2002 budget request by $101 million, a cut of almost 12 percent. The committee's original mark did not restore this cut at all, even though the House and Senate Appropriations Committees added $71 million and $106 million, respectively, to the President's budget. The manager's amendment to the bill before us today restores only $10 million, leaving the DOE's non-proliferation budget $90 million below the 2001 level, and well below the appropriated levels in the House or Senate.

DOE'S NON-PROLIFERATION AND VERIFICATION R&D

Los Alamos National Laboratory and Lawrence Livermore National Laboratory have been involved for years in developing sensors placed on U.S., satellites to monitor the production, testing, or use of nuclear, biological, or chemical weapons. Before 1991, the program was diffuse and unfocused. This changed in the aftermath of the Persian Gulf when U.N. inspectors discovered that Iraq's weapons of mass destruction programs were far more advanced than the U.S. intelligence community or anyone else had anticipated. Shortly after the Gulf War, Congress established a specific line in the DOE budget for non-proliferation and verification to develop

technologies that detect the production, testing, transfer, or use of such weapons.

The President's budget request for this critical research in FY 2002 is $170 million, which is $57.5 million (25 percent) below the 2001 level of $227.5 million. The bill ratifies the administration's request—not one dime is added to restore this cut. Here are examples of items that will not be funded if these cuts are not reversed:

New seismic monitoring devices that will help ensure that Russia, China, or others are not improving their nuclear weapons by conducting underground tests with a nuclear yield below 1 kiloton.

The Biological Aerosol Sentry and Information System (''BASIS'') which is designed to detect a bio-terrorism attack within a few hours so that public health agencies can react quickly and effectively to stop the spread of the agent. We do not have this capability in hand, but it is maturing: BASIS was field-tested at Salt Lake City in March 2001. This cut will slow down the development of a promising technology.

Devlopment of new sensors that can detect atmospheric nuclear explosions. Our satellites that have such sensors are retiring. We do not have any of the old sensors on hand—they were all custom built. This cut may delay the effort to build new sensors in time to be placed on replacement satellites. If not built on time, the U.S. will not be assured of the ability to detect an atmospheric nuclear explosion.

New sensors specifically geared to go on platforms to detect the production, testing, transfer, or use of WMDs. The sensors detect various ''signatures''—tell-tale clues that may be chemical, electromagnetic, infrared, optical, or radio-nuclide in nature—all absolutely critical to improving the ability of the U.S. intelligence community to keep watch on what countries like North Korea, Iran, Iraq, and Libya are doing.

Although the threat of WMDs is seen as the gravest threat facing the U.S., we are depriving our intelligence community of the resources to improve the technical means to gather information and track the threat if this cut stands.

Another victim of this cut is people. Dr. John Browne, Director of Los Alamos, was in my office a few weeks ago. Besides the programmatic impacts I just described, Dr. Browne is worried that these cuts will force long-time employees to seek employment elsewhere. And when they leave, they will leave for good. They will not come back to their work when the funding comes back, and not only will we lose their expertise, we will lose their ability to pass their expertise on to the next generation of scientists and engineers at the national labs.

That's way these cuts are so shortsighted and the exact opposite of what we should be doing. I had an amendment in committee that would simply have restored funding to the 2001 level, and I sought, to no avail, to do the same through my BMD amendment included in the managers' amendment. We should not be so single-minded, so focused on the threat of ballistic missiles that we allow cuts like these to stand while bestowing a 49 percent increase on BMD.

SUMMARY OF DOE NON-PROLIFERATION ACTIVITIES

Non-Proliferation and Verification Research and Development—This program develops technologies to help the U.S. meet four primary goals:

1. Detecting nuclear weapons development efforts. The labs develop sensors that detect the tell-tale signatures of a nuclear weapons development program—which can be chemical, infrared, optical, radionuclide, or electromagnetic in nature.

2. Monitoring Nuclear Explosions. The labs develop methods to detect nuclear explosions, either atmospheric events or underground, low-yield events that require seismic detection.

3. Deterring the Spread of Nuclear Weapons. The labs develop technologies needed to improve the detection and tracking of fissile materials. These technologies include hand-held devices for border security forces and autonomous sensing devices that can be stationed at fissile material holding areas.

4. Responding to Chemical and Biological Attacks. The labs are developing technologies that will quickly identify the exact nature of a chemical or biological weapon. Quick identification is essential to providing first responders the information they need to treat victims and to contain the damage caused by such weapons.

Arms Control—The Office of Arms Control and Non-Proliferation includes several programs well known to Congress: the long-standing Reduced Enrichment Research and Test Reactor (RERTR) program, the Nuclear Cities Initiative, and the Initiatives for Proliferation Prevention. The office also provides DOE expertise to ensure that nuclear reductions are transparent, improve export controls, and generally strengthen existing nonproliferation agreements. The major responsibilities of this office include:

1. Nonproliferation in the Newly Independent States (NIS). The DOE tries to make sure that nuclear materials and human expertise in nuclear weapons resident in the NIS do not spread to other countries, such as North Korea, Iran, or Iraq. Two recent programs to stop such proliferation are the Nuclear Cities Initiative (NCI) and the Initiatives for Proliferation Prevention (IPP). The IPP tries to prevent ''brain drain'' from the ten major laboratories and engineering institutes that were involved in the former Soviet Union nuclear weapons programs. IPP establishes projects that gainfully employ these scientists, engineers, and technicians. Some of the projects are joint ventures with U.S. industry. The Nuclear Cities Initiative is a ''sister'' program to IPP that focuses exclusively on the closed nuclear cities of the former Soviet Union, creating new jobs through economic diversification at these closed cities.

2. Nuclear Nonproliferation throughout the World. The Arms Control office supports programs that aim to curb the ability of countries to convert spent nuclear fuel into nuclear weapons. Activities include: (i) a major program to control and protect spent fuel in Kazakhstan; (ii) implementation of the agreement with North Korea to switch to nuclear reactors that produce little weapons-grade fissile materials; and (iii) the Reduced Enrichment Research and Test Reactor program (begun by the Eisenhower Administration) to ensure that spent fuel from test and research reactors throughout the world is not used for military purposes.

3. Export Controls. DOE is active in U.S. government efforts to internally improve and enforce export controls on nuclear materials, and to help train other nations in detecting/interdicting illegal exports of nuclear materials.

4. International Safeguards and Treaties. DOE helps verify that other countries are living up to various nonproliferation agreements and treaties. The Arms Control Office is the principal U.S. entity for assessing and proposing new treaties and agreements, and the means to verify and enforce them.

Material Protection, Control, and Accounting (MPC&A)—This program was established by provisions that I helped write in the FY 1994 Defense Authorization Act. MPC&A helps Russia improve security at the 95 sites identified as having nuclear weapons or nuclear materials. These sites contain about 850 metric tons of weapons-usable fissile materials, and many are poorly protected. These sites include 53 Navy sites, 11 MinAtom sites, and 31 civilian sites. To date, MPC&A has completed security upgrades at 37 of these sites which contain about 400 metric tons of weapons-usable fissile materials. Security improvements are underway at many, but not all, of the remaining 58 sites.

HEU Transparency—DOE is in charge of the 1993 Highly Enriched Uranium (HEU) Purchase Agreement between the U.S. and the Russian Federation. Under this agreement, the U.S. is to purchase civilian reactor fuel derived from 500 tons of weapons-grade HEU over a 20-year period. This activity verifies that the fuel the U.S. is buying is indeed from former Soviet nuclear weapons, and supports reciprocal monitoring by Russia to ensure that the U.S. is using the HEU for fuel. Through December 30, 2000, this program has resulted in the purchase of 111.3 metric tons of NEU.

Fissile Material Control and Disposition—The DOE is in charge of safely disposing of surplus U.S. fissile materials (plutonium and HEU) as well as helping Russia get rid of its surplus stocks. Both countries have agreed to track each other's progress toward elimination of these materials, so that both can be confident the other will not be able to quickly expand its stock of nuclear materials (a ''breakout'' scenario) and gain strategic dominance in nuclear weapons. These U.S. efforts with Russia are currently focused on plutonium disposition, since the 1993 agreement on HEU is already underway. U.S. and Russia have to convert much of their respective plutonium (34 metric tons each) into mixed oxide (MOX) fuel to be burned in civilian nuclear reactors. The U.S. also plans to vitrify (also known as ''immobilize'') approximately 13 of its 47 or so metric tons of plutonium because these materials are not in a form suitable for easy conversion into MOX.

International Nuclear Safety—This program helps Russia and the NIS prevent another Chernobyl disaster. There are 66 operating nuclear powered reactors at 21 sites in Russia and 7 NIS countries. Many of these reactors are either identical to the Chernobyl reactors or have their own serious design defects. This program helps these nations improve the training of their operators and create safety procedures for these plants, which still operate far below international safety and operational standards.

Program Direction—This pays the salaries of the Nuclear Proliferation workforce, as well as the expenses normally charged to salary and expense accounts. The workforce is comprised of 233 Full-Time Equivalents (FTEs) at DOE headquarters, 34 FTEs in field offices, and 25 FTEs in offices located abroad.

Ms. McCOLLUM. Madam Chairman, I rise today in support of the Defense Authorization

Act (H.R. 2586), and in support of our armed forces and the service men and women who defend our great country. In this time of national awareness of the very real threat of terrorism, I believe it is our responsibility as lawmakers to ensure the readiness and quality of life of our military by providing these forces with the necessary resources, equipment and training to defend our nation's interests and to keep the American people secure.

I am encouraged that the Armed Services Committee, the Administration and our joint Congressional leaders have crafted legislation that firmly addresses many of our military's most pressing needs. I am firmly committed to maintaining a strong national defense, especially during this time of domestic and international crisis. I am also very pleased we have not forgotten our equally important responsibility of improving the quality of life of our military personnel. The current defense budget includes significant commitments to military salaries, health care, housing allowances and housing construction opportunities. We need to assure our military that as we continue to support their readiness capabilities, we remember the personal well being of the men and women in uniform as well as their families.

While I am supporting passage of this authorization, I am particularly concerned that we are placing too high an emphasis on an untested and unproven method of defense. Specifically, I am opposed to provisions in this bill that authorize an increase in funding for national missile defense. By moving forward with a costly national missile defense system, we are investing billions of scarce federal dollars in an unproven and dangerous scheme. Deployment and testing of the proposed missile defense system will jeopardize our obligations under the Anti-Ballistic Missile Treaty that has served our nation and the world well for nearly three decades. In addition, evident by the recent attacks on our country, we must consider the possibility that an anti-missile system completely fails to address one of our most serious threats of attack the introduction of chemical, biological or nuclear weapons by non-state actors through as pedestrian means. The proposed missile defense system not only does not make our nation more secure, it diverts resources away from the very real human investments needed to keep our military, intelligence agencies and domestic security agencies strong.

Before we add billions of additional dollars to untested and unproven programs that destabilize relationships with allies and undermine our treaty obligations, let's use this appropriation to focus on strengthening our home security and providing our citizens with the appropriate resources necessary to ensure the events of September 11th never happen again on American soil.

Mr. ABERCROMBIE. Madam Chairman, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2002, and urge my colleagues to support this important measure.

This year, we lost two great friends on the House Armed Services Committee, our former Chairman, Floyd Spence from South Carolina, and Norm Sisisky from Virginia. Both of these men dedicated the majority of their time here in Congress to ensuring the defense of our Nation, and they are deeply missed on the Committee and in this Congress. Their tremendous contributions to our national defense serve an as example to this Congress as we look to strengthen our military and continue to improve living and working conditions for our men and women in uniform.

I would like to recognize Chairman Stump and Ranking Member Skelton for their astute leadership of this Committee and for the bipartisan manner in which they have crafted a bill to address the immediate needs of our Armed Forces. In the venerable tradition of the Armed Services Committee, these gentlemen have worked side by side, across party lines, to provide our military with the means to defend our Nation.

I would also like to commend my good friend and colleague, Jim Saxton, Chairman of the Military Installations and Facilities Subcommittee, whom I have been so fortunate to work closely with, both on Armed Services and the Resources Committees. His sincere concern for the quality of life of our troops, as well as his truly bipartisan, cooperative leadership, have guaranteed an equitable bill that directly answers the pressing needs of our military infrastructure.

Finally, I would like to thank the Committee staff for their tireless work and invaluable expertise. I would especially like to thank the Military Installations and Facilities Subcommittee professional staff, George Withers and Phil Grone, who is leaving the Committee to serve as an Administration official at the Pentagon.

As Ranking Member of the Military Installations and Facilities Subcommittee, I am particularly proud of the remarkable boost this bill will give to our military housing and infrastructure. The Military Construction provisions build upon a healthy budget proposed by the President, and I am gratified to see that when it comes to taking care of our service members and their families, we are all unified in opinion. Our people, and their living and working conditions, must continue to be our number one priority.

The unspeakable events of September 11, 2001, should not alter our commitment to quality of life initiatives. Five carrier battlegroups are currently underway, preparing for potential offensive operations. The President has authorized mobilization of up to 50,000 Ready Reservists. Now more than ever, it is imperative that we show our appreciation for those who volunteer to go in harm's way. Even in light of extreme uncertainty about the future, these young men and women pledge to support and defend American democracy, both at home and abroad. We owe it to them, and to their families, to keep our promise of increased safety and morale in the home and in the workplace.

This bill does just that. It authorizes $10.3 billion for construction and renovation of critical infrastructure and family housing, approximately $350 million more than the Administration's request. Our bill includes $1.2 billion to build 51 new barracks and dormitories for single and unaccompanied service personnel. Often, our junior, single soldiers, sailors, airmen, and marines get overlooked in the rush to raise the standards on quality of life. This Committee has taken substantive steps to remedy this inequity, through improved living accommodations and a significant pay raise. The bill authorizes $1.1 billion for new construction and modernization of 6,800 family housing units—a down payment on our commitment to eradicate deteriorating, World War II-era living conditions. It also makes permanent the authorities in the Military Housing Privatization Initiative that use private sector expertise and capital to accelerate improvement of government-owned housing and help eliminate a serious shortage of quality affordable housing. Of special note, the Committee has responded to the concerns of our modern military families by recommending $36.2 million for six child development centers—a critical need for couples who both work as well as single parents.

Our achievements in Military Construction will be an ongoing effort aimed at providing quality living and working facilities for our entire military family, stationed at home and overseas. I know that under Mr. SAXTON's excellent stewardship, the Subcommittee on Military Installations and Facilities will continue to focus on raising the living and working standards for our Armed Forces. They have volunteered to protect our freedom. Now we must protect them by building safe, modern facilities for the 21st century military.

Again, I urge my colleagues to support this measure.

Mr. ACEVEDO-VILÁ. Madam Chairman, Puerto Ricans will continue to support this great nation and President George W. Bush in efforts to fight against the horrific elements of terrorism. Let no one question our commitment. Governor Calderón and I have reached out to support those directly impacted by the cowardly acts on September 11, 2001. Some 800 Puerto Ricans died that day. We stand in steadfast support of efforts to realize justice and to heal the many wounds inflicted on America. I am concerned however about language contained in the Chairman's mark that would, if enacted, alter the commitment of the Navy to find sufficient alternative training grounds to Vieques by May 1, 2003. I am also concerned about how this change in policy will be received in Puerto Rico should it become law. We reaffirm our support of President Bush's position that there is no need for another referendum and that the Navy depart Vieques on or before May 1, 2003.

Furthermore, since Navy Secretary Gordon England stated in this letter dated September 24, 2001, to Senate Armed Services Committee Chairman LEVIN that the Navy would meet its goal of May 1, 2003, there is no need to change the existing commitment. Such a change would create confusion and distrust in Vieques. We do not need that at this time of national unity.

I want my colleagues to appreciate how committed Puerto Ricans are to our national defense. All the recruitment goals of the armed services have been surpassed in Puerto Rico over the last four years. Even as the divisive issue surrounding Vieques continues to be at the forefront of our conscience, young Puerto Ricans enlist to serve our nation in numbers that increase year after year and exceed recruiting goals of our armed services, including the Navy.

Furthermore, Congress should remember that in 1990, then President George Bush issued an executive order that called for the immediate cessation of bombing on Kaho'olawe, Hawaii. President Bush, despite protestations from the Navy that mirror those used today concerning Vieques, signed the executive order on the eve of the Gulf War.

Puerto Rico's support to this nation is unconditional. However, I believe that the Administration can still meet the commitment to find alternatives to Vieques by May 1, 2003.

Mrs. TAUSCHER. Madam Chairman, I would like to lend my strong support for Mr. STUMP's manager's amendment to the Defense authorization bill. This important provision adds $10,000,000 to the National Nuclear Security Agency (NNSA)'s vital defense nuclear nonproliferation activities.

The tragic events of September 11 and repeated incidents of groups trying to purchase unsecured Russian nuclear material, demonstrate in no uncertain terms that groups hostile to the United States may seek to cause wide-scale destruction to our nation using weapons of mass destruction.

The increased funding in Mr. STUMP's amendment will enable the NNSA to continue to develop technologies to detect weapons of mass destruction, from a small nuclear device concealed in a ship's cargo-hold to anthrax spores hidden in a suitcase. These threats are elusive and hard to counter, but our national laboratories, through the NNSA, are working on critical technologies to make our nation less vulnerable.

Madam Chairman, I remain concerned that the overall defense authorization bill does not restore the President's cuts to the Department of Energy's vital non-proliferation activities. These programs are instrumental in downsizing Russia's aging nuclear weapons complex, accounting for and securing Russia's nuclear material, and preventing the outflow from Russia of nuclear weapons expertise.

I am pleased, however, that Mr. STUMP's amendment takes a step toward improving our ability to counter the threat of weapons of mass destruction and I will work in conference to fully restore the funding to this year's level. I strongly encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mrs. BIGGERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2586) 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, pursuant to House Resolution 246, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2586 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

Strike section 331.

At the end of title III, insert the text of subtitle G of title III (Service Contracting Reform) of the bill, as reported (page 71, line 12, through page 81, line 15).

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, let me start by saying, if this motion is adopted, we will immediately vote on final passage without further delay. It is reported back forthwith or immediately back to the House. So we will vote on final passage immediately following this vote no matter what the outcome of this vote is on the motion to recommit.

The motion to recommit simply reinstates the original provision on the question of service contracting processes that was adopted on a bipartisan basis in the Committee on Armed Services.

The motion to recommit will make the service contracting process at the Department of Defense more fair to Federal employees and more accountable to taxpayers. It will save an enormous amount of taxpayer dollars.

Right now, Mr. Speaker, less than 1 percent of defense contracts allow Federal employees a chance to openly compete for their work before it goes to the private sector. Less than 1 percent. That is not fair. When given a chance to compete, Federal employees actually win 60 percent of the contracts. Why? Because they do a great job, and they do it for less money. It is as simple as that, Mr. Speaker.

Too often what happens at our bases, and those of you who have facilities know this, private contractors get the work, they fail to do the job; and then when the Federal Government has to take over, the employees are gone. Their work experience is gone. Competition for defense contracts can reduce costs and give workers a chance to compete for their jobs before they are contracted out.

This would not prevent the Department of Defense from contracting out as long as it is done fairly. DOD is given the maximum flexibility and can waive the requirement if it is threatened by national security.

This motion to recommit is a win for the Department of Defense, a win for Federal employees, and I think a win for the taxpayers.

Mr. Speaker, I just want to reiterate again, it is like voting on an amendment. It will be brought back forthwith whether it passes or does not pass. It is a good amendment for Federal employees, for saving tax dollars and to make sure we have competition in this sector.

Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, if a military base is deciding whether or not to contract out car washing at that military base, this amendment says before they can make that decision to take those jobs away from public employees, they must give those public employees a fair chance to compete for and win the contract.

Mr. Speaker, the record shows that privatization is often a failure. It means lower quality at a higher price. It means taking jobs away from people with benefits and giving them to people without benefits for private profit. But this motion is not anti-privatization. It is pro-competition and it is pro-taxpayer and it is pro-Department of Defense.

Mr. Speaker, I would urge a vote in favor of the motion to recommit.

Mr. BONIOR. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I rise in support of this motion to recommit. I am a strong supporter of the contracting community. I have a very vibrant contracting community in my district. They perform an invaluable service for the defense of this Nation, in my case, for the United States Navy.

The gentleman from Michigan (Mr. BONIOR) and the gentleman from New Jersey (Mr. ANDREWS) have stated it well. What we want is we want a competition which will produce the best product for the best price. What this amendment that the gentleman from Michigan (Mr. BONIOR) is adding simply says that in the competition we will not exclude Federal employees who were doing the job now. If they lose that competition, the job will be contracted out as it ought to be.

On the other hand, if they win the competition, and the competition shows that the Federal employees can do it cheaper and better, then it ought to be done in-house because that is what the taxpayer would want.

I think that is good for America. I frankly think it is good in the final analysis for contractors, and it clearly is fair to our Federal employees.

Mr. Speaker, I thank the gentleman for yielding me this time in support of the motion to recommit.

Mr. BONIOR. Finally, Mr. Speaker, let me say that basically what we are saying to Federal employees is, we will not take your job away without letting you make your case. Then we will decide based on your opportunity to make your case. That is all this does. It is fair. It is supported on a bipartisan basis in committee. As I said, it will not kill this bill or send it back to committee. It will come forthwith back to the House. I hope Members will vote for it.

The SPEAKER pro tempore. The gentleman from Arizona (Mr. STUMP) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have served on the Committee on Armed Services for 15 years, and I love that committee because we are a bipartisan committee. I have as much respect for the gentleman from Missouri (Mr. SKELTON) as the gentleman from Arizona (Mr. STUMP) because the two gentlemen work in concert on every issue.

We have had a bipartisan approach under Floyd Spence, under Ron Dellums, and under Les Aspin. We have worked together to reach compromises that may not be what we want at the time, but in the end worked to the best interest of our military and our personnel. We worked out our differences.

The amendment my colleague seeks to offer today was offered identically by the gentleman from Hawaii (Mr. ABERCROMBIE) in the committee. The amendment has some problems. Despite what my colleague has said, the Pentagon has estimated it will cost $100 million a year to implement this.

Despite what my colleague has said, it will require us to establish a new classification system that will require every private contractor to open their records, and we do not even know what it will look like.

My colleague knows that I am a friend of labor. I have been with my colleagues on that side of the aisle on some key labor issues. I do not want anyone thinking I am not in favor of equal competition for workers.

Mr. Speaker, what bothers me about this motion to recommit is we sat down, the gentleman from Missouri (Mr. SKELTON), the gentleman from Arizona (Mr. STUMP), the chairmen of the subcommittees, the ranking members from the other side of the aisle, we worked out a good-faith agreement.

Mr. Speaker, my colleagues will notice the gentleman from Hawaii (Mr. ABERCROMBIE) is not offering this amendment. The gentleman from Hawaii (Mr. ABERCROMBIE) told me on the way over that the gentleman did not even talk to the gentleman from Hawaii (Mr. ABERCROMBIE) about this amendment.

My friend and my colleague on the other side knows full well that we reached an agreement to solve a problem that the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Texas (Mr. ORTIZ), the gentleman from New York (Mr. MCHUGH), and the gentleman from North Carolina (Mr. JONES) raised that I agree with; but this is not the solution.

This Congress 1 year ago in our defense authorization bill with a bipartisan vote established a task force, which organized labor has a member of that, will report back in March on a plan to correct the A–76 process.

My amendment that we offered with the support of the gentleman from Hawaii (Mr. ABERCROMBIE) in the en bloc amendment puts a moratorium of 50 percent of all A–76 work through that time.

We also require that there must be a 10 percent threshold met. It was a good-faith compromise that the administration reluctantly accepted.

Now my colleague comes up on the final vote, without consulting with the members of the leadership of his own party on the committee, and seeks to undo the bipartisan spirit of trying to resolve the A–76 process which I agree needs to be changed and modified. This is not, in my opinion, a good-faith effort on behalf of working people.

This is a chance to perhaps have Members of the other side score points when we had a good-faith agreement with the leadership on the other side of the aisle on the committee, a unanimous agreement to move forward and resolve this problem.

I ask my friends and colleagues to follow the request of the leadership of this committee, the leadership of the gentleman from Arizona (Mr. STUMP), the leadership of the gentleman from Texas (Mr. ORTIZ), the leadership of the gentleman from Hawaii (Mr. ABERCROMBIE), the leadership of the gentleman from North Carolina (Mr. JONES), and the other Members on both sides of the aisle and allow us to enact this bill and reject this amendment and do the right thing for the military in this country and move on to resolve the problems with the A–76 process.

Ms. WATERS. Mr. Speaker, I rise today to express my disappointment that the Ambercrombie language is not included in the Defense Authorization bill, and I support the motion to recommit so that it may be restored.

Representative Abercrombie's amendment was an effort to ensure that the most knowledgeable and experienced individuals are contracted with to do the work for the Department of Defense. And his amendment was adopted in Committee by a bipartisan majority.

But what the other side wants to do is contract out these projects which does not guarantee the best workers for the job, it does not guarantee that the work will be done at a lower cost. All it does is jeopardize the jobs of thousands of federal employees and put the lives of Defense employees on the line.

The language was intended to place Federal employees on equal footing as private contractors.

It does not say that the Federal government cannot contract out but rather that the best people must be employed to do the job. The government must look at all the options.

The recent events have illustrated that our federal employees are constantly on the front line. We should be doing everything possible to protect them and their jobs.

I urge that my colleagues support the motion to recommit.

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

PARLIAMENTARY INQUIRIES

Mr. BONIOR. Mr. Speaker, is there a way to respond to the gentleman from Pennsylvania?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BONIOR. Mr. Speaker, is there a way to respond to the gentleman from Pennsylvania, who has made allegations and has thrown names around in this House before this vote? Is there a way to respond to the inaccurate statements of the gentleman from Pennsylvania with respect to the leadership of my own party here on the committee?

The SPEAKER pro tempore. All time for debate has expired.

Mr. LANTOS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LANTOS. Mr. Speaker, is it proper for a Member to question the good faith of a colleague? It is fine to disagree with his position, but the good faith of the gentleman from Michigan (Mr. BONIOR) was questioned, which I think is outrageous.

The SPEAKER pro tempore. The Chair cannot rule on the words. The words were not taken down.

Mr. LANTOS. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman's request for the words to be taken down is not timely.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—ayes 197, noes 221, not voting 12, as follows:

[Roll No. 358]

AYES—197

Ackerman	Barcia	Bishop
Allen	Barrett	Blagojevich
Andrews	Becerra	Blumenauer
Baca	Bentsen	Bonior
Baird	Berkley	Borski
Baldacci	Berman	Boswell
Baldwin	Berry	Boucher

Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

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

NOT VOTING—12

Engel
McInnis
Meeks (NY)
Nadler
Peterson (MN)
Peterson (PA)
Rush
Serrano
Towns
Velazquez
Visclosky
Watson (CA)

□ 2031

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 17, not voting 15, as follows:

[Roll No. 359]

AYES—398

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner

Udall (CO)	Watt (NC)	Wicker
Udall (NM)	Watts (OK)	Wilson
Upton	Waxman	Wolf
Vitter	Weiner	Wu
Walden	Weldon (FL)	Wynn
Walsh	Weldon (PA)	Young (AK)
Wamp	Weller	Young (FL)
Waters	Wexler	
Watkins (OK)	Whitfield	

NOES—17

Blumenauer	Lee	Paul
Conyers	McDermott	Schakowsky
Eshoo	McKinney	Stark
Filner	Miller, George	Tierney
Frank	Olver	Woolsey
Jackson (IL)	Owens	

NOT VOTING—15

Berman	Meeks (NY)	Serrano
Cubin	Nadler	Towns
Engel	Peterson (MN)	Velazquez
Gallegly	Peterson (PA)	Visclosky
McInnis	Rush	Watson (CA)

□ 2042

Mr. GREEN of Texas changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. STUMP. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2586, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the bill.

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

There was no objection.

ADJOURNMENT FROM WEDNESDAY, SEPTEMBER 26, 2001, TO FRIDAY, SEPTEMBER 28, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, September 26, 2001, it adjourn to meet at 10 a.m. on Friday, September 28, 2001.

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

There was no objection.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 28, 2001, TO TUESDAY, OCTOBER 2, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 28, it adjourn to meet at 12:30 p.m. on Tuesday, October 2, 2001, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, OCTOBER 3, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 3, 2001.

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

There was no objection.

PREPARING OUR MILITARY TO FIGHT THE WAR OF TODAY

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, during the debate of the Stump-Skelton amendment regarding missile defense, I did not have the opportunity to submit my statement; and I believe with the vote cast today it is extremely important to acknowledge that we are in a crisis.

We do need to fund our military and ensure that our men and women are prepared, but I still believe that the missile defense funding is excessive and unnecessary. I, frankly, believe that we have a new war and a new day, but we need to use those dollars to prepare our military and to prepare us with the resources that we need and to be able to use those dollars to be able to really attack terrorism where it is.

I think it is important to provide more dollars for FEMA. I think it is important to provide more dollars for our senior citizens, our veterans; and yes, I believe in a strong defense, as evidenced by my just recent vote.

But I ask the President, I ask the administration, to clearly rethink the investment in missile defense. Let us invest more in our military in terms of its preparedness, so we can fight the war of today.

□ 2045

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

(Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LOSS OF NORTHWEST ALLOYS CREATES VOID FOR WASHINGTON STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise today to honor the workers of Northwest Alloys, a company located in Addy, Washington, in the north part of the Fifth Congressional District. Since beginning operations in 1975, Northwest Alloys has become the largest private sector employer in Stevens County. It employs about 350 people. These are good people with good paying jobs and a wide variety of families that support the community of Addy and Stevens County, Washington.

The void that the absence of this company will leave in our communities is immeasurable, because they have supported our schools, they have supported youth activities, community activities, and provided a great resource for northeast Washington State.

The plant at Northwest Alloys in Addy, Washington, is only one of two magnesium smelters in the entire United States, and Northwest Alloys has had a sterling reputation ever since it has been in business over the years. It received OSHA's Voluntary Protection Plan Merit Status one year ago for a comprehensive evaluation of its safety processes and performance. The company recently received Star Status, the highest level of achievement within OSHA's Voluntary Protection Plan, making it one of only three manufacturing locations to do so in Washington State. Safety was their code word, their standard. They worked very, very hard to have a safe manufacturing plant of magnesium.

So I am deeply saddened by the events that have lead to the closure of Northwest Alloys and the impact the closure is having on families and the communities surrounding this facility in our State. But I also remain hopeful that new opportunities will arise out of such adversity. The reason the plant is closing in large measure is because countries like China and Russia have flooded the market with magnesium, and that has put tremendous pressure on community operations like that which is located in Addy in Northwest Alloys.

The employees have been remarkably upbeat; and under the leadership of Jerry Turnbow, they have worked against incredible odds, considering the market situation, production, and energy conditions. They have been fighting a battle to try to get low-cost energy to run this plant, and they worked in a very cost-effective way to have a safe work environment.

Their commitment to our communities in the Fifth Congressional District has been a blessing. It will be sorely missed. I will be there this week to pay tribute as they close the plant and finish their job operations this Friday and to wish them well and all of God's blessings as they move on in life; and we will do everything we can at the Federal level to assist them in their next steps along the way.

EXPRESSING WHOLEHEARTED GRATITUDE AND PRIDE FOR OUR BRAVE AND HEROIC EMERGENCY PERSONNEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, on September 11, the world watched in horror as the primary symbols of our Nation's strength and prosperity were attacked. There is an aching in our hearts as we mourn for the senseless loss of life, and we share the grief of the victims' families, friends, and coworkers.

As the list of casualties from the World Trade Towers, from the Pentagon, and from Pennsylvania grows to 6,500, it is frightening to imagine that the toll would have been higher, even higher, were it not for the extraordinary courage and valor exhibited by our firefighters, police officers, and emergency rescue workers. For this reason I rise today to pay homage to all emergency service personnel, but particularly to the brave and heroic men and women of the Arlington County, City of Alexandria, and Fairfax County Fire and Rescue Department and Police Department. These, along with the Federal firefighters at Fort Myer, are the emergency service personnel who first responded to the attack on the Pentagon.

If there is one thing that distinguishes firefighters from the rest of us, it is that they are trained to run toward a blaze while the rest of us run away from it. Every day, these men and women face risks and challenges that few of us can relate to. With little regard for their own safety and well-being, these firefighters responded within minutes after the attack to the Pentagon. The Arlington County Fire Department and Police Department, which have primary responsibility for first response at the Pentagon, were among the first emergency teams to arrive at the scene of the plane crash.

Firefighters and emergency medical service personnel from Arlington and assisted by response teams from around the area courageously fought the flames, rescued victims trapped inside the building, and treated and transported the injured. A few days after the attack, I had the opportunity to tour the destruction site at the Pentagon. In the midst of the ruins and the lingering smoke, the firefighters were working around the clock to extinguish the blaze and continue with rescue and recovery efforts. Response teams from the entire D.C. area, including fire and rescue teams from Fort Myer, the Metropolitan Washington Airport Authority, the City of Alexandria, Fairfax County, and many localities are to be commended for their bravery and life-saving efforts.

Mr. Speaker, I would like to express my wholehearted gratitude toward these men and women who are responsible for saving so many lives. Together with the firefighters and police of New York City, they reminded all of us of what it means to exhibit courage and valor. It is with great pride and admiration that I rise today to honor these firefighters and rescue personnel for their commitment on behalf of our country.

I want to particularly commend Fire Chief Ed Plaugher of the Arlington County Fire Department and Police Chief Ed Flynn for their leadership during this terrible time in our community. The fire chief and police chief of Alexandria and those of Fairfax County also were able to command their forces with the kind of courage and immediate responsiveness that reflects their professional dedication, their selflessness and unwavering dedication which is an inspiration to all Americans.

Mr. Speaker, history will show that during a time of one of America's greatest tragedies, a heroic group of firefighters, police officers, emergency personnel, and volunteers from around the Washington Metropolitan area brought our community and our country immense pride and honor.

OUR ETERNAL GRATITUDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, it has been nearly 2 weeks since war came to New York City, Virginia, Pennsylvania, and America. These cowards have waged war not on our Army and Navy, but on ordinary men and women who were killed simply because they showed up for work.

This unspeakable tragedy has been New York's darkest hour, but it has also been its finest hour. We knew New York's bravest and finest would respond with great courage; but we did not know how many firefighters, police officers, and other rescue workers we would lose.

Last week, the gentleman from New York (Mr. FOSSELLA) and I introduced legislation honoring Mayor Giuliani for his leadership, the rescue workers, and the people of New York City for their courage, volunteerism and enduring spirit. Through their selfless attempts to save innocent people, hundreds of rescue workers and citizens made the ultimate sacrifice. We appreciate all that they have done.

We owe them our eternal gratitude.

Mr. Speaker, our city and country are mobilizing as never before.

The day after the terrorist attack at ground zero I saw not only the devastation but the determination in all New Yorkers and Americans to rescue, rebuild—and repay the terrorists in calculated, just, multi-national strikes at them and those who harbor them.

We're getting back to work to rebuild Lower Manhattan and to keep our economy strong.

From the bottom of my heart I thank my colleagues for their swift support for the $20 billion we've approved to rebuild.

I've never seen this Congress more united or more determined.

The airline bill passed last Friday was also a boon to New York.

It included funds to support the victims and their families. And it helped keep planes flying into New York.

Today we will make this airline initiative more comprehensive by passing legislation that supports airline workers who were laid off through no fault of their own.

The impact of this tragedy is being felt far beyond ground zero.

New York City's second largest industry is tourism.

Right now restaurants are empty. Hotel rooms are vacant and Broadway shows are closing.

Yesterday morning I met with Don Winter, a Chamber of Commerce President.

He said small businesses in particular are being devastated and that they pass under the radar screen of many relief efforts.

Last week to help address this problem and bring people back to New York Congressman REYNOLDS and I introduced the "I Love New York Tax Deduction Act".

For the next year it would allow individuals to deduct from their income taxes up to $500 and families up to $1,000 for spending money in NYC restaurants, lodging and entertainment outlets whether or not they itemize their taxes.

All Americans who want to help the relief effort would be eligible for this deduction. All they would have to do is come to New York and help our economy by enjoying all that our city has to offer.

Right now, tourism is patriotism.

3,000 New York City hotel workers have already lost their jobs.

The City's 300,000 food service workers are facing heavy layoffs.

Eleven current Broadway productions have closed.

I think it's important that we as a country remember both this tragedy and the extraordinary human response that is fundamentally American.

Even as the ground-zero cleanup continues I've been assured by Ken Holden, Commissioner of the New York City Department of Design and Construction, that fragments of shells of the Twin Towers which landed in the ground like daggers in our heart will be preserved for the purpose of creating a national monument. A reminder of the day our lives turned upside down. And how we have come together as a city and nation.

A NEW RELATIONSHIP WITH RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, tonight I rise to applaud those colleagues of ours who will join me tomorrow, equally divided between both sides of the aisle. Ten of our colleagues will join me as we travel to Moscow. The purpose of our trip is to lay the foundation for a new relationship with the Russian people and the Russian Government.

Over the past 2 months, we have worked out an in-depth assessment of a way to engage the Russian people. Not to pour massive amounts of American money into Russia, because that is not the answer, but ways to continue to support those efforts that are already underway by private foundations, by nonprofit groups, by academic institutions, and, in some cases, by governmental entities.

The document and the process that will be speaking to our Russian counterparts will include a new era of engaging Russia, the culture, the economy, the environment, justice and legal system, health care, science and technology, defense and security, agriculture, space, local government and energy.

Today, I had a chance to brief our colleagues on the other side of the Capitol in both parties, and the White House and the National Security Council as well. This new initiative is designed to create a new era of opportunity for us where Americans and Russians can work together. We will also be providing an opportunity for the Russian Parliament, the Duma, and the Federation Council to enact a piece of legislation that I will be introducing in the Congress, and they are identical, that calls for a joint task force on terrorism, a legislative task force that has Russian members of the Duma and the Federation Council working with Members of the Congress and the Senate, the House and the Senate. This will follow and support the efforts of our two Presidents. Our meetings will include senior leaders of the Duma, members of the Federation Council, the Minister of Interior for Russia, and members of President Putin's leadership in terms of security and foreign policy and the other major issues that we will be dealing with.

We will leave Moscow on Saturday and travel to Rome where we have planned meetings with the King of Afghanistan, who is in exile, and leaders of the opposition forces in that country. We will be extending our best wishes and our praise to the King as he attempts to reunify the people of that troubled country and to let him know that Americans do not have a problem with the Afghan people, that we want to be their friends.

We will leave Rome and travel on to Turkey where we will meet with the leadership of the Turkish Government, letting them know that we appreciate their support and solidarity with the U.S. and the allies, that we appreciate the work of the Turkish military, and that we appreciate their friendship during this troubled time.

I look forward to the trip. Our colleagues are giving up time that they could be home with their constituents. It is an important role they are playing to support our President in his effort to have a unified world in eradicating the terrorism that has done so much devastation here in this country in this past month.

So I thank our colleagues for being involved in this process. We will issue a report upon our return, giving the response by the various parties that we meet and making recommendations back to our colleagues about future actions.

□ 2100

TRIBUTE TO TED C. CONNELL, A PATRIOT AND TRUE PUBLIC SERVANT

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, on Sunday, September 16, Texas and the Nation lost a patriot and a true public servant, Mr. Ted C. Connell. My friend, our Nation's friend, passed away at his home in Killeen, Texas, after a courageous battle with cancer.

Ted Connell lived a life of service to others and to his beloved country. He was a World War II combat veteran, was elected Commander-in-Chief of the Veterans of Foreign Wars. He was a great friend of my political mentor, former Congressman Olin E. (Tiger) Teague, and he was a friend of President Lyndon Johnson and the Johnson family.

Ted Connell was born in 1924 in the small town of Hamlin, Texas, the fifth of ten sons. He dropped out of high school, but finished his diploma while serving in the U.S. Army field artillery on the island of Guam during World War II.

During his 30-month tour in the South Pacific with the 316th Tank Destroyer Battalion of the 98th Division, he also fought in Saipan, Tinian and Okinawa. He eventually rose to the rank of Lieutenant Colonel in the Army Reserve.

While on Okinawa, in one of the bloodiest battles of the war, Ted Connell rescued a young Marine who had been shot in the chest. He sat with his mortally wounded comrade for 3 hours, comforting him in the last moments of his life. When Ted returned to the United States, he traveled to the Marine's hometown in Colorado to tell his parents in person about their son's death.

That mission of comfort and solace opened a new chapter of service in Ted Connell's life. The Marine's father was heavily involved in veteran's affairs, and encouraged Ted, young Ted Connell, to do likewise.

He did just that, becoming active in his local VFW post, and rising to the leadership at the State and national levels, culminating with his election as national Commander-in-Chief of the VFW in 1960.

Ted Connell was a friend and confidante of President Lyndon Johnson, coordinating and advancing Presidential visits to Guam, Uruguay, Central America, South Vietnam, Australia, and Pakistan, and serving as an on-scene coordinator for a meeting with Pope Paul VI with the Vatican.

He served on several congressional and Presidential fact-finding missions, taking him to Vietnam five times, to Laos, Thailand, Malaysia, and Korea.

Ted Connell also served the State of Texas with great distinction as a member of the Texas Veterans Land Board, chairman of the Texas Veterans Commission, and as a member of the Sam Rayburn Foundation.

When his hometown of Killeen needed leadership, Ted Connell answered the call to duty once again, spearheading efforts to build the Lake Belton Dam, Central Texas College, and Metroplex Hospital, and to strengthen the U.S. Army's Fort Hood.

He served two terms as mayor of Killeen, was director and president of the Killeen Chamber of Commerce, the Industrial Foundation, a director of the Metroplex Hospital, and chairman of the hospital's building fund campaign.

Somewhere in all of this service to the public Ted Connell found time to operate his successful car dealership for 46 years, and to further leave his mark by bringing local airline service to his community. He opened an airline in 1965, eventually merging it with Hood Airlines and with Rio Airways. By 1974, Rio, serving small- and medium-sized cities in central, north, and south Texas, had become the seventh largest commuter airline in the country.

Fittingly, the Killeen City Council recently named the new passenger terminal at the about-to-be-completed,

over the next few years, Fort Hood-Killeen Joint-Use Airport in honor of this great veteran and community leader.

Ted Connell fought for his Nation, Mr. Speaker, in time of war, and served his community and country in time of peace. His indomitable optimism and love of country were quintessential American values. He represented the special spirit that makes me optimistic about our Nation's future.

As a businessman and community leader, Ted Connell worked tirelessly for jobs, prosperity, and opportunities for central Texans. His unparalleled record of public service and his enduring legacy to his community are matched only by his countless quiet acts of caring for those in need.

All those who knew or were the beneficiaries of Ted Connell and his humanity were enriched by his life and are diminished by his passing. Winston Churchill once said, ''We make a living by what we get, but we make a life by what we give.'' By that high measure, Ted Connell's life was a true success.

Mr. Speaker, if I could just finish with one story, at Ted Connell's funeral recently in Killeen, Texas, a friend of his, Gaylen Christy, told the story, in the last 2 years where he and Mr. Connell were sitting in a coffee shop, but this time Ted was a patient of chemotherapy.

Rather than worrying about his own concerns, he heard a middle-aged couple at a table nearby talking about their problems. Their son had just been assigned to Fort Hood, but recently thereafter was asked to go to serve his Nation in Bosnia as a helicopter mechanic.

Their problem was they did not know how to get their son's belongings to the airport in Austin to be freighted back to Pennsylvania to their home, and then to get their son's car back. Mr. Connell, having heard their concern over their son's matters, walked over to their table, gave them a card, and said, come talk to me at my car dealership and we will take care of your problem.

He proceeded to provide a driver and a car to take that son's belongings to Austin, Texas, and then provided a driver to drive their son's car back to Pennsylvania, and paid for that driver to fly back to Texas. When Mr. Connell made this offer to this great family, they responded to him by saying, ''Sir, we don't know how we can pay you back.'' Ted Connell's answer was, ''You have already paid me back by raising a son who was willing to serve his Nation in uniform.''

That was the man, Ted Connell. Our Nation will forever remember and be better for his spirit and public service.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

(Mrs. KELLY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AMERICA'S RESPONSE TO THE SEPTEMBER 11 ATTACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, Sunday was an important day in the United States as we come to terms with the senseless terrorist attacks of September 11. In a brief mourning ceremony at Camp David, President Bush watched as the U.S. flag was hoisted to a full staff for the first time in 12 days.

Later that afternoon, thousands of mourners gathered at Yankee Stadium in New York for a multi-faith event to remember their loved ones and all those lost in the terrorist attacks.

Our collective grief and confusion during the last 2 weeks have not waned and will likely remain with us for years. However, Sunday's two events remind all Americans of the strong foundation on which this Nation is built, and of the need to defend our citizens and principles from future threats.

Paramount among America's concerns following the attacks was the realization that terror could strike on our own soil. However, we cannot live in constant fear and hand a victory to the terrorists, so it is incumbent upon Congress to restore faith in national security. We need immediate action to enhance safety in airports and on planes by improving passenger and baggage screening procedures, strengthening airplane security features, and installing sky marshals on flights.

Additionally, we must identify other vulnerabilities in our infrastructure, and work to safeguard food and water supplies, financial institutions, electricity grids, energy production facilities, and transportation and communications networks.

Once we have improved any shortcomings in our infrastructure, we can enact fundamental reforms such as ensuring police departments, firefighters, rescue workers, health care systems, and local governments are prepared in the event of biological or chemical attacks.

The Rhode Island Disaster Initiative has served as a pioneer in developing a model disaster plan for every State in the Nation. I am proud of this initiative, and hope that it will play an integral role in developing national solutions to problems revealed on September 11.

Also, an investment in mental health services, whose importance is often overlooked in times of tragedies, would help Americans, especially children, deal with the trauma of witnessing violence and terrorism around the globe.

All of these efforts must be pursued in conjunction with a careful, coordinated counterterrorism program. The new Office of Homeland Security is an essential step towards preventing terrorism, and Congress must provide this office with the authority it needs to be effective.

By consolidating existing responsibilities from the 40 different agencies managing terrorism prevention, and by establishing information-sharing procedures with the FBI and CIA, the Office of Homeland Security can safeguard our lands, citizens, and facilities from future threats.

I also look forward to working with the administration on its request for increased authority to combat terrorism. As terrorists gain access to new technology, our law enforcement offices must be equipped to intercept and analyze these communications.

However, in our rush to action, any new authority Congress grants must be consistent with the civil liberties guaranteed in the Constitution and upheld by the courts.

Furthermore, we must focus on the true perpetrators of terrorist crimes, and condemn the unfounded targeting or harassment of innocent Americans because of their skin color, customs, or beliefs.

Mr. Speaker, we are just beginning to fathom the implications of the September 11 attacks. Yet, we may take comfort that our Nation's principles are still intact. The valiant and selfless efforts of emergency responders are to be commended. The generosity of those who have donated to relief efforts and the multifaith ceremony at Yankee Stadium all demonstrate that Americans of all backgrounds join in condemnation of terrorism.

For many years to come, when we look at our flag proudly waving at full staff, we will remember the victims of September 11, but we will also be reminded of the principles that make the United States a great Nation, and which we must always strive to preserve.

INTRODUCING H.R. 2953, LEGISLATION TO EXTEND SOCIAL HEALTH MAINTENANCE ORGANIZATIONS AND MAKE THEM PART OF MEDICARE+CHOICE PLANS PERMANENTLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today I introduced H.R. 2953, which is legislation to extend and make social health maintenance organizations a permanent part of Medicare+Choice. It is an important benefit option helping seniors maintain a healthy lifestyle longer in their own homes. As such, it represents a fiscally sound approach to managing our long-term health care needs in this country, and I urge all of my colleagues to support this important legislation.

I am fortunate to represent one of the four social HMOs that were approved as part of the initial Medicare demonstration project in 1985. This effort, called the Seniors Care Action Network, or SCAN, provides coordinated personal and health care to more

than 50,000 Medicare beneficiaries in Los Angeles, Orange, Riverside, and San Bernardino Counties in southern California.

The concept actually originated more than 20 years ago when a group of seniors in my district became frustrated with how difficult it was to get both personal care and health care services. The principle underlying SCAN is that some individuals, although relatively happy and healthy, may need some outside assistance to remain in their homes.

These extra services, in the case of SCAN, includes, among other things, transportation assistance, light housekeeping, prescription drug services, home health care, adult day care, and caregiver relief programs. By providing these services, SCAN expects to keep its seniors healthier longer, relieving the need for them to enter into more costly long-term care facilities.

Participants are not charged an extra fee for the coordinated care approach by SCAN. Instead, SCAN is reimbursed by the centers for Medicaid and Medicare services based on a formula that provides additional reimbursement for more seriously ill seniors, but a slightly smaller fee for healthier participants.

The demonstration project, first approved by Congress as part of the 1994 Deficit Reduction Act, has been revalidated by five subsequent acts of Congress. Unfortunately, only four demonstration sites exist now, which means that huge groups of seniors are denied coordinated care as a meaningful alternative to nursing home facilities.

It is time to expand the number of individuals who can benefit from this option by including the social HMOs as a permanent part of Medicare+Choice program. My legislation takes the necessary steps to realize this objective, and I urge all of my colleagues to join with me to pass this important bill.

FOREIGN INTERVENTIONISM

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, the last 2 weeks have been tough for all Americans. The best we can say is that the events have rallied the American spirit of shared love and generosity. Partisanship was put on hold as it well should have been. We now, as a free people, must deal with this tragedy in the best way possible. Punishment and prevention is mandatory.

We must not, however, sacrifice our liberties at the hand of an irrational urgency. Calm deliberation in our effort to restore normalcy is crucial. Cries for dropping nuclear bombs on an enemy not yet identified cannot possibly help in achieving this goal.

Mr. Speaker, I returned to Congress 5 years ago out of deep concern about our foreign policy of international interventionism and a monetary and fiscal policy, I believe, would lead to a financial and dollar crisis.

Over the past 5 years, I have frequently expressed my views on these issues and why I believe our policies should be changed. This deep concern prompted me to seek and receive seats on the Committee on Financial Services and the Committee on International Relations.

I sought to thwart some of the dangers I saw coming, but as the horrific attacks shows, these efforts were to no avail. As concerned as I was, the enormity of the two-pronged crisis that we now face came with a ferocity no one ever wanted to imagine. Now we must deal with what we have and do our best to restore our country to a more normal status.

I do not believe this can happen if we ignore the truth. We cannot close our eyes to the recent history that has brought us to this international crisis. We should guard against emotionally driven demands to kill many bystanders in an effort to liquidate our enemy. These efforts could well fail to punish the perpetrators while only expanding the war and making things worse by killing innocent noncombatants and further radicalizing Muslim people.

It is obviously no easy task to destroy an almost invisible ubiquitous enemy spread throughout the world without expanding the war or infringing on our liberties here at home. Above all else that is our mandate and our key constitutional responsibility, protecting liberty and providing for national security.

My strong belief is that in the past efforts in the U.S. Congress to do much more than this has diverted our attention and, hence, led to our neglect of these responsibilities. Following the September 11 disasters, a militant Islamic group in Pakistan held up a sign for all the world to see. It said: ''Americans, think! Why you are hated all over the world.'' We abhor the messenger, but we should not ignore the message.

Here at home we are told that the only reason for the suicidal mass killing we experienced on September 11 is that we are hated because we are free and prosperous. If these two conflicting views are not reconciled we cannot wisely fight nor win the war in which we now find ourselves. We must understand why the hatred is directed toward Americans and not any other Western country.

In studying history, I, as many others, have come to the conclusion that war is most often fought for economic reasons, but economic wars are driven by moral and emotional overtones. Our own revolution was fought to escape from the excessive taxation but was inspired and driven by our desire to protect our God-given right to liberty.

The War Between the States, fought primarily over tariffs, was nonetheless inspired by the abhorrence of slavery. It is this moral inspiration that drives people to suicidally fight to the death as so many Americans did between 1861 and 1865.

Both economic and moral causes of war must be understood. Ignoring the importance of each is dangerous. We should not casually ignore the root causes of our current fight nor pursue this fight by merely accepting the explanation that they terrorize us out of jealousy.

It has already been written that Islamic militants are fighting a holy war, a jihad. This drives them to commit acts that to us are beyond comprehension. It seems that they have no concern for economic issues since they have no regard even for their own lives, but an economic issue does exist in this war. It is oil.

When the conflict broke out between Iraq and Iran in the early 1980s, we helped to finance and arm Iraq and Saddam Hussein. At that time, Anwar Sadat of Egypt profoundly stated, ''This is the beginning of the war for oil.'' Our crisis today is part of this long-lasting war over oil.

Osama bin Laden, a wealthy man, left Saudi Arabia in 1979 to join American-sponsored so-called freedom fighters in Afghanistan. He received financial assistance, weapons and training from our CIA, just as his allies in Kosovo continue to receive the same from us today.

Unbelievably, to this day our foreign aid continues to flow into Afghanistan, even as we prepare to go to war against her. My suggestion is, not only should we stop this aid immediately, but we should never have started it in the first place.

It is during this time, bin Laden learned to practice terror tragically with money from the U.S. taxpayer, but it was not until 1991 during what we referred to as the Persian Gulf War that he turned fully against the United States. It was this war, said to protect our oil, that brought out the worst in him. Of course, it is not our oil. The oil, in fact, belongs to the Arabs and other Muslim Nations on the Persian gulf.

Our military presence in Saudi Arabia is what most Muslims believe to be a sacred violation of holy land. The continuous bombing and embargo of Iraq has intensified the hatred and contributed to more than a million deaths in Iraq. It is clear that protecting certain oil interests and our presence in the Persian Gulf helps drive this holy war.

Muslims see this as an invasion and domination by a foreign enemy which inspires radicalism. This is not new. This war, from their viewpoint, has been going on since the Crusades 1,000 years ago. We ignore this history at our own peril.

The radicals react as some Americans might react if China dominated the Gulf of Mexico and had air bases in Texas and Florida. Dominating the Persian Gulf is not a benign activity. It

has consequences. The attack on the U.S.S. *Cole* was a warning we ignored. Furthermore, our support for secular governments in the moderate Arab country is interpreted by the radicals as more American control over their region that they want.

There is no doubt that our policies that are seen by the radicals as favoring one faction over another in the long-lasting Middle East conflict adds to the distrust and hatred of America.

The hatred has been suppressed because we are a powerful economic and military force and wield a lot of influence. But this suppressed hatred is now becoming more visible. And we, as Americans, for the most part, are not even aware of how this could be. Americans have no animosity toward a people they hardly even know. Instead, our policies have been driven by the commercial interests of a few, and now the innocent suffer.

I am hopeful that shedding a light on the truth will be helpful in resolving this conflict in the very dangerous period that lies ahead. Without some understanding of the recent and past history of the Middle East and the Persian Gulf, we cannot expect to punish the evildoers without expanding the nightmare of hatred that is now sweeping the world. Punishing the evildoers is crucial. Restoring safety and security to our country is critical. Providing for a strong defense is essential. But extricating ourselves from a holy war that we do not understand is also necessary if we expect to achieve the above-mentioned goals.

Let us all hope and pray for guidance in our effort to restore the peace and tranquility we all desire. We did a poor job in providing the security that all Americans should expect, and this is our foremost responsibility. Some Members have been quick to point out the shortcomings of the FBI, the CIA, and the FAA, and to claim more money will rectify the situation. I am not so sure. Bureaucracies, by nature, are inefficient. The FBI and CIA records come up short. The FBI loses computers and guns and is careless with records. The CIA rarely provides timely intelligence. The FAA's idea of security against hijackers is asking all passengers who packed their bags.

The clamor now is to give more authority and money to these agencies. But remember, important industries like our chemical plants and refineries do not depend on government agencies for security. They build fences and hire guards with guns. The airlines have not been allowed to do the same thing. There was a time when airline pilots were allowed and did carry guns, and yet this has been prohibited by government regulations. If this responsibility had been left with the airlines to provide safety, they may well have had armed guards and pilots on the planes, just as our industrial sites have.

Privatizing the FAA, as other countries have, would also give airlines more leeway in providing security. My bill, H.R. 2896, should be passed immediately to clarify that the Federal Government will never place a prohibition on pilots being armed. We do not need more laws restricting our civil liberties, we need more freedom to defend ourselves.

We face an enormous task to restore the sense of security we have taken for granted for so long, but it can be done. Destroying the evildoers while extricating ourselves from this unholiest of wars is no small challenge. The job is somewhat like getting out of a pit filled with venomous snakes. The sooner we shoot the snakes that immediately threaten us, the sooner we can get safely away. If we are not careful, though, we will breed more snakes; and they will come out of every nook and cranny from around the world and little will be resolved.

It is no easy task, but before we fight, we had better be precise about whom we are fighting and how many there are and where they are hiding; or we will never know when the war is over and our goals are achieved. Without this knowledge, the war can go on for a long, long time. And the war for oil has already been going on for more than 20 years. To this point, our President and his administration has displayed the necessary deliberation. This is a positive change from unauthorized and ineffective retaliatory bombings in past years that only worsened various conflicts. If we cannot or will not define the enemy, the cost to fight such a war will be endless.

How many American troops are we prepared to lose? How much money are we prepared to spend? How many innocent civilians in our Nation and others are we willing to see killed? How many American civilians will be jeopardized? How much of our civil liberties are we prepared to give up? How much prosperity will we sacrifice?

The founders and authors of our Constitution provided an answer for the difficult task that we now face. When a precise declaration of war was impossible due to the vagueness of our enemy, the Congress was expected to take it upon themselves to direct the reprisal against an enemy not recognized as a government. In the early days, the concern was piracy on the high seas. Piracy was one of only three Federal crimes named in the original Constitution. Today, we have a new type of deadly piracy in the high sky over our country.

The solution the founders came up with under these circumstances was for Congress to grant letters of marque and reprisal. This puts the responsibility in the hands of Congress to direct the President to perform the task, with permission to use and reward private sources to carry out the task, such as the elimination of Osama bin Laden and his key supporters. This narrows targeting the enemy.

This effort would not preclude the President's other efforts to resolve the crisis but, if successful, would preclude a foolish invasion of a remote country with a forbidding terrain like Afghanistan, a country that no foreign power has ever successfully conquered throughout all of history. Lives could be saved, billions of dollars could be saved, and escalation due to needless and senseless killing could be prevented.

□ 2130

Mr. Speaker, we must seriously consider this option. This answer is a world apart from the potential disaster of launching nuclear weapons or endless bombing of an unseen enemy. Marque and reprisal demands the enemy be seen and precisely targeted with minimal danger to others. It should be considered, and for various reasons, is far superior to any effort that could be carried out by the CIA.

We must not sacrifice the civil liberties that generations of Americans have enjoyed and fought for over the past 225 years. Unwise decisions in response to the terror inflicted on us may well fail to destroy our enemy, while undermining our liberties here at home. That will not be a victory worth celebrating.

The wise use of marque and reprisal could negate the need to undermine the privacy and rights of our citizens. As we work through this civil task, let us resist the temptation to invoke the most authoritarian of all notions that not too many years ago tore this Nation apart, the military draft.

The country is now unified against the enemy. The military draft does nothing to contribute to unity, nor as the Pentagon again has confirmed, does it promote an efficient military.

Precise identification of all travelers on our air flights is a desired goal. A national ID issued by the Federal Government would prove to be disastrous to our civil liberties and should not be considered. This type of surveillance power should never be given to an intrusive, overbearing government no matter how well intentioned the motives.

The same result can be better achieved by the marketplace. Passenger IDs voluntarily issued by the airlines could be counterfeit-proof, and loss or theft of an ID could be immediately reported to the proper authorities. An ID, fingerprints, birth certificates, or any other information can be required without any violations of anyone's personal liberty.

This delicate information would not be placed in the hands of the Government agents, but could be made available to law enforcement officers, like any other information obtained with probable cause in a search warrant.

The heat of the moment has prompted calls by some of our officials for great sacrifice of our liberties and privacy. This poses great danger to our way of life and will provide little help in dealing with our enemies.

Efforts of this sort will only punish the innocent and have no effect on a

would-be terrorist. We should be careful not to do something just to do something, even something harmful.

Mr. Speaker, I fear that some big mistakes could be made in pursuit of our enemies if we do not proceed with great caution, wisdom, and deliberation. Action is necessary. Inaction is unacceptable.

No doubt others recognize the difficulties in targeting such an elusive enemy. This is why the principle behind the marque and reprisal must be given serious consideration. In retaliation, an unintended consequence of a policy of wanton destruction without benefit to our cause could result in the overthrow of moderate Arab nations by the radicals that support bin Laden. This will not serve our interests and will surely exacerbate the threat to all Americans.

As we search for a solution to the mess we are in, it behooves us to look at how John F. Kennedy handled the Cuban crisis in 1962. Personally, that crisis led to a 5-year tour in the U.S. Air Force for me. As horrible and dangerous as the present crisis is, those of us that held our breath during some very tense moments that October realized we were on the brink of a worldwide nuclear holocaust.

That crisis represented the greatest potential danger to the world in all of human history. President Kennedy held firm and stood up to the Soviets as he should have and the confrontation was resolved. What was not known at the time was the reassessment of our foreign policy that placed nuclear missiles in the Soviet's back yard in Turkey. These missiles were quietly removed a few months later, and the world became a safer place in which to live. Eventually we won the Cold War without starting World War III.

Our enemy today, as formidable as he is, cannot compare to the armed might of the Soviet Union in the fall of 1962. Wisdom and caution on Kennedy's part in dealing with the crisis was indeed a profile in courage. But his courage was not only in his standing up to the Soviets, but his willingness to reexamine our nuclear missile presence in Turkey which, if it had been known at the time, would have been condemned as an act of cowardice.

President Bush now has the challenge to do something equally courageous and wise. This is necessary if we expect to avert a catastrophic World War III. When the President asks for patience as he and his advisors deliberate seek a course of action, all Americans should surely heed this request.

Mr. Speaker, I support President Bush and voted for the authority and the money to carry out his responsibilities to defend this country. But the degree of death and destruction and chances of escalation must be carefully taken into consideration.

It is, though, only with sadness that I reflect on the support, the dollars, the troops, the weapons and training provided by U.S. taxpayers that are now being used against us. Logic should tell us that intervening in all the wars of the world has been detrimental to our own self-interest and should be reconsidered.

The efforts of a small minority in Congress to avoid this confrontation by voting for the foreign policy of George Washington, John Adams, and Thomas Jefferson and all the 19th century Presidents went unheeded.

The unwise policy of supporting so many militants who later became our armed enemies makes little sense, whether it is bin Laden or Saddam Hussein. A policy designed to protect America is wise and frugal, and hopefully it will once again be considered.

George Washington, as we all know, advised strongly, as he departed his Presidency, that we should avoid all entangling alliances with foreign nations.

The call for a noninterventionist policy over the past year has fallen on deaf ears. My suggestions made here today will probably meet the same fate. Yet, if truth is spoken, ignoring it will not negate it. In that case, something will be lost. But if something is said to be true and it is not and it is ignored, nothing is lost. My goal is to contribute to the truth and to the security of this Nation.

What I have said today is different from what is said and accepted in Washington as conventional wisdom, but it is not in conflict with our history and our Constitution. It is a policy that has, whenever tried, generated more peace and prosperity than any other policy for dealing with foreign affairs. The authors of the Constitution clearly understood this. Since the light of truth shines brightest in the darkness of evil and ignorance, we should all strive to shine that light.

EVERY WEAPON IN ARSENAL NEEDED TO DEFEAT TERRORISM

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, during my comments tonight, I will refer to one phrase that I think is important to place on the minds of the people of this country, and that phrase is this: ''The defense of the Nation starts with the defense of our borders.''

Mr. Speaker, we have begun a massive buildup of forces as a result of the events of September 11. Indeed, the President has issued a call for units of the National Guard to be activated. Troops are being dispatched, planes, ships, all over the world. The President has issued an executive order to restrict the flow of capital so that we will, hopefully, inhibit the ability of terrorists around the world in that particular capacity.

We have done a great deal to try to figure out how to make it more difficult for hijackers to take over planes. We have increased security at all of our airports. Recently, we ordered that even crop dusters would not be allowed to fly for fear that some sort of chemical agent might be introduced into the atmosphere. We have increased security around water facilities and power plants throughout the Nation for fear of some sort of, again, biological or chemical attack that might come in that direction.

We have, indeed, created a brand-new, or will create a brand-new, cabinet level agency for homeland defense that I hope will do what is desperately needed to be done, and that is to coordinate the activities of all of our agencies that are designed to provide some sort of defense for this Nation.

The President and the Secretary of State have been extremely successful up to this point in time in creating some sort of international coalition to help fight terrorism everywhere that it rears its ugly head. We have even talked about trying to tighten up on visas, visas that are given to people who might have backgrounds that are suspicious, have terrorist connections, not allow them to either enter the United States, or if they are here, to be held perhaps even indefinitely.

All of these things are good, and I totally support them. They are all important. We were told today by a general in the Israeli Army at a briefing that was available to any Member, it was not classified, but it was, indeed, a fascinating discussion. We were told about the Israeli experience in dealing with terrorists for now well over 2 or 3 decades.

Mr. Speaker, one of the things that this particular general said was that it is imperative that we think about terrorism as a phenomenon, as a system. What he meant by that is it is global in nature. It is not anything like we have ever dealt with before; and, of course, we have heard many, many people, including the President of the United States in his address to the Nation just last week in a very articulate and incredibly compelling address to the Nation say it is a brand-new world in a way, and a brand-new kind of war. The Israeli general that gave the briefing today was talking about the fact that low-intensity warfare, a minimum of power, it is not an appropriate approach.

Terrorism, he said, requires maximum power to be applied against it in order to be successful; and that because it is a systemic problem, you must treat it systematically or holistically, treat it in every way you can. Attack the problem every way you possibly can.

He suggested that we should look at terrorism as a cancer; and that just like any other cancer that invades the body, if it is attacked in a piecemeal way, even though several different kinds of approaches may be tried, it

will eventually gain control and overcome the body, the host body. Therefore, it must be attacked with every single thing in one's arsenal.

Mr. Speaker, the President said from that podium just a few nights ago essentially the same thing. He said, we will use every weapon in our arsenal to defeat terrorism. Every weapon in the arsenal.

□ 2145

I for one was heartened to hear that, because that is exactly what we are going to have to do.

I refer again, however, to the phrase that I opened these comments with, that the defense of the Nation begins with the defense of our borders. It begins with our ability, our desire, the necessity of defending our borders, of making sure that we as a Nation, to the greatest extent possible, are able to determine who comes into the United States and for how long and when they leave, and how many will come into the United States. This is what is referred to as an immigration policy. It is something we do not really have. It is something we have abandoned over the course of the last couple of decades.

And we have abandoned this policy, we have abandoned our borders, we have succumbed to the siren song of open borders, a phrase used so often by organizations like the Wall Street Journal and the Cato Institute and others, libertarians and liberals looking for votes from the massive number of immigrants that would come into the country and perhaps become part of a voting bloc that they could then take advantage of.

For all of these reasons, we have abandoned our borders for all intents and purposes. They do not really exist. No one believes that they are there in reality. They may be there on maps, but they are not there in reality, because if a border is important for determining who comes, how many and how long, then, of course, America is just this place on a map, not distinguishable by lines that separate it from any other country on the globe. That has been the desire of a great many people. Many industrialists, many members of the, quote, elitist establishment in this country, many of the biggest, the Fortune 500 companies, other individuals who employ cheap labor, illegal immigrants, because, of course, they can be hired cheaply, they can work cheaply, and they are frightened to turn their employers in for ill treatment, all of those people have formed a bloc over the course of the last couple of decades to destroy our borders.

And, Mr. Speaker, I suggest to you that one part of the result that we witnessed that came from this process, of the destruction of our borders, were the events of September 11. Every single person that we now know that was involved in the hijackings, in the suicide bombing, that is, turning the plane into a bomb and crashing it into the World Trade Center and the Pentagon and the other attempt that was made outside Pittsburgh, and I am told, I understand that now they believe that there were several other planes, there was a great possibility that the same thing had been planned but they were not, for whatever reason, able to accomplish it, thank God, accomplish their goals, but every one of the people that we know that were on those planes that took them over, that killed the airplane crew, members of the crew, that took over and crashed them, every one of them was here on some sort of visa or were here illegally, and even the ones that were here on visas, we are not really sure exactly what kind.

We have written now, my office and other Members have asked the INS for clarification about the status of each one of these people. They sent me back a list of the names of every single one of them and the status of only two, two, they said, that were here on visas, one with a visa that had expired, essentially illegally.

It is now my understanding that every one of them were here on some sort of visa, but many of them were, in fact, here illegally because they had overstayed their visa or they were not living up to the obligations of the visa. But we did not care. Or we did not know. Or if we knew, we simply paid no attention to that particular problem, because, Mr. Speaker, we do not pay attention to the fact that there are millions, I say millions, of people in the United States who are here illegally. You know it. I know it. Everyone hearing my words knows that there are millions of people in the United States who are here illegally.

Now, I do not for a moment suggest that the vast majority of those people, or even a small percentage factually are involved with terrorist activity or are people that we should be concerned about because of the threat to the Nation. At least not a direct threat to the Nation. But I do suggest to you that it is the philosophy, it is the attitude that we ignore millions of people here illegally, millions coming across the border illegally, that makes it impossible for us to then go back and say, well, but these folks, this particular group, maybe they are Middle Eastern by ethnicity and heritage and, therefore, we should watch them more carefully. Well, that is not going to happen. I mean, that is, of course, profiling. We would not ever want to do a thing like that. You cannot segregate out these particular portions of the population for a different kind of treatment.

If they are here illegally, they should be sent home. I do not care where they are from. It does not matter to me if they are from Mexico, or Egypt, or Lebanon, or Brazil, or Bolivia. It does not matter. It is of no consequence, the place of origination. The fact is they are here illegally and we as a Nation have a duty for the protection of our system of government, and, indeed, for our very lives, we have a duty to secure our borders, because, again, I will say, Mr. Speaker, that the defense of the Nation begins at our borders.

We can do all of the things that I have outlined at the beginning of this presentation, and I agree with every single one of them. You notice that I left to the end any discussion about tightening up on visas, because the only thing I have seen so far as part of the administration's proposal to deal with terrorism that deals specifically with the issue of immigration is this aspect of tightening up on visas.

Mr. Speaker, let me suggest to you that although I completely and totally support that particular provision, the horses are out of the barn at that point in time. The people are already here. The task we have ahead of us, the task we must face, is the one that would prevent them from getting here. It is defending our borders. It is defending the sovereignty of this Nation. That is what we seek.

Mr. Speaker, it has been many, many hours that I have spent almost right here, at various podiums on this floor, cajoling, arguing, using all of the effort that I can muster, any degree of articulation of the issue that I can possibly develop over the past several months, long before this event, by the way, of September 11, I have come to this floor and asked my colleagues to please join me in an attempt to make our borders secure. It has been a relatively lonely fight. I have been assailed by some of my colleagues.

I have certainly been assailed by members of the general public, e-mails and letters and calls and that sort of thing. I have been called a racist, I have been called xenophobic, I have been called a lot of things that I certainly do not want to repeat on the floor of the House. But I persist, Mr. Speaker, because I believe that this is one of the most important, one of the most significant issues with which this body can deal, and, that is, the determination of our own system of government, how long our system will survive. I really believe it has that kind of significance.

There are literally hundreds of reasons that I can bring forward to argue my case for lower immigration, for tightening our borders, for controlling our borders, I should say, for determining who comes in, and they certainly deal with just the simple issues of population growth, the pressure it puts on the infrastructure of the United States, of every community in the country, the costs that are involved, the economic costs involved, the cultural issues that come up when we balkanize America with different languages and different ideas about government and philosophies of life. All of those things we can confront. And I certainly have done so from this floor. But they all pale in comparison to the importance of this issue that was brought home to us all in the most stark of manners, in the most horrendous proof I can possibly offer.

What can I say, Mr. Speaker, what can I possibly say on the floor of this House that could ever compare in terms of encouragement to do something about the control of immigration? What can I say or do that could ever compare with the events of September 11?

Mr. Speaker, if that does not help my colleagues come to some conclusion about the need to do something about immigration, I do not know what else will. And there will still be libertarians who come to the floor as my dear friend did just before me here, the gentleman from Texas (Mr. PAUL), whom I respect immensely, on almost every issue I have been supportive of what he has tried to do, but I must admit I disagree with him wholeheartedly on the issue of, especially immigration controls and our policy now, the policy we should now adopt vis-a-vis the terrorists that reside in Afghanistan and, indeed, around the world.

But there will still be voices like the gentleman from Texas. There will still be voices like many of my colleagues on the other side tonight who fought against an amendment which, I might add, passed overwhelmingly, and which I was just amazed to see the number. It was an amendment by the gentleman from Ohio (Mr. TRAFICANT) that simply said that the Armed Forces of the United States could be employed, if requested by the Attorney General, could be employed in the protection of our borders.

Now, there were individuals who stood up and argued that, and there were 180, if I remember correctly, 180 some people who voted against it. Even in light of what has happened, 100 and some of our colleagues, I do not recall the exact number now, but well over 100 said, No, I don't think I would use the military on the border to protect our sovereignty, to protect our Nation.

And so you say to yourself, Mr. Speaker, my God, what does it take? What does it take? How many people in this country have to lose their lives before we come to the understanding that the defense of the Nation begins at the defense of our borders? All the other things we talk about are important, but, Mr. Speaker, nothing surpasses the importance of our borders and their integrity. That is why I will continue to raise this issue, as long as I have breath, anyway, and as long as I am a Member of this body, because I can think of nothing more important.

There are hundreds of issues with which I have been involved, I am confronted by them as you are, and every other Member of our body here every single day, important issues, and I say, I have got to do something about that, and we should do something about that. You want to go off in about 20 different directions, but always I am pulled back to this, always I am grounded in this particular issue, because everything begins to come back to it, everything I hope to accomplish for the Nation, everything I hope to add my voice in defense of depends upon our ability as a Nation to control our own destiny. And to control our own destiny, we must control our own borders.

It is a world, Mr. Speaker, that has changed so dramatically in so many ways. There are intellectuals, I think, perhaps I would refer to them as, a famous old reference to them, perhaps pseudo-intellectuals, effete snobs, there were a couple of other things that I can remember, people who pride themselves on talking about a brand new day dawning in the world, that it is really a world that should not be separated by borders, that there is really no purpose for borders anymore. Now, these things we did hear before September 11. I must admit, Mr. Speaker, I have not heard as much of that recently.

□ 2200

But we will begin as soon as things calm down a little bit. I assure you there will be; they will be out in force. They will be saying things like, we really do not need to defend our borders so much, so long as we go out there and we make sure we attack terrorism in other lands, that we root them out, as we have heard often. I am all for doing that, do not get me wrong. Draining the swamp, all those other things, absolutely need to be done. So they will suggest if we can just do that, somehow we do not have to have borders.

I refer back to now the presentation and the little briefing that we had today by this particular Israeli general, who again talked about the systemic approach to this; that you had to use every single thing in your arsenal. That it was not enough just to go out and find them, it had to be done, you will have to go outside of your borders and find the people who are trying to kill you, and you will have to kill them. You will have to disrupt their organization.

You will have to do all of that, Mr. Speaker, but you recognize, and we all recognize, the fact that Israel has another aspect of that core policy, that holistic approach, and that is they defend their borders. They defend their borders in every way they possibly can, using every kind of technology, low-tech and high-tech, barbed wire to electronic surveillance, they use it all to defend their borders.

Now, they have an easier task than we would have, it is true, a smaller land mass, a more homogenous population. All of those things are true. It does not, however, excuse us from the responsibility.

What more are we to do here? What else is more important for us, Mr. Speaker? Is it the Department of Health and Human Services? Is it the Department of Natural Resources? Is it the Department of Transportation? I know I would encourage you to think about that one, Mr. Speaker. Is it the variety of things we do out there, that this Federal Government does, that we spend hundreds of billions of dollars every single year doing? Are all of those things as important as the protection of the life and property of the citizens of this Nation?

No, sir. In my opinion, my humble opinion, they all pale in comparison. I mean from HHS-Labor, which is a thing we are going to be voting on here, and we will dump hundreds of billions of dollars on that thing to get it out the door, and it is more important, yes, even than the Department of Education. I know, there I have said it. The defense of the Nation, the security of the people of the Nation, yes, it is, Mr. Speaker, it is more important than all of the other things we do.

So I am not opposed to efforts to increase, in fact, I heartily support all efforts to increase the appropriations for our military. As I say, it is the most important thing we can do. But how can we ignore in that process, how can we ignore perhaps the most important aspect of that defense system? Where can we be expected to draw the line, so-to-speak, if it is not at our borders?

Mr. Speaker, one of our colleagues, a very respected Member of this body, the gentleman from Connecticut (Mr. SHAYS), he is also the chairman of one of the security committees of this Congress and has been a member of that committee for many years, and I respect his observations. And I have seen him now on television and I have heard him on the radio in the past couple of days, and he has stated unequivocally that it is not a matter of if we are ever going to be confronted by biological or chemical or even nuclear attack by terrorists; it is indeed, he says, a matter of when.

Mr. Speaker, we are well aware of the fact that many countries, several countries anyway, that have already demonstrated their mastery of this particular form of warfare, that is, biological and chemical especially, Iraq, I refer to specifically, as it has used this particular weapon, biological weapons, against its own people, the Kurds, killed many thousands of them a few years ago.

We know that there are governments out there that have perfected these particular weapons. We know that those governments harbor terrorists. We know that those governments provide succor to terrorists, provide support; not just physical support, not just a place to live and some food on the table, but support of every kind and variety.

What makes us think for a moment, Mr. Speaker, that they have not provided them, or at least are not willing to provide them, with these other agents to carry out their dastardly deeds?

Now, I do not know if the gentleman from Connecticut (Mr. SHAYS) is right or wrong when he says it is a matter of when, not a matter of if we are confronted with this. I can certainly say that the odds are that we will be in

some way, at some time, confronted with that kind of a situation.

I pray to God that it will not happen and that we will do everything in our power to make sure that it does not, and there are things we can do. That is the other side. That is the thing to think about. We should not dwell on the inevitability so much of this particular kind of terror, but we should dwell on our ability to stop it.

There are many things we can do, and certainly finding the terrorists out there, that is number one. But how can we suggest for a moment, even a second, how can it be in anyone's mind in this body, that as part of our defense against that next act of terrorism would not be the closure of our borders to anybody who is not well-known to us, anybody who we can determine is not a threat to this Nation's survival?

How can we not do it? If something were to happen, Mr. Speaker, of this nature, and, again, I pray to God, of course, that it never does, but if it does, and if we have done nothing to increase our ability to protect our borders, then there is culpability here, because this is not, as they say, rocket science.

I do not suggest for a moment, Mr. Speaker, that if we did everything we possibly could, if we put troops on the border, if we reduced immigration dramatically so we could actually get a handle on it for a while, if we tightened up on INS regulations, if we found out where all of the people in the United States who are here illegally are and sent them home, if we did all of that, I am not able, of course, to promise that we would make ourselves immune to or impervious to or unable to be attacked in the way we have suggested. All I know is it is something we have to do.

To those who suggest that there are other options open to us that do not include controlling our own borders, I just say this: perhaps there are others, perhaps in times past there were others who said, look, let us explain to the Vandals in ancient Rome, or the Huns, that there is no reason to be all that upset to us; we will open our borders to them and let them in and just discuss it with them. We will just peacefully deal with it, because, really they are just all members of the human race, you know? The Nazis, the Japanese militarists, you could go on and on and on.

There were people here who said, I am sure, not many, thank heavens, but people who suggested that there probably is some way we could have just negotiated our way out of and around the Second World War, and any other war with which we have been involved, because, after all, they are just people, just like us.

What are their needs? How are they different from us? There are still people who say that, and I suggest that it is almost irrational. People who suggest that we should not care about who comes across our borders are, to a certain extent, maybe to a large extent, irrational. Because I guarantee you this, Mr. Speaker: the American public, they do not feel that way. The vast majority of the American people believe in their heart of hearts in the very common sense idea of controlling our own borders; and they are not heartless, cruel people, who just hate foreigners. No, they all recognize that all of our roots are from someplace else. Even if you call yourself a Native American, your ancestors, how far back, came across a land bridge from Siberia, from Asia.

So all of us are immigrants. That is not the issue. The issue is will we be able to control who comes for how long and how many. Will we be able to do that? And the American people want us to do that.

There is only one way, of course, Mr. Speaker, that this body will ever move in the direction that we are hoping for tonight, even though there was a great sign that things may have changed tonight with that vote on the Traficant amendment to put troops on the borders. However, I am told that has passed before, it has always been taken out in the conference committee. Perhaps it is different tonight. Perhaps September 11 changed all of that. I certainly hope so.

I certainly hope that there were more people in this body who were voting for that amendment without the thought in mind that it would be taken out, and they could easily cast their vote and sort of cover their tracks. They say, well, I voted for it, but knowing in their heart of hearts it will probably be taken out in committee.

I hope there were not many like that in our body. I hope the 250-odd people who voted for it tonight did so because they know what we are saying here tonight, that it is the duty, the responsibility, of every Nation on the face of the Earth, including our own, to defend our borders, and that in our case, because of the geographic problems that we confront, it will require perhaps a far stronger force than we have available to us tonight in the INS, and it may in fact require the positioning of Armed Forces on our borders. That is, of course, what the Armed Forces are for, to defend our borders. It is not an inappropriate use, it is an absolutely logical use of our Armed Forces, because it is very difficult for us to patrol the length of our borders. I understand that.

Mr. Speaker, there was an op-ed that was written by a gentleman by the name of Mark Krikorian who is with an organization called the Center for Immigration Studies. I am going to enter it in the RECORD and read it tonight as my final statement, because I believe that it encapsulates so much of what it is I am trying to say here this evening.

It stays, ''As we consider our response to last week's horrific attacks, we must be careful not to seek scapegoats among foreigners who live among us. But if immigrants in general are not the problem, a broken immigration system almost certainly is partly to blame. While much attention has been focused on the failure of intelligence and airport security, it is also clear that we have failed to properly police our borders, borders being any place where foreign citizens enter the United States. It would be a grave error if we did not ask ourselves the fundamental question: How did these terrorists get in? Despite all the cant about globalization, borders are not irrelevant in today's world, nor are they unenforceable. In fact, the need to secure them is more pressing than ever, given ease of travel, coupled with very real terrorist threats. ''Most Americans understand that our border is not an obstacle to be overcome by travelers and businesses but, instead, a critical tool for protecting America's national interests. Unfortunately, much of America's elite does not get it.

''Most notorious among the cheerleaders for open borders have been libertarians such as the Cato Institute. The Wall Street Journal has frequently called for a 5-word amendment to the Constitution: 'There shall be open borders.' ''

□ 2215

I have not heard that recently from the Wall Street Journal. In fact, as an aside, I had a reporter from the Wall Street Journal call me the other day saying, has there been a change of attitude in Congress about immigration as a result of what has happened? I said, it is funny you should ask that question. I had exactly the same question for you. Has there been a change on the Wall Street Journal editorial board about immigration as a result of what happened on September 11? He just laughed and said, Well, you are not the first person to ask.

Back to Mr. Krikorian's op-ed: ''Even minimal borders to strengthen controls have been stymied. Congress in 1996 directed the Immigration and Naturalization Service to record arrivals and departures of foreigners at border crossings so as to identify people overstaying their visas. Business interests prompted Congress to postpone this requirement several times and ultimately to eliminate it.

''If we take the physical safety of our people seriously, we cannot continue to allow libertarian ideologues, immigration lawyers, cheap-labor business interests, and ethnic pressure groups to hobble our ability to manage our borders. What, then, is to be done?

''The Border Patrol, despite recent increases, remains almost laughably inadequate. At any given time, there are only about 1,700 agents patrolling the southern border, an average of less than 1 agent per mile, and the northern border is even less well defended.

''Establishing a computerized system to track entries and exits from the United States should not even be a subject of debate. There are no technological obstacles, merely a lack of will and funding. What is more, the practice

of requiring permanent residents who are not yet citizens to annually register their whereabouts with government, which was discontinued in the 1970s, should be revived.

''The State Department's visa officers overseas need to be recognized as 'America's other Border Patrol.' Visa officers often have only 2 or 3 minutes to consider an application, and are pressured to approve a high proportion of applicants to avoid offending the host country. The granting of visas should become a freestanding, well-funded function that people sign up for from the start, rather than today's dreaded right of passage for rookie Foreign Service officers.

''The very morning of the September 11 attack, the House was about to resurrect a provision called 245(i), which allows illegal aliens to receive green cards in the United States rather than in their home countries.

''Because personnel abroad are best equipped to screen applicants, 245(i) negates any efforts to keep out those judged to be ineligible.

''Finally, whatever one thinks about the level of immigration, a temporary reduction in legal immigration and the admission of temporary workers and students is essential to allow the overhaul of our immigration infrastructure.''

Did we hear that, Mr. Speaker? ''A temporary reduction in legal immigration,'' and I will say a pause in all immigration; I want a pause. I will soon be introducing a bill to that effect. A pause, at least a 6-month pause, in all immigration into the United States, except for special circumstances, maybe national defense-related issues. But other than that, let us stop it. Because we have an overhaul to do with our entire system. Let us let the Department, let us let our new Secretary for the Department of Homeland Defense determine how best to go back into the field and try to defend our borders. But let us call a pause or a halt to immigration for at least 6 months.

''Only by lightening the INS' load can the agency both process its huge backlog and strengthen border controls.

''Improved border and visa controls may not catch all malefactors, but it will help alert us to conspiracies such as last Tuesday's attacks. If only a dozen of the conspirators had been identified by consular officers during visa processing or border inspectors, it is very possible the entire conspiracy would have been unraveled. We have, of course, seen some home-grown terrorists as well, but there is no reason to neglect border control.

''We should not overreact by eviscerating constitutional rights, including those of Muslim Americans, but an overhaul of our lax border controls is precisely the kind of reasonable reform that would make future attacks less likely and does not represent any threat to the civil liberties of American citizens. Americans are going to have to wait in longer lines at airports, and it is not too much to ask people entering into the country to do the same.

''Moreover, more foreign citizens may be denied visas.''

''The measure of a successful immigration system is not how many people are allowed to enter and how fast, but rather whether the broad national interests of the United States are being served, including the safety of Americans.''

Mr. Krikorian is the executive director, as I say, for the Center for Immigration Studies here in Washington, D.C.; and I certainly commend his reading and his efforts, by the way, which I am sure one can go online and get. In fact, it is on here: http://www.cis.org. One can go on the Net and look into the Center for Immigration Studies and Work. They do great stuff.

And the other thing, of course, everyone must do, Mr. Speaker, is to let their representatives in this body and in the other body know how they feel. Believe it or not, Mr. Speaker, believe it or not, there are still people in this body who are opposed to immigration reform, even after September 11; and there is only one way they are ever going to change their mind. There is only one way they are ever going to see the light and that, of course, is when they feel the heat.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATSON of California (at the request of Mr. GEPHARDT) for today on account of illness.

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 Mrs. MALONEY of New York) to revise and extend their remarks and include extraneous material:

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:

Mr. NETHERCUTT, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2603. An act to implement the agreement establishing a United States-Jordan free trade area.

H.J. Res. 65. Joint resolution making continuing appropriations for the fiscal year 2002, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 25, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 2603. To implement the agreement establishing a United States-Jordan free trade area.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 26, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3839. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3840. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Government National Mortgage Association Mortgage-Backed Securities Program-Payments to Securityholders; Book-Entry Procedures [Docket No. FR–4629–F–02] (RIN: 2503–AA16) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3841. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendments for Testing and Monitoring Provision Removal of a Provision for Opacity Monitoring [FRL–7039–2] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3842. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Idaho: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7031–5] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3843. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Attainment for PM–10; Shoshone County (City of Pinehurst and Pinehurst Expansion Area)[Docket ID–01–003; FRL–7042–5] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3844. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District [CA 248–0288a; FRL–7028–7] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3845. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, El Dorado County Air Pollution Control District [CA 248–0288c; FRL–7028–9] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3846. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Programs; North Carolina, Mecklenburg County, and Western North Carolina [NC-T5–2001–02; FRL–7047–2] received August 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3847. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Senate Joint Resolution 23, to help ensure that the Congress is kept fully informed on actions taken to respond to the threat of terrorism; (H. Doc. No. 107—127); to the Committee on International Relations and ordered to be printed.

3848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Japanese Fisheries High School Training Vessel EHIME MARU Relocation and Crew Member Recovery, Pacific Ocean, South Shores of the Island of Oahu, HI [COTP Honolulu 01–054] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, New Jersey Pierhead Channel and Kill Van Kull [CGD01–01–118] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Oswego Harbor, Oswego, NY [CGD09–01–083] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Michigan, Grand Haven, MI [CGD09–01–067] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Naval Force Protection, Bath Iron Works, Kennebec River, Bath, Maine [CGD01–01–093] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, LMR mile 531.3 to 537, Vaucluse Trenchfill [COTP Memohis 01–007] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Naval Force Protection, Bath Iron Works, Bath, ME [CGD01–01–047] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Summerfest 2000—Harbor Island Lagoon Activities, Milwaukee, Wisconsin [CGD09–01–075] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Naval Submarine Base Bangor and Naval submarines, Puget Sound and Strait of Juan De Fuca, WA [CGD13–01–015] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07–01–036] (RIN: 2115–AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Inner Harbor Navigation Canal, LA [CGD08–01–018] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Controlled Substances and Alcohol Use and Testing [Docket No. FMCSA–2000–8456] (RIN: 2126–AA58) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3860. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; PGA Boulevard Bridge (ICW), West Palm Beach, FL [CGD07–01–045] (RIN: 2115–AE47) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3861. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulation; Lake Washington Ship Canal, Seattle, WA [CGD13–01–001] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3862. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Donald Ross Road Bridge(ICW), West Palm Beach, FL [CGD07–01–047] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3863. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Chelsea River, MA [CGD01–01–055] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3864. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Inner Harbor, Patapsco River, Baltimore, Maryland [CGD05–01–027] (RIN: 2115–AE46) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3865. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Newton Creek, Dutch Kills, English Kills and their tributaries, NY [CGD01–01–089](RIN:2115–AE47) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3866. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Kennebec River, ME [CGD01–01–098] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3867. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Bay City Relay for Life Fireworks, Saginaw River, MI [CGD09–01–114] (RIN: 2115–AA97) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3868. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; John Limehouse Bridge (ICW), Johns Island, SC [CGD07–01–078] (RIN: 2115–AE47) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3869. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, NY [CGD01–01–129] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3870. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Manitowoc River, Wisconsin [CGD09–01–001] (RIN: 2115–AE47) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3871. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Brorein Street Bridge, across the Hillsborough River, Tampa, FL [CGD07–01–027] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3872. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Brooks Memorial (S.E. 17th Street) bridge Atlantic Intracoastal Waterway, Ft. Lauderdale, FL [CGD07–01–035] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3873. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Connecticut River, CT [CGD01–01–060] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3874. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Fort Lauderdale, Broward County, FL [CGD07–01–034] (RIN: 2115–AE47) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3875. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Harlem River, Newtown Creek, NY [CGD01–01–054] (RIN: 2115–AE47) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BAKER:

H.R. 2948. A bill to direct the Administrator of the Federal Aviation Administration to provide for random deployment of Federal air marshals on certain commercial air passenger flights, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FARR of California (for himself, Mr. SHAYS, Mr. HALL of Ohio, Mr. WALSH, Mr. HONDA, and Mr. PETRI):

H.R. 2949. A bill authorizing the President of the United States, on behalf of the Congress, to present a gold medal to Sargent Shriver; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself and Mr. QUINN):

H.R. 2950. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GANSKE (for himself, Mr. ANDREWS, Mr. LEACH, Mr. DINGELL, Mr. GRAHAM, Mr. SHAYS, Mr. NORWOOD, Mr. SMITH of New Jersey, and Mr. TOM DAVIS of Virginia):

H.R. 2951. A bill to improve aviation security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CUBIN:

H.R. 2952. A bill to ensure the orderly development of coal, coalbed methane, natural gas, and oil within a designated Dispute Resolution Area in the Powder River Basin, Wyoming, and for other purposes; to the Committee on Resources.

By Mr. HORN:

H.R. 2953. A bill to amend title XVIII of the Social Security Act to make the social health maintenance organization a permanent option under the MedicareChoice program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY:

H.R. 2954. A bill to prohibit the importation into the United States of colombo tantalite from certain countries involved in the conflict in the Democratic Republic of the Congo, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEPHARDT (for himself, Mr. HASTINGS of Florida, Mr. BONIOR, Mr. LARSEN of Washington, Mr. DINGELL, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. BACA, Mr. BAIRD, Mr. BARCIA, Mr. BARRETT, Ms. BERKLEY, Mr. BISHOP, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. CLEMENT, Mr. COYNE, Mr. CROWLEY, Mr. DELAHUNT, Ms. DELAURO, Mr. DOYLE, Mr. FARR of California, Mr. GONZALEZ, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mrs. MALONEY of New York, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OBEY, Mr. PAYNE, Mr. RAHALL, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. SANDERS, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. UNDERWOOD, and Ms. WOOLSEY):

H.R. 2955. A bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 2956. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to accept contributions for the Pentagon Reservation Maintenance Revolving Fund to be used to repair the damage caused by the terrorist attack on the Pentagon that occurred on September 11, 2001; to the Committee on Armed Services.

By Mr. CASTLE:

H.R. 2957. A bill to amend title 49, United States Code, to direct the Administrator of the Federal Aviation Administration to implement a criminal background check program for pilot and flight service training applicants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CUNNINGHAM:

H.R. 2958. A bill to improve passenger airline safety and security; to the Committee on Transportation and Infrastructure.

By Ms. HOOLEY of Oregon:

H.R. 2959. A bill to authorize former Federal employees who receive voluntary separation incentive payments under the Department of Agriculture program to accept subsequent employment with the Federal Government, without loss of their payments, when such employment is directly related to fighting forest fires; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. GRAHAM, Mr. DEMINT, Mr. SAXTON, Mr. CANTOR, Mr. WOLF, Mr. OTTER, Mr. BURTON of Indiana, Mr. BARR of Georgia, Mr. HALL of Texas, Mr. TAYLOR of Mississippi, Mr. BASS, Mrs. CUBIN, Mr. POMBO, Mr. WALDEN of Oregon, Mr. SHIMKUS, Mrs. EMERSON, Mrs. MYRICK, Mr. GALLEGLY, Mr. CRENSHAW, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. HAYES, Mr. SCHROCK, Mr. CHAMBLISS, Mr. GRAVES, Mr. PENCE, Mr. NORWOOD, Mr. CHABOT, Mr. AKIN, Mr. HAYWORTH, Mr. COBLE, and Mr. ROYCE):

H.R. 2960. A bill to require inspection of all cargo on commercial trucks and vessels entering the United States; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Ms. HOOLEY of Oregon, Ms. LEE, Mr. GONZALEZ, Mr. HINOJOSA, Mr. ROSS, Mr. RANGEL, Mr. BONIOR, Mrs. MEEK of Florida, Mr. FERGUSON, Mr. JONES of North Carolina, and Mrs. MORELLA):

H.R. 2961. A bill to authorize the Administrator of the Small Business Administration to make loans under section 7(b)(2) of the Small Business Act to small business concerns and certain other business concerns that suffered substantial economic injury as a result of the terrorist attacks on the United States that occurred on September 11, 2001; to the Committee on Small Business.

By Mr. MCCRERY:

H.R. 2962. A bill to reduce employer taxes and simplify tax filing, to reform the administrative funding of the unemployment compensation and employment service programs, and for other purposes; to the Committee on Ways and Means.

By Mr. MCINNIS:

H.R. 2963. A bill to establish the Deep Creek Wilderness Area, and for other purposes; to the Committee on Resources.

By Mr. PICKERING:

H.R. 2964. A bill to provide clarification regarding the market name for the fish Pangasius bocourti and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS (for himself and Mr. HALL of Ohio):

H.R. 2965. A bill to amend the Immigration and Nationality Act to provide for the exchange of information by electronic means between the Federal Bureau of Investigation and other Federal agencies; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Mr. GONZALEZ, Mr. MENENDEZ, Mr. GUTIERREZ, Mr. BACA, Mr. BECERRA, Ms. VELAZQUEZ, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. PASTOR, Mr. REYES, Mr. FROST, Mr. FILNER, Mr. WYNN, and Ms. MCKINNEY):

H.R. 2966. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement to determine appropriate methods for their preservation and interpretation; to the Committee on Resources.

By Mrs. THURMAN:

H.R. 2967. A bill to provide duty-free treatment for certain foodstuffs originating in

NAFTA countries; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Ms. DUNN, Mr. SERRANO, Ms. HART, and Mrs. CHRISTENSEN):

H.R. 2968. A bill to amend the Internal Revenue Code of 1986 to allow expanded penalty-free withdrawals from certain retirement plans during periods of unemployment for any employee of an air carrier or of a manufacturer of aircraft or parts or components of aircraft; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Ms. ESHOO, Mr. SAWYER, Mr. HOYER, Mr. FORD, Mr. MCGOVERN, Ms. LOFGREN, Mr. TRAFICANT, Mr. MARKEY, Ms. PELOSI, Mr. MORAN of Virginia, Mr. LANGEVIN, Mr. DEFAZIO, Mr. TURNER, Mr. KUCINICH, Mr. HOLT, Mrs. MALONEY of New York, Mr. REYES, Mr. PASTOR, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. LAMPSON, Mr. GONZALEZ, Mr. CLEMENT, Mr. RODRIGUEZ, Mr. CLAY, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. BALDACCI, Mr. HOLDEN, Mr. CUMMINGS, Mr. DELAHUNT, Mr. SANDLIN, Mr. FARR of California, Mr. MATSUI, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. WATT of North Carolina, Mr. WYNN, Ms. WOOLSEY, Mrs. MEEK of Florida, Mr. PAYNE, Ms. BROWN of Florida, Mr. OWENS, Ms. JACKSON-LEE of Texas, and Mrs. CLAYTON):

H.R. 2969. A bill to amend the Internal Revenue Code of 1986 to restore a partial deduction for personal interest and thereby to encourage economic recovery and to avoid the need to borrow against home equity; to the Committee on Ways and Means.

By Mr. WELLER (for himself and Mr. CROWLEY):

H.R. 2970. A bill to amend the Internal Revenue Code of 1986 to allow businesses to expense qualified security devices; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ENGEL introduced a bill (H.R. 2971) for the relief of Inna Hecker Grade; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mrs. NAPOLITANO.
H.R. 123: Mr. CALVERT.
H.R. 134: Mr. MANZULLO.
H.R. 189: Mr. CALVERT and Mr. CULBERSON.
H.R. 208: Mr. MANZULLO.
H.R. 257: Mr. CAMP.
H.R. 265: Mrs. NAPOLITANO.
H.R. 270: Mr. TANCREDO.
H.R. 281: Mr. PASCRELL.
H.R. 311: Mr. KERNS.
H.R. 320: Mr. MANZULLO.
H.R. 368: Mr. TANCREDO.
H.R. 370: Mr. TANCREDO.
H.R. 442: Mr. MANZULLO and Ms. MCCOLLUM.
H.R. 488: Ms. HOOLEY of Oregon.
H.R. 506: Mr. FROST.
H.R. 534: Mr. STRICKLAND and Mr. STUMP.
H.R. 544: Mrs. NAPOLITANO and Ms. DELAURO.
H.R. 590: Mrs. NAPOLITANO.
H.R. 604: Mr. HINCHEY and Mr. SCHIFF.
H.R. 655: Mrs. NAPOLITANO.
H.R. 781: Mr. BOYD.
H.R. 840: Ms. SCHAKOWSKY, Mr. KELLER, Mr. QUINN, Mr. BENTSEN, and Ms. BALDWIN.
H.R. 848: Ms. MCCARTHY of Missouri.
H.R. 898: Mr. LUCAS of Kentucky and Mr. WAXMAN.
H.R. 919: Mrs. MINK of Hawaii.
H.R. 936: Mr. MANZULLO and Mr. ROTHMAN.
H.R. 959: Ms. WATERS.
H.R. 968: Mr. HERGER.
H.R. 1086: Mrs. NAPOLITANO.
H.R. 1092: Mr. OLVER.
H.R. 1125: Mr. OWENS.
H.R. 1143: Mr. BECERRA, Ms. JACKSON-LEE of Texas, and Ms. RIVERS.
H.R. 1191: Ms. DELAURO and Mrs. NAPOLITANO.
H.R. 1194: Ms. VELÁZQUEZ.
H.R. 1198: Mr. GOODLATTE, Ms. KAPTUR, Mr. FORD, Mr. BENTSEN, and Mr. MILLER of Florida.
H.R. 1343: Mr. LOBIONDO, Mr. DAVIS of Florida, Mr. CLEMENT, and Mrs. BONO.
H.R. 1401: Mrs. CHRISTENSEN.
H.R. 1440: Ms. ROS-LEHTINEN.
H.R. 1450: Mr. SHAW.
H.R. 1487: Mr. KNOLLENBERG.
H.R. 1509: Mr. LAHOOD.
H.R. 1522: Ms. BROWN of Florida.
H.R. 1582: Mr. DAVIS of Illinois and Mrs. NAPOLITANO.
H.R. 1594: Mr. STUPAK.
H.R. 1609: Mr. WELDON of Pennsylvania and Mr. GEKAS.
H.R. 1613: Mrs. CLAYTON.
H.R. 1624: Mr. BARTON of Texas, Mr. KELLER, Mr. MATHESON, and Mr. GOODLATTE.
H.R. 1645: Mr. CARSON of Oklahoma and Ms. LOFGREN.
H.R. 1693: Mrs. NAPOLITANO.
H.R. 1700: Mr. GEKAS.
H.R. 1744: Mr. CUMMINGS and Mr. BLAGOJEVICH.
H.R. 1764: Mr. REYNOLDS, Ms. MCCOLLUM, and Mr. ENGLISH.
H.R. 1841: Mr. LATOURETTE, Mr. PETERSON of Minnesota, Mr. UNDERWOOD, Mr. MORAN of Virginia, Mr. EHRLICH, Mr. WALSH, Mr. DEUTSCH, Mr. EVANS, Mr. BAIRD, and Mr. TERRY.
H.R. 1851: Mrs. NAPOLITANO.
H.R. 1890: Mr. ARMEY, Mr. NORWOOD, Mr. BALLENGER, Mr. CANNON, and Mr. DEMINT.
H.R. 1897: Mr. KUCINICH.
H.R. 1911: Mr. PICKERING.
H.R. 1918: Ms. HART, Mrs. MORELLA, Mr. KING, Mr. CROWLEY, Ms. LOFGREN, Mr. MATHESON, Mr. WEXLER, Mr. HINOJOSA, Mr. REYES, Mr. BACA, Mr. GEORGE MILLER of California, Mr. FARR of California, Mr. FILNER, Ms. WATERS, Ms. SOLIS, Mr. RUSH, Mr. ANDREWS, Mr. PASCRELL, Mr. OWENS, Mr. RODRIGUEZ, Mr. RANGEL, Mrs. NAPOLITANO, Mr. FRANK, Mr. ENGEL, and Mr. GONZALEZ.
H.R. 1964: Mrs. MINK of Hawaii, Ms. WOOLSEY, and Mr. FARR of California.
H.R. 1975: Mr. REHBERG.
H.R. 1979: Mr. STENHOLM.
H.R. 1990: Mrs. NAPOLITANO.
H.R. 1992: Mr. BURTON of Indiana, Mr. PAUL, Ms. HART, Mr. PLATTS, and Mr. PETRI.
H.R. 2008: Mr. BONIOR and Mr. ROSS.
H.R. 2097: Mr. ENGEL Mr. KENNEDY of Rhode Island, and Mr. UDALL of New Mexico.
H.R. 2117: Ms. DELAURO, Mr. PALLONE, and Mr. WAMP.
H.R. 2123: Mr. PICKERING.
H.R. 2181: Mr. SHERMAN, Mr. CONYERS, and Mr. SANDLIN.
H.R. 2208: Mr. HINCHEY.
H.R. 2219: Ms. HART.
H.R. 2220: Mr. MORAN of Kansas, Mr. KUCINICH, Mr. WOLF, Mr. LAHOOD, Mr. STUPAK, and Mr. GILCHREST.
H.R. 2235: Mr. SOUDER, Mr. SHOWS, and Mr. SCHAFFER.
H.R. 2269: Mr. CANNON, Mr. KELLER, Mr. BASS, Mr. JONES of North Carolina, and Mr. BURR of North Carolina.
H.R. 2293: Mr. VITTER and Mr. OTTER.
H.R. 2348: Mr. KUCINICH and Mr. ABERCROMBIE.
H.R. 2352: Mr. STUPAK.
H.R. 2354: Mr. CAMP and Ms. HOOLEY of Oregon.
H.R. 2357: Mr. TOOMEY, Mr. FLETCHER, Mr. TAYLOR of North Carolina, Mr. MANZULLO, Mr. YOUNG of Alaska, Mr. SHADEGG, and Mr. DOOLITTLE.
H.R. 2362: Mr. WALSH and Ms. MCKINNEY.
H.R. 2410: Mr. TANCREDO.
H.R. 2418: Mr. NORWOOD.
H.R. 2423: Mr. LEACH, Mr. LAHOOD, Mr. REHBERG, Mr. SHIMKUS, Mr. POMEROY, Mr. LATHAM, and Mr. NUSSLE.
H.R. 2457: Mr. PAUL, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, Mr. NORWOOD, Mr. SCHAFFER, Mr. BONILLA, Mr. HAYES, and Mr. WALDEN of Oregon.
H.R. 2485: Mr. SESSIONS and Mr. WAMP.
H.R. 2546: Mr. GRAVES and Mr. KIRK.
H.R. 2561: Mr. HERGER.
H.R. 2623: Mr. BACA and Mr. STUPAK.
H.R. 2636: Ms. DELAURO.
H.R. 2663: Mr. LANTOS.
H.R. 2667: Mr. PICKERING.
H.R. 2675: Mr. STUPAK and Ms. MCCOLLUM.
H.R. 2690: Mr. WATT of North Carolina.
H.R. 2692: Mr. DOYLE and Ms. ROS-LEHTINEN.
H.R. 2709: Mr. GREENWOOD.
H.R. 2725: Ms. CARSON of Indiana, Mrs. CUBIN, Ms. DEGETTE, Mr. SWEENEY, Mrs. JOHNSON of Connecticut, Mrs. MINK of Hawaii, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRELINGHUYSEN, Ms. BALDWIN, Ms. KILPATRICK, Mrs. MEEK of Florida, Mrs. NAPOLITANO, Mrs. NORTHUP, Ms. SANCHEZ, Ms. WATERS, Mrs. WILSON, Mr. HOBSON, Mr. BOEHLERT, Mr. ENGEL, Ms. RIVERS, Mr. HOUGHTON, Mr. ISRAEL, Mr. QUINN, Mr. BACHUS, Mr. LAHOOD, Mr. OSE, and Mr. HONDA.
H.R. 2740: Mrs. JONES of Ohio, Mr. GREENWOOD, Mr. WAXMAN, Mr. GOODLATTE, and Mr. DOYLE.
H.R. 2787: Mrs. NAPOLITANO.
H.R. 2794: Mr. PRICE of North Carolina and Mr. CUNNINGHAM.
H.R. 2800: Mr. SCHAFFER.
H.R. 2809: Mr. PAUL and Mr. CUMMINGS.
H.R. 2820: Mr. GREEN of Texas, Mr. MCGOVERN,, Mr. WEINER, Mr. SANDERS, Mr. FOLEY, Mr. GOODE, Mr. GILLMOR, Mr. BRADY of Pennsylvania, Mr. WEXLER, Mr. OWENS, and Ms. MCKINNEY.
H.R. 2839: Ms. MCKINNEY, Ms. CARSON of Indiana, Mr. FILNER, Mr. MCGOVERN, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. EVANS, and Ms. ROYBAL-ALLARD.
H.R. 2846: Mr. LAHOOD.
H.R. 2887: Mr. FRANK.
H.R. 2894: Mr. OSBORNE and Mr. CALVERT.
H.R. 2895: Mr. GONZALES, Mr. BARRETT, Mr. HOEFFEL, Mr. BLUMENAUER, and Mr. MOORE.
H.R. 2896: Mr. CULBERSON and Mr. HALL of Texas.
H.R. 2897: Mr. BACA, Mr. ACEVEDO-VILA, Mr. TOWNS, Mr. PASTOR, and Mr. ORTIZ.
H.R. 2899: Mr. KING.
H.R. 2900: Mr. FROST and Mr. WALSH.
H.R. 2902: Mr. MORAN of Virginia and Mrs. NAPOLITANO.
H.R. 2906: Mr. GREENWOOD.
H.R. 2907: Mr. HORN, Mr. BERMAN, Mr. BARTON of Texas, Mr. COMBEST, Mr. MALONEY of Connecticut, Mr. RUSH, Mr. NADLER, Mr. BOUCHER, Mr. JACKSON of Illinois, Mr. POMEROY, Mr. LANGEVIN, Mr. RODRIGUEZ, Mr. RANGEL, Mr. MOORE, Mr. PAYNE, Mr. DOOLEY of California, Mr. NORWOOD, Mr. BALDACCI, and Mrs. MEEK of Florida.
H.R. 2908: Ms. HOOLEY of Oregon.
H.R. 2932: Mrs. THURMAN, Mr. HOEFFEL, Mr. GREENWOOD, Mr. GREENWOOD, Mr. BARTLETT of Maryland, Mr. STEARNS, Mr. CASTLE, Mr. TOM DAVIS of Virginia, and Mr. GRAHAM.

H.R. 2940: Mr. HASTINGS of Florida, Mrs. NAPOLITANO, Ms. BALDWIN, Mrs. CAPPS, Ms. KAPTUR, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mrs. MORELLA, Ms. MILLENDER-MCDONALD, Mrs. BIGGERT, Ms. MCCARTHY of Missouri, and Mrs. MEEK of Florida.

H.R. 2946: Mr. FARR of California, Ms. HOOLEY of Oregon, Mr. DICKS, Mrs. MCCARTHY of New York, Mr. CLYBURN, Mr. RODRIGUEZ, Mr. WEXLER, Mr. JEFFERSON, Mr. ROSS, Mrs. MEEK of Florida, Ms. SCHAKOWSKY, Mr. BISHOP, Mr. WATT of North Carolina, Mr. CROWLEY, Mr. WYNN, Mr. PHELPS, Mr. LUCAS of Kentucky, Mrs. MALONEY of New York, Mr. GREEN of Texas, Ms. RIVERS, Mr. COSTELLO, Mrs. EMERSON, Mr. REYES, Mrs. CLAYTON, Ms. DUNN, Ms. MCCOLLUM, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Washington, Mr. FORD, Mr. MOORE, Mr. GONZALEZ, Ms. DEGETTE, Mr. BOUCHER, Mr. PALLONE, Mr. OBERSTAR, Mr. EVANS, Mr. SIMMONS, Mrs. JONES of Ohio, Mr. MCDERMOTT, Ms. BROWN of Florida, Mr. LAFALCE, Mr. TRAFFICANT, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Mr. ENGEL, Mr. DEUTSCH, and Mr. UNDERWOOD.

H. Con. Res. 102: Mr. PASTOR.

H. Con. Res. 104: Mr. DEUTSCH, Mrs. MALONEY of New York, Mr. UNDERWOOD, and Mr. SCHROCK.

H. Con. Res. 182: Mr. FROST, Mr. OWENS, Mr. KLECZKA, and Ms. NORTON.

H. Con. Res. 184: Mr. SESSIONS, Mr. WELDON of Florida, Mr. BRYANT, Mr. TIBERI, Mr. SAM JOHNSON of Texas, Mr. HYDE, Mr. CALLAHAN, and Mr. HERGER.

H. Con. Res. 188: Mr. SCHAFFER.

H. Con. Res. 199: Mrs. MINK of Hawaii.

H. Con. Res. 202: Mr. SAXTON, Mr. OWENS, and Mr. DOYLE.

H. Con. Res. 232: Mr. COBLE, Mr. JONES of North Carolina, Mr. BERMAN, Mrs. MINK of Hawaii, Mrs. TAUSCHER, Mr. JOHNSON of Illinois, Mr. EVERETT, Mr. STENHOLM, Mr. PUTNAM, Mrs. MORELLA, Mr. CASTLE, Mr. TERRY, Mr. WHITFIELD, Mr. GILLMOR, and Mr. HORN.

H. Con. Res. 233: Mr. TURNER, Mr. KIRK, Mr. LANTOS, Mr. MANZULLO, and Mr. OTTER.

H. Con. Res. 234: Ms. HART, Mr. SANDERS, Mr. MURTHA, Mr. DINGELL, and Mr. NEY.

H. Res. 50: Mr. OWENS.

H. Res. 52: Mrs. MYRICK and Mr. FALEOMAVAEGA.

H. Res. 133: Mr. PETERSON of Minnesota, Mr. COSTELLO, and Ms. LEE.

H. Res. 198: Ms. CARSON of Indiana.

H. Res. 226: Ms. PRYCE of Ohio and Mr. WYNN.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, SEPTEMBER 25, 2001 No. 126

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable PAUL WELLSTONE, a Senator from the State of Minnesota.

PRAYER

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

Gracious God, You promised through Isaiah that ''You will keep him in perfect peace, whose mind is stayed on You, because he trusts in You.''—Isaiah 26:3. We need this peace, the peace that passes understanding; the peace that settles our nerves and gives us serenity in these perplexing times. Your promise through Isaiah reminds us that You are the source of perfect peace, true shalom/shalom. You stay our minds on You: Your grace and goodness, Your faithfulness, Your resourcefulness, and Your forgiving heart.

Therefore, we commit all our worries and concerns to You. True peace can never be separated from Your Spirit. You are peace! Lasting peace is the result of a heart filled with Your Spirit of peace. Take up residence within us and spread Your peace into every facet of our being. Help us to receive Your gift of peace and be peacemakers in our relationships in the Senate family. ''Shalom/shalom to you today!'' says the Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL WELLSTONE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 25, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL WELLSTONE, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WELLSTONE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, the Senate is going to resume consideration of the Department of Defense authorization bill. There will be 15 minutes of closing debate on the Bunning base closure amendment. The debate will be evenly divided between the proponents and the opponents of that matter. This debate will be followed by a vote on a motion to table the amendment.

There are going to be additional rollcall votes during the day. After this vote takes place, there will be a unanimous-consent request offered to again try to get a finite list of amendments. It is still the hope of the majority leader that we can complete this legislation by tomorrow. It would be great if we could do it tonight, but certainly by tomorrow we should be able to do that.

In addition to this very important legislation, before we finish tomorrow at 2 o'clock, we really need to take up the continuing resolution. We have a lot to do today. The Senate will be in recess from 12:30 until 2:15 for our party conferences.

There are a lot of very important hearings going on today. The Attorney General is here at 10 o'clock. The Secretary of State is here later in the day. People are going to have to work with us so we can have votes on these important amendments that are coming up on this legislation, some of which have already been filed.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Bunning amendment No. 1622, to strike title XXIX, relating to defense base closure and realignment.

Inhofe amendment No. 1594, to authorize the President to waive a limitation on performance of depot-level maintenance by non-Federal Government personnel.

Inhofe amendment No. 1595, to revise requirements relating to closure of Vieques Naval Training Range.

AMENDMENT NO. 1622

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 15 minutes of debate remaining on the Bunning amendment numbered 1622.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I note that the Senator from Arizona is here. I assume, since we oppose the Bunning amendment, that he, along with the two managers, will be controlling the time.

I yield myself 1 minute at this point to put into the RECORD a letter that I,

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

Printed on recycled paper.

along with Senator WARNER, received from Gen. Shelton, who is the Chairman of the Joint Chiefs of Staff. These are his words:

. . . reiterate how critically important it is that Congress authorize another round of base closures and realignments.

We previously put in the RECORD a letter from the Secretary of Defense, Donald Rumsfeld, strongly supporting one additional round of base-closing authority to begin in the year 2003 and giving the reasons for that need.

I ask unanimous consent to have printed in the RECORD the letter I received this morning from the Chairman of the Joint Chiefs, Gen. Shelton.

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

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, September 25, 2001.

Hon. CARL LEVIN,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the full Senate deliberates the FY 2002 Defense Authorization Bill I would like to reiterate how critically important it is that Congress authorize another round of base closures and realignments.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We cannot afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Sincerely,

HENRY H. SHELTON,
Chairman of the Joint Chiefs of Staff.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to read two paragraphs of this letter from the Chairman.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We cannot afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Mr. President, both the Secretary of Defense and the Chairman of the Joint Chiefs are acting in accordance with the Commander in Chief, the President of the United States. This BRAC issue is clearly one that our President needs at this time given the extenuating circumstances facing the United States of America.

I yield sufficient time as he may need to our colleague from Arizona, Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time is remaining and how is it divided?

The ACTING PRESIDENT pro tempore. There are 5 minutes remaining to the opponents and 7½ minutes remaining to the other side.

Mr. LEVIN. Mr. President, I ask unanimous consent that the opponents of the Bunning amendment be given an extra 2 minutes.

Mr. WARNER. Mr. President, I want to make sure Senator MCCAIN has adequate time. How much time would he like?

Mr. MCCAIN. I would like to request that Senator LEVIN have 2 additional minutes at the expiration of the 5 minutes I have. I ask unanimous consent for 2 additional minutes for Senator LEVIN and 2 additional minutes for the Senator from Kentucky, if he wishes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BUNNING. Mr. President, Senator DORGAN will be the first speaker.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Who yields time?

Mr. BUNNING. I yield 2½ minutes.

Mr. DORGAN. Mr. President, I do not doubt that when there is excess capacity with respect to military installations we ought to take action to deal with them. But I think it ought to be action that is targeted, thoughtful, and timely. In my judgment, there are two reasons why we ought to strike the language from this bill at this point: One is military and the other is economic.

First, we do not know what the force structure is going to be. We are undergoing a quadrennial review at this point and yet, before we talk about force structure, we already presumably know what the base structure should be.

With the issue of homeland security and all the other changes that will occur as a result of this country's determination to protect itself, we ought to, at this point, reserve the question of what should be our base structure. And for that reason, I do not think this is the time to do this.

Second, on the economic circumstances, the potential of having a base-closing commission that says to every military installation in the country, by the way, we are going to look at you for potential closure, is, in my judgment, an opportunity to stunt the economic growth of virtually every community in every region in the country that has a military installation.

At a time when we have an extraordinarily soft economy, and one that is in significant trouble, can you imagine anyone making a decision to invest in any military installation community in this country if they know the prospect might exist that installation will be closed? The answer is, they will not make that investment. They will decide they cannot in good conscience do it.

We have been through this before. If we just say that every base is at risk with respect to a commission, it stunts the economic growth of every community in which a base exists.

I say to the Pentagon, I think it would make much more sense to narrow the focus of where they have excess capacity. When that is narrowed, then let's have a commission that evaluates that excess capacity and how to deal with it. But I really believe that both for military and economic purposes this amendment ought to be agreed to and this provision ought to be stricken.

I disagree with my friend from Arizona. I think he is an American hero. I have the greatest respect for him—and he is a good friend of mine—but we disagree. I believe we ought to take a chunk out of this excess capacity at some point but not now, given the question of homeland security. I certainly do not believe now is the time, given what it will do to the economy, the economy of communities, regions, and our country, if we say every military installation is at risk of closure. That clearly will dry up investment that we need in this country to try to uplift the American economy.

For that reason, I intend to support the motion to strike.

The PRESIDING OFFICER. The Senator has used his 2½ minutes.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself 5 minutes.

Mr. President, I would like to very briefly address some of the arguments that have been made. One is that the economy is too soft right now to consider further base closings and couldn't absorb the loss of jobs. The fact is that the provision gives the President the authority to consider a base closure in 2003, not 2001. If our economy is still bad in the year 2003, we will have other problems besides a base-closing commission.

Taxpayers for Common Sense and the Center for Defense Information prepared an independent report that they released in September 2001. Some of this data may surprise some of my colleagues who are citing economic concerns as to why they oppose further base-closing rounds.

This objective study studied 97 bases closed in four base-closing rounds. Eighty-eight percent of the bases closed experienced per capita personal income growth, as high as 36 percent, and averaging nearly 10 percent. Seventy-five percent of the bases closed experienced gains in average earnings per job. Eighty-seven percent of the bases closed had positive employment rates. Sixty-eight percent beat the national average. The average job replacement rate of all these bases closed—all bases is 102 percent.

By the beginning of 2001, only 3 of the 97 counties had higher unemployment rates than the BRAC announcement year; and 53 percent had unemployment rates lower than the national average.

I will be glad to share this information with my colleagues.

Everything has changed with regard to BRAC. The argument is, and as my friend from North Dakota has said, everything is changed now as of September 11. That may be the view of some, but it is not the view of the Chairman of the Joint Chiefs of Staff and the Secretary of Defense. In fact, in their view, the opposite is the case—the opposite—that we need now to provide the Secretary of Defense with more flexibility because we may be called upon to do things very differently.

The argument is made that we do not know what the force structure will be absent the QDR—the Quadrennial Defense Review—so how can we vote on further base closure rounds? Maybe we ought to remember that this issue has been around since 1970.

In 1983, the Grace Commission made recommendations for base closures. In 1997, the QDR recommended that after four closure rounds we must shed excess infrastructure. The 1997 Defense Reform Initiative and National Defense Panel strongly urged Congress and the Department of Defense to move quickly the base realignment, and BRAC has been recommended—basic realignment—by Presidents Reagan, Bush I, Clinton, and now President George W. Bush.

Finally, Mr. President—and I think this is important—this is a time we should place trust in the judgment of the Commander in Chief and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. If we adopt the Bunning amendment, we will be acting in direct contradiction to their views. I think it is important that there is not a single military expert in this country of any credibility who doesn't believe that we need a base-closing round.

I ask my colleagues to consult anyone—Gen. Schwarzkopf—retired or active. Who does not believe we need another base closing round? I hope we will vote down the Bunning amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BUNNING. I yield Senator TED STEVENS 1 minute.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 1 minute.

Mr. STEVENS. Mr. President, I support the Bunning amendment to strike the base realignment and closure language from this year's Defense authorization bill.

It is my view that this is the wrong time for our country and our military to move forward with BRAC legislation.

There are serious questions about the adequacy of the costs and savings estimates upon which the Department bases its claims for savings in the near term.

My concern has been that over the past 12 years, we have spent over $22 billion to close and realign bases throughout the United States. These costs are substantial and must be figured into DOD's future budgets. There is still considerable work to be done to clean up previously closed bases.

However, the Department of Defense has not put aside funds in the future year Defense plan to pay for BRAC. They have not budgeted for the up-front costs. A reasonable estimate that an additional BRAC round would cost $3 to $4 billion a year—starting as early as 2004.

In recent General Accounting Office reports, they state that ''net savings from BRAC were not generated as quickly as initially estimated because the costs of closing bases and environmental cleanup were high and offset the savings.''

The up-front money must be found and it will most likely come from the Department's investment accounts. The diversion of billions of dollars to support an additional BRAC round could have a serious impact on the transformation of the services for the 21st century.

There has been a lot of discussion about savings. We found that in the past, most of the savings came from the elimination of civilian and military positions. This was consistent with the downsizing of our Armed Forces through the 1990s—not necessarily related to closing bases. Many of the military personnel were simply realigned to other bases.

Further, I know of no comprehensive assessment of the mission impact of the totality of the closure and realignment decisions made to date.

Particularly with the considerable uncertainty about the future size of the force and its requirements, it would seem the more prudent approach would delay this legislation until we have a better picture of our future requirements.

I urge you to vote to support the Bunning amendment to strike the BRAC language.

Mr. President, there will be a lot of discussion about the elimination of these bases and the impact on the economy. This is not the time to do it.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. KYL. Mr. President, I rise in opposition to the amendment proposed by my good friends and colleagues, Senators BUNNING and LOTT, concerning eliminating the authorization for another Base Realignment and Closure review in 2003.

In February of 2001, the Business Executives for National Security, a nonprofit organization focused on improving the Nation's defense business policies reported that nearly 70 percent of the defense budget is spent on support functions including bases and infrastructure.

In the 1997 Department of Defense Report on Base Realignment and Closure, Secretary Cohen noted that our force structure has been brought down significantly, 33 percent, but our domestic infrastructure has decreased only 21 percent.

In June of this year, Secretary Rumsfeld stated that he needed ''greater freedom to manage,'' and he pointed out that a ''reduction in excess military bases and facilities could generate savings of several billion dollars annually.''

This year, the Joint Chiefs testified before the Armed Services Committee, and each one—General Ryan, Admiral Clark, General Jones, General Shinseki—agreed to a need for an additional round of base closures or realignments. In their comments they pointed out that savings from excess capacity are real and that the excess infrastructure burdens their ability to efficiently execute their national strategy.

On September 3, 2001, Admiral David Jeremiah, former Vice Chairman of the JCS, and General Richard Hearney, former Assistant Commandant of the USMC wrote in commentary that ''Every billion not spent on unneeded bases is a billion that can be re-directed toward building an even stronger military.''

To those of my friends and colleagues who say that we are in a different time than in 1997, or in February 2001 or even August, and that we must support our military at this time, I say I agree with you. We must support our soldiers, sailors, airmen and women and Marines. We must give them the financial tools and operational and administrative flexibility to effectively carry out their mission, especially at this time.

I draw my colleagues' attention to September 21, 2001, as it is after the horrific events of September 11. On that date Secretary Rumsfeld communicated to the Congress, once again, his strong support for converting ''excess capacity into warfighting ability.'' My colleagues, a stronger more applicable comment could not have come at a more critical time.

To my colleagues who may point out that in that letter Secretary Rumsfeld noted that ''our future needs as to base

structure are uncertain . . .'' I point out that he goes on to emphasize that the DoD, ''simply must have the freedom to maximize the efficient use of our resources.'' By authorizing another round of realignments and closures we let our war fighters mold their infrastructure to fit their requirements. Let us not burden them for political reasons with infrastructure that should have been retired with the P–51, the Enfield rifle and the Sherman tank.

I stand with the Secretary, the Joint Chiefs of Staff, and the Senate Armed Services Committee in opposition to this amendment.

Mrs. BOXER. Mr. President, I support the amendment of the Senator from Kentucky to strike language from the fiscal year 2002 Defense authorization bill that would authorize a new base closure and realignment round in 2003.

I feel very strongly that the time is not right for another painful round of military base closures, and my opposition is only strengthened in the aftermath of the tragedy that occurred on September 11. As a result of the terrorist attacks at the World Trade Center and at the Pentagon, I believe we must reevaluate our military force structure needs—both at home and abroad—in a new and very different light.

In fact, I was extremely skeptical about the need for additional base closures even before the terrorist attacks. On August 14, Congressman GEORGE MILLER and I sent letters to the chairmen and ranking members of the House and Senate Armed Services Committees outlining our reasons for opposing a new base closure round. I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 14, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate.

Hon. JOHN W. WARNER,
Ranking Member, Committee on Armed Services, U.S. Senate.

DEAR CHAIRMAN LEVIN AND SENATOR WARNER: We write to express our deep concern about the round of military base closures proposed by the Pentagon for 2003, and the enabling legislation that the Armed Services Committee will be considering. Since the late 1980s, in a series of Congressionally mandated base closures, 97 major military facilities have been closed or ''realigned''—29 of them in California.

These closures have been extremely painful for the communities involved, and it has proven extremely difficult to convert these bases to other, economically viable uses. As you know, the primary obstacles to converting closed bases are the enormous costs and huge technical challenges associated with cleaning them up. In our state of California, while some sites have made great progress, none of the 29 bases closed since 1988 have been fully cleaned up or converted to non-military uses. And until a base is cleaned up (or at least a fully funded clean up plan is in place), it is virtually impossible for a community to attract the vendors, developers and others who can help make a base's conversion an economic and social success.

We believe it would be unfair and inefficient to close even one more base while the Pentagon continues to raise financial and bureaucratic hurdles to communities that are doing everything in their power to adjust to new civilian economic realities. The Pentagon must work in good faith with communities in California and across the country to expedite and complete the clean up and conversion efforts now underway.

Instead of devoting time, money and energy to developing a new base closure round, we ask that you work with us and our communities to finish the job we started so long ago.

Sincerely,

BARBARA BOXER,
U.S. Senator.

GEORGE MILLER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 14, 2001.

Hon. BOB STUMP,
Chairman, Committee on Armed Services, House of Representatives.

Hon. IKE SKELTON,
Ranking Member, Committee on Armed Services, House of Representatives.

DEAR CHAIRMAN STUMP AND CONGRESSMAN SKELTON: We write to express our deep concern about the round of military base closures proposed by the Pentagon for 2003, and the enabling legislation that the Armed Services Committee will be considering. Since the late 1980s, in a series of Congressionally mandated base closures, 97 major military facilities have been closed or ''realigned''—29 of them in California.

These closures have been extremely painful for the communities involved, and it has proven extremely difficult to convert these bases to other, economically viable uses. As you know, the primary obstacles to converting closed bases are the enormous costs and huge technical challenges associated with cleaning them up. In our state of California, while some sites have made great progress, none of the 29 bases closed since 1988 have been fully cleaned up or converted to non-military uses. And until a base is cleaned up (or at least a fully funded clean up plan is in place), it is virtually impossible for a community to attract the vendors, developers and others who can help make a base's conversion an economic and social success.

We believe it would be unfair and inefficient to close even one more base while the Pentagon continues to raise financial and bureaucratic hurdles to communities that are doing everything in their power to adjust to new civilian economic realities. The Pentagon must work in good faith with communities in California and across the country to expedite and complete the clean up and conversion efforts now underway.

Instead of devoting time, money and energy to developing a new base closure round, we ask that you work with us and our communities to finish the job we started so long ago.

Sincerely,

BARBARA BOXER,
U.S. Senator.

GEORGE MILLER,
Member of Congress.

Mr. LEVIN. Mr. President, we have heard basically three arguments. One is that this is the wrong time to do this, following the events of September 11. It seems to me, the compelling answers are set forth in the letters from Secretary Rumsfeld and GEN Shelton on that issue.

Secretary Rumsfeld: ''the imperative to convert excess capacity into warfighting ability is enhanced, not diminished,'' because of those events because we need to maximize our resources—in his words—''the finite use of resources.'' And the authority to realign and close bases and facilities will be a critical element to ensure the right mix of bases and forces within our warfighting strategy.

We are asking our troops to take risks. It seems to me, at a minimum, we ought to be willing now to set aside our own back-home concerns and do what is essential in order to have the efficient use of resources. We cannot afford infrastructure which is excess at any time but surely when we are asking our troops to go into combat. There is no justification for us to continue to say we are going to preserve excess infrastructure. This begins in 2003. I emphasize this because some or our colleagues have said, if you don't know the force structure, how can you know the base structure? We don't know what our force structure is going to be. That is why in the bill itself we require that before 2003, before this base structure plan is put into place—and here the words of the bill are being quoted:

> The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense . . . based on the force-structure plan submitted under subsection (a)2. . . .

There must be a force structure plan submitted under this law prior to the base restructuring proposal.

Finally, in terms of savings, we heard that at times you cannot prove the savings. We have shown, it seems to me, through GAO report after GAO report, that—and now I am going to quote from one of the more recent ones:

> Our work has consistently affirmed that the net savings for four rounds of base closure and realignment are substantial.

That is the GAO talking. And we have had a report from the Department of Defense, a very specific report, showing the savings in a chart which lays them out line by line. I ask unanimous consent that the Department of Defense chart showing specifically where the $6 billion annual recurring savings comes from be printed in the RECORD.

That is a significant amount of money. We cannot afford to waste this money. We cannot afford to ask our forces to go into combat if we ourselves will not do what is necessary to give them the resources.

This is excess baggage. They should not be going into combat with the belief that we are not willing to strip the excess, at least starting in the year 2003, at least starting after there is a new force structure that has been decided upon, if they are going to be taking the risks we are going to be asking them to take.

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

SUMMARY OF FY 2002 BRAC BUDGET ESTIMATES; SUMMARY OF ALL BRAC COSTS AND SAVINGS BY FISCAL YEAR—INCLUDES ANNUAL SAVINGS (INFLATED) AND ENVIRONMENTAL COSTS

[Current dollars in millions]

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	Total
ONE TIME IMPLEMENTATION COSTS													
Military Construction	345.6	478.8	298.1	812.4	985.5	915.6	1244.7	719.1	506.5	224.4	65.7	12.8	6,609.1
Family Housing—Construction	0.0	0.0	0.3	0.0	0.7	0.0	0.0	38.4	46.8	2.0	0.0	0.0	88.2
Family Housing—Operations	0.0	0.1	0.5	1.4	0.3	0.0	0.1	0.0	0.4	0.3	0.0	0.0	3.1
Environmental	0.0	366.4	621.9	487.3	540.5	643.1	847.0	676.9	830.5	750.4	360.7	770.1	6,894.8
Operations and Maintenance	111.8	120.6	98.9	409.3	784.6	1029.3	1513.9	1057.3	709.7	671.3	270.1	213.3	6,990.2
Military Personnel—PCS	0.3	1.3	2.2	13.7	23.7	26.9	14.8	17.9	11.9	19.7	1.5	5.4	139.4
Other	13.6	17.9	4.1	40.4	89.6	160.8	119.4	33.1	17.7	10.1	2.4	0.6	509.6
Homeowners Assistance Program	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0	13.5	18.5
AF Move Bill From O'Hare Airport	0.0	0.0	0.0	0.0	0.0	0.0	0.0	94.6	0.0	0.0	0.0	0.0	94.6
Commission Expenses	0.0	0.0	13.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	13.0
Prior Year Financing	0.0	0.0	0.0	0.0	0.0	0.0	1.3	3.5	0.0	19.0	0.0	0.0	23.8
Total One Time Costs	471.3	985.1	1,039.0	1,764.5	2,425.0	2,775.7	3,741.1	2,640.8	2,123.5	1,697.2	705.3	1,015.7	21,384.3
Estimated Land Revenues	(4.3)	(4.2)	(40.6)	(12.7)	(0.1)	(7.4)	(6.2)	(113.5)	(48.9)	(59.2)	(39.1)	(0.3)	(336.4)
Appropriations For 90–01	467.0	980.9	998.4	1,751.8	2,424.9	2,768.3	3,735.0	2,527.3	2,074.5	1,638.0	666.2	1,015.4	21,047.8
COST FUNDED OUTSIDE THE ACCOUNT													
Military Construction	0.0	0.0	23.2	0.0	5.9	0.4	0.0	0.0	0.0	0.0	0.0	0.0	29.4
Family Housing	0.0	0.0	0.8	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
Environmental	38.0	0.0	25.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	63.6
Operations and Maintenance	0.0	0.0	95.5	13.0	61.4	60.4	111.4	85.6	96.5	67.0	20.2	2.1	613.1
Other	0.0	0.0	12.2	4.9	0.0	4.8	2.4	2.9	2.1	2.0	0.0	0.0	31.2
Homeowners Assistance Program	0.1	0.1	0.2	51.1	30.9	98.7	2.3	2.3	0.0	0.0	0.0	0.0	185.6
Total Costs Outside of the Account	38.0	0.1	157.5	69.2	98.2	164.3	116.1	90.8	98.5	69.0	20.2	2.1	924.0
Total BRAC Cost [Incl. land revenues]	505.0	981.0	1,155.9	1,821.0	2,523.2	2,932.6	3,851.1	2,618.1	2,173.1	1,707.0	686.4	1,017.5	21,971.8
Cumulative BRAC Cost	505.0	1,486.0	2,641.9	4,462.9	6,986.1	9,918.7	13,769.8	16,387.8	18,560.9	20,267.9	20,954.3	21,971.8	
SAVINGS													
Military Construction	16.8	16.9	236.9	82.1	165.4	141.9	124.4	88.4	27.9	47.1	1.3	15.5	964.7
Family Housing—Construction	12.6	16.9	59.6	9.7	18.7	3.5	11.6	0.8	1.7	38.8	1.5	1.5	176.9
Family Housing—Operations	0.0	15.0	22.8	47.1	100.7	113.2	134.0	154.2	186.3	202.2	210.1	216.8	1,402.5
Operations and Maintenance	6.5	48.4	148.4	241.3	806.4	1,225.9	1,873.0	2,268.2	2,762.8	2,978.8	3,269.0	3,561.1	19,189.8
Military Personnel—PCS	(0.5)	25.4	78.7	362.6	722.0	925.0	1,152.2	1,357.8	1,489.3	1,572.4	1,627.2	1,682.9	10,994.9
Other	0.4	0.5	19.7	98.4	104.6	179.5	887.1	879.7	753.0	673.0	704.6	724.5	5,025.0
Total Savings	35.8	123.0	566.1	841.2	1,917.8	2,588.9	4,182.2	4,749.2	5,221.0	5,512.3	5,813.9	6,202.4	37,753.9
Cumulative Savings	35.8	158.9	725.0	1,566.2	3,484.0	6,073.0	10,255.2	15,004.4	20,225.4	25,737.7	31,551.5	37,753.9	
NET IMPLEMENTATION COSTS													
Net Cost/(Savings) [Incl. land revenues]	469.2	858.0	589.8	979.7	605.4	343.6	(331.1)	(2,131.1)	(3,048.0)	(3,805.2)	(5,127.5)	(5,184.9)	(15,782.1)
Cumulative Net	469.2	1,327.2	1,917.0	2,896.7	3,502.1	3,845.7	3,514.6	1,383.4	(1,664.5)	(5,469.8)	(10,597.2)	(15,782.1)	

Cost $B:22.0; Savings $B: 37.8; Net $B: 15.8; Recurring Savings $B: 6.2.

Mr. LOTT. Mr. President, I know we are about to vote. I yield myself some leader time.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. LOTT. Mr. President, it is no secret that I have always opposed the BRAC process. I think it is an abdication of the responsibility of the Congress. For years and years, the Pentagon made recommendations for Congress, and Congress considered them, acted on many of them, and bases were closed.

Second, we know for certain that the BRAC process severely disrupts the local economies of communities in States across the Nation. We also know there is still a question about the BRAC savings from the past base closures. For instance, I know that in the military construction appropriations bill that will be coming up, perhaps later today or tomorrow, there is $150 million for cleanup as a result of previous base closures, most of it going, I guess, to California, some to Texas, and some I think maybe to New York. We are still in the process of trying to expend money so that the process can be completed.

Also, I think the timing is bad. We are arguing about exactly what we should do now, but I saw an Air Force general talking the other day about how our fighters had been looking outward up until 2 weeks ago; now they have to look inward. The world did change. I think that at a time of our Reserves being called up, the National Guard being called up, communities being told to support the military, we are going to be together, we have been attacked, and we are going to respond appropriately, but we are going to say: By the way, we are going to look at closing your base.

I don't think the timing is good. While I have never supported BRAC, it is not to say I won't someday. I realize we have excess capacity and duplication. I think we could do this. Maybe we could even look at it in a few weeks or months when we see exactly what the force structure is going to be, what this conflict is going to look like. After more consultation, in my opinion, we will know about how this would look.

I was interested and appreciative of the language Senator LEVIN pointed out about the force structure. Obviously, before we go forward on this, we should match base infrastructure with force structure. We still have a lot of questions out there about this homeland defense. And Secretary Rumsfeld is still working on his strategic review and is currently executing the congressionally mandated quadrennial defense review. It is underway, but it is not completed.

Also, my concern is that every base, every community, every State is going to be affected by this. They are going to be alarmed by this. They are going to hire consultants and all kinds of people to make sure their case is made appropriately. I think that is the wrong way to go. Where we have excess capacity, identify it and say we are going to look here. Where we know we may not have sufficient capacity now, why have a question about that particular base?

I continue to wonder why we have not done more about overseas bases. We gave the Pentagon authority a few years ago to move in that area. Have they done it? No. Have they consolidated missions and looked at closing bases? No. Do we need bases in Europe? Yes. We need to have air and naval bases where we can project power from Europe. We have 523 activities in Europe, 116,000 troops. We have spent well over a half-billion dollars since 1997 on MILCON in Europe. So should we not take a look at that before, or at least at the same time we are looking at bases in our own country?

Mr. President, I support the Bunning amendment. I think this is a classic case of getting the cart in front of the horse. I am committed and prepared to work with Senator WARNER and Senator LEVIN and the Defense Department to see if there can be a way to do this. I don't think the way this is set up in the bill is appropriate. I think the timing could not be any worse.

I urge a vote for the Bunning amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky controls just under 6 minutes.

Mr. BUNNING. Mr. President, I want to make sure I get to close. Do we have any other speakers?

The ACTING PRESIDENT pro tempore. The time of the opponents has expired. The Senator would have the last word.

Mr. WARNER. Mr. President, I hope the Chair will recognize me for the purpose of a tabling motion at the conclusion of my colleagues' presentation.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, we are embarking on a new war like nobody has ever seen before. We are not experts in knowing what the landscape of the 21st century warfare will look like. None of us knows for certain that we need to downsize our military infrastructure under these extraordinary circumstances.

I have heard it said here today, and before, that DOD has a certain amount of savings. I show you two reports. One is from the GAO on military base closings. In the report, it says: The estimates are imprecise and should be reviewed as rough approximations and not likely savings. These prospects apply as well to the Department's updated net savings estimates.

So even the GAO and the CBO say the savings are not really savings because they didn't consider everything. They can't even back up their own numbers. If you agree with DOD on savings—and they also say the cost upfront actually is more, which was brought out by Senator STEVENS. BRAC has been a political football. Anybody who has been involved in it knows it has been a political football. First it was the commission; then it was the administration. So it cannot be done objectively.

I know our good chairman and the ranking member have tried to do that in this BRAC round. But I am not sure it won't become a political football again. So that is BRAC as usual, and I am not for BRAC as usual.

The new home security cabinet, as Senator LOTT has said, may decide they need these bases to make our homeland secure. I think it is very good that we keep in mind that when Governor Ridge is confirmed, he may decide how important certain bases are. Our economy and BRAC don't go hand in hand. If we slow it down, it may fall off the edge. I know that is not as necessary a reason, but it is a reason for not doing BRAC at this time.

The DOD's Quadrennial Defense Review is not even completed. It is premature to act on BRAC when we don't even know what the quadrennial report proposes regarding our infrastructure.

Please vote no on the tabling motion that is coming.

The ACTING PRESIDENT pro tempore. Does the Senator from Kentucky yield back his remaining time?

Mr. BUNNING. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I move to table the Bunning amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—53

Akaka	Graham	McCain
Allard	Gramm	Miller
Allen	Grassley	Nelson (FL)
Bayh	Hagel	Nickles
Biden	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Santorum
Chafee	Kennedy	Sessions
Corzine	Kerry	Smith (OR)
Daschle	Kohl	Stabenow
Dayton	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Leahy	Voinovich
Ensign	Levin	Warner
Enzi	Lieberman	Wellstone
Feingold	Lincoln	Wyden
Frist	Lugar	

NAYS—47

Baucus	Craig	McConnell
Bennett	Crapo	Mikulski
Bingaman	Domenici	Murkowski
Bond	Dorgan	Murray
Boxer	Durbin	Nelson (NE)
Breaux	Edwards	Roberts
Brownback	Feinstein	Sarbanes
Bunning	Fitzgerald	Schumer
Burns	Gregg	Shelby
Campbell	Hatch	Smith (NH)
Carnahan	Helms	Snowe
Cleland	Hutchinson	Specter
Clinton	Hutchison	Stevens
Cochran	Inhofe	Thomas
Collins	Inouye	Torricelli
Conrad	Lott	

The motion was agreed to.

CHANGE OF VOTE

Mr. DOMENICI. Mr. President, I ask unanimous consent that my vote on the last amendment be changed. I erroneously voted aye becasue I thought I was voting for the amendment. That was a tabling motion. I now ask unanimous consent to change my vote, and it will not in any way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe there is an order sequenced for two amendments. Am I correct?

AMENDMENT NO. 1594

The PRESIDING OFFICER (Mr. EDWARDS). The pending business is amendment No. 1594 offered by Senator INHOFE from Oklahoma.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1594, AS MODIFIED

Mr. INHOFE. Mr. President, we have talked about the amendment that is under consideration, No. 1594. We have agreed to change it. I send to the desk the amendment, No. 1594, as modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment (No. 1594), as modified, is as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) Section 2466(c) of title 10, United States Code, is amended to read as follows:

''(c) WAIVER OF LIMITATION.—(1) The Secretary of Defense may waive the limitation in subsection (a) for a fiscal year if—

''(A) the Secretary of Defense determines that—

''(i) the waiver is necessary for reasons of national security; and

''(B) the Secretary of Defense submits to Congress a notification of the waiver together with—

''(i) the reasons for the waiver; and

''(2) The Secretary of Defense may not delegate the authority to exercise the waiver authority under paragraph (1).''.

(b) The Secretary of Defense shall provide a report to Congress not later than January 31, 2002 that outlines the Secretary's strategy regarding the operations of the public depots.

Mr. WARNER. Mr. President, may we have a minute?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Mr. WARNER. Mr. President, the chairman has advised me that the Inhofe amendment is acceptable to the other side.

Would you restate the number of that?

Mr. INHOFE. Yes.

Mr. LEVIN. I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Amendment No. 1594.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

Mr. WARNER. Mr. President, can we adopt the Inhofe amendment?

Mr. INHOFE. Mr. President, we have reached agreement on the amendment having to do with depot maintenance. We have made two modest changes from that which was introduced. One is, instead of sending it to the President in lieu of the service chiefs, it now

goes to the Secretary of Defense. No. 2, it says we need to have the report from the Secretary of Defense as to the future use of depots. That is essentially it. It is agreed to, and I ask it be accepted.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

The question is on agreeing to the amendment, as modified.

Mr. LEVIN. I understand there is no objection to the amendment, as modified, on our side.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1594), as modified, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. 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 Virginia.

AMENDMENT NO. 1674

Mr. WARNER. Mr. President, I ask unanimous consent that I be allowed to send an amendment to the desk and ask for its immediate consideration.

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

The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1674.

The amendment is as follows:

Strike section 821 of the bill.

Mr. WARNER. Mr. President, this is an unusual step, but as a manager of the bill I have the responsibility to keep this bill moving. We have exercised good-faith efforts on both sides to reconcile an issue which is deserving of the attention of the Senate. The amendment of the Senator from Virginia would strike from the bill that language referred to generically as the prison issue of materials made by prisoners and sold to the Department of Defense.

I support the bill, and I am going to vote against my own amendment, but in order for the Senate to move expeditiously, to continue to have this bill go forward, because at the moment we cannot hope to achieve finalization of this bill—the desire of both the majority leader and the Republican leader—by tomorrow unless we get finalization on the list of amendments.

I do not, in any way, disparage my distinguished colleague who is exercising, perfectly within his rights, certain procedures. But I think this will enable the Senate to address this issue now and to come to some resolution on it so that we can move on with this bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I move to table the amendment.

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

Mr. WARNER. Mr. President, we need to have some debate, I think.

Mr. THOMAS. Mr. President, I would like to have some debate, so I will, at the appropriate time, move to table the amendment.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. WARNER. I thank my colleague. I think it is important that debate take place on this amendment, and at the appropriate time the Senator may seek recognition for that purpose.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me first say I want to make it clear that—reserving all of my rights under the rules of the Senate to offer substitutes or amendments—I am hopeful that in the midst of a national crisis we can find a way to gather new information and commit to make a decision on this divisive issue next year.

We have voted on this issue probably four or five times in the last decade. To this point, in each and every case we have preserved prison labor in America. Our new chairman of the Armed Services Committee, who has consistently sought provisions in the bill that would effectively end the current program, is now chairman of the committee and has the provision eliminating the program for all practical purposes—I will explain that—has put that in the bill itself which has produced the situation in which we find ourselves.

Now let me try to talk about this problem. I want to begin by talking about the history of prison labor in America. I want then to talk about the point at which we came to a fork in the road, and took the wrong fork, in my opinion. And that occurred during the Great Depression.

I want to talk about the Levin amendment, as to why it violates every principle in the bill. Then I want to outline the prison labor system and why it is so critically important to our system of criminal justice, and why the program, at least in our last study, which was in 1998, was given very high marks. At that point, I will have made this case, I hope.

We do have some Members of the Senate who are voting on this issue for the first time, and I believe it is important that a full presentation be made.

Let me begin with de Tocqueville. We all remember that de Tocqueville came to America and wrote the greatest critique ever on democracy in America, the great classic which people read even today to understand the special nature of America and to understand the genius of our economic and political system.

Many of us forget that de Tocqueville came to America not to study democracy but he came to America to study our prison system. In fact, his first book was about the American prison system. He basically concluded that we had the finest prison system in the world, and the foundation of the excellence of the American penal system, as de Tocqueville found in the 1830s, was a comprehensive program where, for all practical purposes, every prisoner in America worked.

We had a system where prisoners engaged in manufacturing, prisoners engaged in agriculture, and substantial amounts of the cost of incarceration were paid for by prison labor, lifting the burden on the taxpayers of the 1830s in America to fund our prison system; but most important, in de Tocqueville's opinion, was the humaneness of labor in prisons. In fact, de Tocqueville went to great lengths to talk about the prison system and to talk about how humane it was that people in prison in America, unlike Europe, worked.

Let me read you a quote from de Tocqueville:

It would be inaccurate to say that in the Philadelphia Penitentiary labor is imposed. We may say, with more justice, that the favor of labor is granted. When we visited this penitentiary, we successively conversed with all its inmates. There was not one single one among them who did not speak of labor with a kind of gratitude and who did not express the idea that without the relief of constant occupation, life would be insufferable.

In 19th century America when someone went to prison, they went to work, and they worked 12, 14 hours a day, 6 days a week, and in working several good things happened. One, they weren't idle. And as we all know from Poor Richard's Almanac, ''idle hands are the devil's workshop.''

Secondly, they produced food, they produced products that could be sold, and they dramatically reduced the cost of incarceration in 19th century America. From 1900, where virtually every prisoner in America worked—and I would have to say there is some justice to requiring people in prison to work and to share the burden of their incarceration with working people who today pay $30,000 per Federal inmate to put people in prison and keep them there. It is cheaper to send somebody to Harvard University than it is to send somebody to the Federal penitentiary.

Now, by the turn of the century, we had an effective prison system all over America. In Texas, I am proud to say, we had a model program where every prisoner worked, and they worked hard. They grew their own food, they made their own clothes, and they produced products that were sold in the economy. Attention was given not to glut local markets, so generally products were not sold in areas where prisons were located. And by all accounts, beginning with de Tocqueville and ending with anybody who studied the penal systems of the world, at the turn of the century, in 1900, we had far and away the finest prison system in the world. And the recidivism rate relative

to the current day was low because prison was not an experience that people wanted to repeat. They had generally accumulated productive skills in prison by working, and they were blessed that when they left prison, they knew how to do something and it gave them a chance to go back to society and to try to do it—and do it for pay.

This system took a dramatic turn in the 1930s. In the 1930s, we passed three laws: Hawes-Cooper in 1929, Summers-Ashurst in 1935, and Walsh-Healy in 1936. The Hawes-Cooper Act made it illegal to sell prison-produced goods in America across State lines. The Summers-Ashurst Act made it illegal to transport prison goods in interstate commerce. The Walsh-Healy Act, in essence, said, if you produce things in prison, you have to pay prisoners union scale.

The net result of these three laws was it killed the prison industry in America. So, today, we have 1.2 million people in prison. Almost all of them are young men in their peak years, in terms of ability to work. Yet all over America, they are idle because of prohibitions against prison labor. So it is all right to let working people work, it is all right to tax people at confiscatory rates to pay $30,000 a year to have people in the Federal penitentiary. But it is not all right to force them to work and to have a process whereby there is productive work to be done.

The only vehicle left—the only work that is currently done in America by prisoners is work to produce items that are purchased by the Government. That is a pale comparison with the program that we had in 1900. But it is all that is left today.

Now, the Levin amendment would effectively kill that program with regard to the Defense Department, which is the largest purchaser of goods from our Federal prison industry. Senator LEVIN is going to say that all we want is competition. But I am sorry that I have to say that nothing in this bill is aimed at competition except the prison labor standard. This bill is full of provisions that ban competition, that force the Defense Department to pay a higher price. Not one contractor in America can bid for a job with the Defense Department unless that contractor pays union wages, unless that contractor pays the highest wage scale that anyone is paying in that labor market.

That is not competition. You are going to later hear Senator LEVIN say: All we want is competition.

All his bill has is the absence of competition. The only place it calls for ''competition'' is in the prison labor industry. This, in reality, is not a competition provision; this is a special interest provision supported by organized labor and supported by private manufacturers. Senator LEVIN and proponents of this provision will say: What could be wrong? Business and labor are together on this issue, and if the two great special interests of America are for it, surely it must be America's interest.

I beg to disagree. The special interests of labor and business are not in America's interest. And I remind my colleagues that by idling these prisons who are beginning to pay victims restitution, who are beginning to pay funds that displace taxpayers' money, what we are going to do is to impose a heavier and heavier burden on the American taxpayer. We are going to destroy the only system we have that effectively trains prisoners so when they get out, they can go out and get a job and hope to hold a job—and America will be a loser.

Part of the problem here is that all the political interests are on the side of the amendment that is now in this bill. I am proud to say that in the last decade we have voted on this thing four or five times, and each time we have saved prison labor in America. I don't know where the votes are here, and I would have to say that I am profoundly disappointed that in a year where we are facing an imminent crisis, that instead of focusing on defense, we have a special interest provision in this bill that is aimed at killing prison labor.

I want my colleagues to know that I have proposed doing an independent study through the General Accounting Office where the report would be made in May and where we could have a comprehensive debate and, hopefully, have a compromise that would allow us to solve this problem once and for all. Senator LEVIN and I have fought over this issue for a decade.

Let me go back and complete the story. Where we are is that we have a provision in the bill that basically claims that the Defense Department is a loser from the prison labor system. I want my colleagues to understand the Defense Department did not ask for the Levin amendment. You might ask: How come they didn't send a letter down here saying they opposed it? If you were the Secretary of Defense and the chairman of the Armed Services Committee in the Senate had a provision related to prison labor, would you write a letter saying you are against it? No, you would not.

I want my colleagues to understand, the Secretary of Defense did not ask for this provision, and the Attorney General and the Justice Department are adamantly opposed to the provision in Senator LEVIN's amendment.

Senator LEVIN apparently is going to make the argument, which he has made for the last decade, that the prison labor system is unfair to the Defense Department. I simply make two comments: One, how come every other noncompetitive purchasing provision in the pending bill is not unfair to the Defense Department? Why only prison labor? What is this about?

I can tell you what it is about. It is about greedy special interest. That is what it is about.

Let me tell you what the facts are, and they are old facts. One of the reasons we ought to do a study is to update the facts so we know exactly what we are talking about. There was an audit report mandated by the Congress that was submitted to Congress on August 5, 1998, 3 years ago. It was submitted by the Office of Inspector General of the Department of Defense. This is basically what it concluded. It was a comprehensive study. I have the study here if anybody would like to look at it.

Basically, what the study concluded was that when they looked at a random sampling of procurement by the Defense Department from the Federal Prison Industries Program, in 78 percent of the products they looked at, the price the Defense Department got from the Federal Prison Industries was lower than the competitive market price. In 20 percent of the cases, it was higher. In 2 percent of the cases, it was the same.

Also, when they looked at waivers—that is where the Defense Department concluded that the property that was being procured was not being sold at a competitive price or at competitive quality or on a timely basis—in over 80 percent of the cases where the Defense Department sought a waiver because they believed it was not a good deal, that waiver was granted.

When you look at the overall aggregate situation that existed in 1998 when we last studied the Federal Prison Industries, in 78 percent of the cases, the Prison Industries sold the product at less than the competitive price in the private sector; 20 percent of the time, it was more; 2 percent of the time, for all practical purposes, it was the same. The quality of the product was found to be excellent. There were problems in terms of deliverability and, in fact, in 1998, a series of reforms were implemented to try to deal with the deliverability problem.

Senator LEVIN will say that all his amendment does is require competition. My answer is, let's require competition in everything the Defense Department buys from anybody. If the Senator will change his amendment to simply give the Secretary of Defense the ability to buy competitively so that the Secretary can have competitive bidding and buy the highest quality product at the lowest price across the board, I will support that amendment. But that is not going to happen because this bill is not a competition bill. This bill is full of restrictions on competition everywhere except prison labor.

Another provision I would support and would rejoice to the heavens about would be to eliminate the Federal Prison Industries Program at the Department of Defense and in the rest of the Government and let's allow the Federal Prison Industries to compete with anybody else in Government procurement with no special arrangement, but then, subject to simple restrictions, let's let them sell in the private sector.

What would those restrictions be? A, you cannot sell in the area where the

prison is located because you do not want to glut the market; B, you cannot sell products that are in excessive supply where the price is falling precipitously; and C, let's focus production where prisoners are producing things we are importing—component parts, for example.

Unless I am sadly misinformed by the last 10 years of the debate, I do not expect the proponents of the provision in the bill to say they want competition. In fact, not only do they not want prisoners to work and produce things to sell in the private sector, they do not want prisoners to work to produce things in the public sector. That is our dilemma.

We have before us a provision in the bill which was not sought by the Defense Department, which is adamantly opposed by the Attorney General and the Department of Justice, a provision that the Federal Prison Industries Program believes will be extraordinarily detrimental to their program. It is a provision which is now a part of the entire bill. If there were a provision in the bill that said the Secretary of Defense, in promoting the public interest, shall be driven by the same motivation which motivates every consumer and every producer in America, and that is to buy the best quality product at the lowest possible price and they shall be in no other way constrained, I would support that amendment, and I would think it was enlightened policy.

I want my colleagues to remember when they hear this impassioned argument about competition, there is no competition in this bill save for prison industry. If the bill had a general competition provision, I would be for it because the benefits to America of having competitive procurement in defense would greatly outweigh the problems it would produce in the American prison industries, but there is no competition in this bill, save an effort to kill the prison industries in America.

Part of our problem in this debate, and it has been one for the whole decade—I do not know why it is that I always end up on these issues where there is no constituency—the taxpayers, by and large, hardly know this issue is even being debated today. In fact, they would be stunned. If somebody turned on the television, they would say: What in the world is that guy doing standing up talking about prison labor when the Nation is hearing the drumbeat and the bugle to march off to war? I wonder why we are doing that, too. I did not bring this up.

The point is, the American public does not understand we have an effort underway to kill what is left of prison labor. So we have 1.2 million young men, at their peak productive period, who are rotting away in prison and not working. Why is this being killed? Because of the power of special interests, the two biggest ones in America, labor and business.

If anybody cares, I want to make an additional argument, and that is about recidivism. I am sorry I did not offer this amendment today. I was getting ready to debate it when it was offered by the ranking member of the committee, and so I have to thumb through my book to try to find it, but let me summarize it rather than reading the number. Those prisoners who work have a dramatic decline in the recidivism rate or, in English, if people work in prison, they are far less likely to come back to prison when they leave. Why? For one thing, because they accumulate skills in prison.

What we really ought to be debating today and every day is turning our prisons into industrial parks. We ought to have American manufacturers in joint ventures with our prison systems producing the component parts in prison that we are buying from other parts of the world. We ought to have every prisoner working 10, 12 hours a day, 6 days a week, bringing down the cost of incarceration and building up the skill level, and when they are not working, they ought to be going to school, building up the skill level, so when they get out of prison, they know how to do something.

Amazingly—almost astounding to me—is not only are we not going in that direction but we are trying to kill the last remaining vestige of prison labor.

I want to ask my colleagues, on the basis of a couple of things, to support the Warner amendment to strike this provision.

No. 1, I am willing to support a comprehensive study. We have not had one since 1998. In all fairness, the study was done by the inspector general of the Department of Defense, and that is part of the same executive branch that is for prison labor. So what I proposed, which has not yet been accepted—I am hoping it will be—is we have the General Accounting Office, which is part of the legislative branch of Government, do a comprehensive study of the prison labor system and procurement by the Defense Department and report back to us by May, so we have it for next year, how competitive is prison labor production? What is the quality like?

We know in 1998 that 78 percent of the time it was cheaper, 20 percent oftimes more expensive, 2 percent oftimes about the same.

We should have a report on quality. We know in 1998 quality was excellent. And we should have a report on the problem that was uncovered in 1998, which was deliverability.

With that report, I then commit to seeking a compromise within our Government, or voting one way or the other on the program.

So I hope my colleagues will vote to strike this provision now, knowing we will have an opportunity next year, hopefully under very different circumstances than today, to deal with this problem.

The second thing I ask people is to not kill the remaining vestige of prison labor in America. I know my colleagues are hearing from furniture manufacturers, from some electronics manufacturers, saying: We do not want to compete with prison labor. We want to force prison labor into a—we want to eliminate the special status they have.

I say, and have said to manufacturers in my State: Look, if you will let prison labor compete in selling in the private sector, in a no glutting of the market system, then I will support taking away their special relationship with government. I would support that. But they do not want to do that. They do not want to compete with prison labor anywhere.

The problem is, if you do not let prisoners work, you have 1.2 million young men idle—idle hands are the devil's workshop—and you eliminate the building programs of victims' restitution and self-funding of prisons. In fact, since the 1930s we have largely destroyed the greatest prison system in history by destroying prison labor.

Finally, let me ask my colleagues to look very closely at the recidivism rates. Look at what is happening with people who are working in prison and what is happening when they leave prison versus people who are not privileged to work in prison and their recidivism rate. What you are going to find is the probability of people coming back to prison when they are released falls dramatically if they have worked in prison; it goes up dramatically if they have not worked in prison.

So I understand we do not have any prisoner PACs. We do not have any organized lobby from people in prison.

I am not sympathetic to people in prison. I think they ought to have to work. I am sympathetic to working people who are going to have to work harder to pay this $30,000 a year to keep people in prison because special interests want to kill off the prison labor system because some desk that the Defense Department is buying or some component part of some item the Defense Department is buying is being produced by prison labor.

So remember, if the issue were, let us buy everything competitively in the Defense Department and have the Secretary constrained in no way, save by the best product, the lowest price, put me down as a cosponsor, but there is no such provision in this bill. In fact, there are pages in this bill that prohibit competition. If I am a paving contractor and they are paving a road at the Pentagon or a parking lot at the Pentagon, I cannot even bid on pouring of the concrete unless I pay the highest wages in the region. What kind of competition is that?

So when you hear this chest thumping about all we want is competition—that is all they want—where is it? Where is it except for Prison Industries?

Secondly, if people think Prison Industries should not have a special agreement with the Government to buy products it produces, let Prison Industries produce and sell in the private

sector and eliminate the special privilege. But there is no proposal for competition. There is no proposal for allowing Prison Industries to sell in the private sector.

Cloaked in the righteousness of competition—and what special interest in American history has ever cloaked itself in anything other than the public interest?—cloaked in the public interest is this demand by unions and by manufacturers to kill the prison labor system in America. Reform it, yes. Study it and find better ways of doing it, yes. Bring competition to defense procurement in general, yes. Let anybody bid on a prison contract based on pricing and quality, yes. But kill prison labor in America, no. That is what the issue is.

I urge my colleagues to vote for this amendment and let us settle this issue. But this issue will not be settled if this amendment is rejected because there are other amendments and other ways of doing this, and I think it is very important. We are talking about the lives of real people. We are talking about the burden on taxpayers. They are not represented. I assume no taxpayers know what is going on here. Nobody has heard from one. I don't take calls from prisoners myself, so they are not busy lobbying. But the AFL–CIO and furniture manufacturers, in particular, are very active on this issue.

One will say: All they want is competition. What about competition in selling to the private sector? They do not want that. This is a special interest provision aimed at killing or dramatically reducing the Federal Prison Industries. I think that is a mistake. It is wrong. I am opposed to it.

This is a debate that ought to be taking place, but on another day, on another bill, not on our defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I rise in support of tabling this amendment. I have listened to my esteemed friend from Texas. I am not going back to Plato. I will start closer to the current situation. I am surprised, when we talk about giving the private sector an opportunity to compete for contracts put out by the Defense Department, that that is special interest. That is difficult for me to understand.

This is defense authorization. It is absolutely the appropriate place to talk about how we do that, how we pay for it, and who does the work. It is also important we get moving with this program.

This is not an amendment that came in; this language is in the committee bill.

I have worked for several years, as many have, on a fair amendment designed to give the private sector an opportunity to bid on Government businesses. We have been successful. We have had many agencies look at what they are doing instead of doing it internally, instead of putting it out for contract. It seems reasonable. This is competition. The prisons will continue to have the opportunity to compete under a very unfair—for them, favorable—situation. They don't have to pay taxes; they don't have to pay minimum wage; they don't have to do any of the things they do in the private sector.

This has been in place since 1934. Talk about a study. The study was not even made by the congressional group. The study did not come up with the real facts. It is time to do something. It is time to deal with this idea that the private sector ought to be able to participate, to compete. That is the bottom line.

As to the notion that this does away with Federal Industries, only 18 percent of the Federal prisoners are involved. The other 82 percent are doing food service, plumbing, carpentry, other things. It is not a fact that this does away with the industry. As a matter of fact, as a good example, New Mexico, a State that had a mandatory source situation such as this, lifted it. The New Mexico Prison Industries operated under that until the State legislature reformed it. They are very happy with the result of that transformation which does, indeed, provide for competition, which is exactly what we want.

The Senator from Texas, a proponent of the private sector for the most part, is calling the private sector private interest. That is peculiar. We have a Government monopoly and we are saying this is an opportunity for people to compete. This does not eliminate the prison production. It makes it competitive.

As I mentioned, there are a number of opportunities for them. The competitive advantages are retained: Inmate wages, from $.23 to $1.15, compared to the private sector; factory space furnished by the host prison, with no cost to the actual production; equipment, utilities, taxes, insurance, workplace benefits—none of those things offered. Yet they will be able to compete. That is what it is, competition.

We have had meetings about the private sector and trying to strengthen the economy. Yet we seem to be reluctant to allow the private sector to help the economy by moving into this area. It is very timely and appropriate to do it on this bill. The idea of setting it off I don't think makes much sense.

There are many other products beyond defense, less vital to the time. We have had, for 45 years, a policy in this Government that we ought to go to the private sector to provide for governmental needs. That has been the policy. Yet we still have a monopoly to do it the other way. There are plenty of jobs prisoners can do. I, too, support the idea that there ought to be work for prisoners. But there are lots of jobs that can be done in the prison realm that would be outside of this competitiveness as to who can do the supplies and the necessary equipment for the defense.

This idea is also supported as a special interest by the U.S. Chamber of Commerce, by the small business NFIB, by labor unions, which also favor all these opportunities for the private sector to supply the needs of Government. It is not a new idea. It makes sense to me.

Also, we will find it is difficult for the Defense Department to have various contracts. They are not the ones that supervise the contract. They lose some control when it goes to this prison authority. It is difficult when we have a mandatory source for the needs that are required in defense.

I don't know that we need to go into a great deal of detail. The facts are that prison workers can still continue. Most support the idea that we ought to have competition for these expenditures. Most support the idea the private sector ought to have an opportunity to compete with Government in any circumstance where the private sector can do that. That is what strengthens it.

We are in a time that anything we can do to increase the activity of the private sector is good for the economy. We are fighting on two fronts: terrorism on one side and strengthening the economy on the other. These are the things we need to do.

The policy for doing this is 46 years old. We have strengthened that in the last several years to get more emphasis on the idea that there needs to be competition, there needs to be private sector involvement. In my view, the more the private sector can do in terms of the Government realm, the better off we are. What the Government ought to do is strengthen their ability to let contracts and review the contracts and make sure it is done that way.

Prison Industries has been in place since 1934. I think it has not been improved. This is not going to change it. Only 18 percent are involved out of 22,000.

So we are going to find ourselves with an opportunity that they can find ways to continue to do it. We will find a way to put the private sector in, have more efficiency, less cost, and if they cannot compete, then the prisons will continue.

I am not going to take an awful lot of time. It seems to me the issues here are fairly basic. Let me just review them again. This was not an amendment. This was part of the bill of the committee. This is a time when we ought to be looking for more opportunities for the private sector. This is a time when we ought to have competition. I think we have an opportunity to do that here and yet continue to have a program which works for the prisoners.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, if I may speak for a couple of brief moments about the Gramm amendment?

Mr. WARNER. Mr. President, the Senator's remarks are welcome even though they might be contrary to the views of the Senator from Virginia. But I arranged this debate. It is quite unusual to put on a fellow Senator's amendment, but it was necessary to keep this bill moving. We welcome the debate. I shall be voting against it eventually. My distinguished colleague from Wyoming will be seeking recognition for purposes of a tabling motion in due course.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I will not keep the body long. I do rise in support of the amendment of Senator GRAMM of Texas regarding Prison Industries. This has come after some considerable review, and visiting the prison in Kansas at Leavenworth, the Federal Penitentiary of Leavenworth. I note: visiting, not occupying. This is a maximum security facility. Men are in this facility for years, frequently for life, and at these Prison Industries at this facility.

I visited with the warden about 2 months ago—a month and a half ago, actually—about this particular issue, and also with the head of Corrections for the Federal Government. Both insisted that if we do not allow Prison Industries to effectively be able to compete—there are questions about that in the language, but if we don't allow Prison Industries to effectively compete, they are going to have difficulty at the penitentiary keeping these gentlemen occupied, working with them, and being able to effectively run that prison. Otherwise, these men are going to be sitting around, and idle hands present a great deal of difficulty.

I have worked with the Senator from Wyoming on privatization efforts within the Federal Government. I think he is absolutely on the mark on these issues. From a personal perspective and the perspective of Kansas, having a penitentiary that has long-term inmates, people who are going to be incarcerated frequently for life, or at least 10 to 20 years, prisoners need something that is going to keep them occupied and working or else we are going to have a great deal of difficulty with them.

Prison Authorities don't know what they are going to do with these inmates otherwise, and they pleaded with me, saying: Don't allow this to go forward. This is going to be very difficult for us in the system.

I bring that word to my colleagues from a State with a major Federal penitentiary facility housing long-term inmates. They don't know how they are going to be able to handle it. Some say it will still allow them to compete and do the work all right, but reading this, within the system, it will cut back their ability to effectively have jobs for these inmates, and they need jobs for these inmates. It helps with restitution pay, helps them build self-worth; more than anything, it helps manage this population that is very violent, very difficult, and if you do not give them anything to do, the idle hands are the devil's playground. This has a great deal of difficulty.

I appreciate my colleagues allowing me to put those sentences forward, and I will be supporting the Gramm amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the amendment that strikes section 821 of our bill. Section 821 is a good government provision. It simply says the private sector should be allowed to compete when it comes to selling items to the Department of Defense and that Federal Prison Industries should not establish a monopoly and say the Department must buy an item made in the prison, even though the private sector might be able to make it more cheaply.

I think everybody wants prisoners to work. But I hope everyone also wants the private sector to be able to survive and compete and be able to offer products to its own Government. I think if anything would shock taxpayers, it would be that the private sector—private businesses, private industry—is precluded from bidding on items the Department of Defense wants to buy.

I think it also would come as a shock that the private sector can produce something more cheaply than can a prison at times. The Senator from Texas said about 20 percent of the time the prices are lower in the private sector, according to a study, than they are from a prison. That is not bad savings—20 percent of the time.

Of course we want prisoners to work. The Senator from Kansas just said we should not stop the prisons from competing for purchases by the Department of Defense. We are not stopping the prisons from competing. What we are trying to do in this legislation is allow the private sector to compete, instead of saying Prison Industries can establish a ''must buy from us'' policy.

The Senator from Texas also said this is the only provision in the bill which talks about competition. There are probably dozens of provisions in this bill that promote competition explicitly. This is but one of them. The Senator from Texas said: Why don't we, then, say competition will be everywhere; eliminate Davis-Bacon—which of course he favors anyway. If he wants to offer an amendment to eliminate Davis-Bacon, that is his right. But that is not in this bill. What is in this bill is the opportunity for private businesses to bid. If they are underbid by prisons, that is the way it is.

Prisons have tremendous economic advantages when it comes to bidding. Obviously, 25 cents or 50 cents or a dollar an hour is an incredible advantage to prisons when it comes to bidding. But even with that advantage, the private sector can produce things more cheaply and at better quality at times. At those times, how in Heaven's name can we tell a Government agency that they must buy from a prison if they can buy more cheaply from the private sector? How in the name of Heaven can we tell someone in a private business, or an employee in a private business, that he cannot bid on something that his Government is buying? That is all this language does. It doesn't end the Prison Industries program, or come close.

There are all kinds of things prisoners can and should be doing, by the way, including focusing on things the Government buys that it currently imports. There are all kinds of opportunities.

We talk to Federal Prison Industries about this year after year. They always say they are going to do something about it, and they have not.

The Senator from Texas says let's do a study. We just had a study, in 1999, April. This is what the joint study of the Department of Defense and the Federal Prison Industries did. This is the result of that study:

On price, 54 percent of Department of Defense electronics buyers, 70 percent of Department of Defense clothing and textile buyers, 46 percent of Department of Defense furniture buyers, 53 percent of Department of Defense office case goods buyers, and 57 percent of Department of Defense systems furniture buyers rated the Federal Prison Industries prices as average, fair, or poor. There is a lot of room in there to save money for the Department of Defense.

On delivery, the figures are approximately the same: Roughly 50, 60 percent say: average, fair, or poor. On quality, about 50 percent say average, fair, or poor. Those are averages. These are buyers at the Department of Defense.

So we ought to be very clear what this provision does and does not do. It allows, for the first time in a long time, a private person who is working hard on the outside of prison to make a product and be able to bid when his Government is buying that product and not be stopped from bidding by an establishment of a monopoly by Federal Prison Industries.

There are letters which we received, to which I think my friend from Virginia will also refer. I will place one of the letters in the RECORD. It comes from the AFL-CIO, urging us to oppose any effort to weaken or eliminate the Federal Prison Industries reforms contained in the bill. It says at the end that the AFL-CIO supports prison work programs and recognizes that they make prisons safer for correctional staff. They say:

> However, we do not believe that the Federal Prison Industries should enjoy a monopoly that unilaterally deprives other firms and workers of job opportunities. Section 821 represents a more balanced policy and we urge you to support it.

Finally, my friend from Texas talks about letting prisons sell in the private

sector. We have laws going back 50 years which say that they can't. The reason we say that is because it is obviously totally unfair to say that 25 cents or 50 cents an hour should be able to compete commercially against people who provide products when they are paying a decent wage. We prohibit imports from China that are made with prison labor. Yet the suggestion of the Senator from Texas is, hey, let's just, across the board, allow prisoners to make anything that goes into the commercial world at the scale that they are paid.

In that case, he said he would favor the language and broaden it to include anything. He says that is real competition. That sure is. That is totally unfair competition.

You can't compete. If an employer pays a decent wage to somebody, you can't possibly compete with somebody who is paying 25 cents or 50 cents an hour. Yet that is the approach which the Senator from Texas really favors and says so openly on this floor.

That is not an approach which too many of us—I hope—would favor. I surely don't favor that. To hold that up as being what is desirable, and short of that we should not allow a private business in this country to offer to supply its own Government a product because Federal Prison Industries has said you may not bid because we have a monopoly on this item, it seems to me, is just highly wrong.

The language in the bill has been carefully constructed; it simply allows for competition. It doesn't say that Federal Prison Industries can't compete at all, as the Senator from Kansas suggested. That is not what it says at all. It simply says, allow private businesses to compete, as I think most Americans would think that the private sector surely can now compete when it comes to providing the Department of Defense with products.

We received many letters from owners of businesses across this country. From an office supply company in Biloxi, MS:

> I could go on and on about how we could have sold the product much cheaper which would have saved taxpayers' money, faster delivery, which would have increased productivity, and, finally, better service. You get the picture.

From Tucson, AR:

> The Prison Industries' representatives routinely refuse waivers. The answer is the standard ''we have products which will meet your needs.'' No explanation. They refuse to answer waiver requests in a timely fashion. I had a $110,000 order for the Arizona Air National Guard in Tucson literally taken away by Prison Industries. The representative demanded the designs—the company's—and said that Prison Industries would fill the request. No waiver, no discussion.

Fairfax, VA:

> You know, it is not just the impact that Federal Prison Industries has had on our businesses. It is the waste of everybody's tax dollars when furniture costs more and doesn't even do the job.

According to Economy Office Products of Fairfax, VA:

> Federal Prison Industries tells their customers what the customer can have rather than the needs of the customer.

I hope this language will remain in the bill and that the effort to table it on the part of Senator GRAMM will fail. When the time comes for a tabling motion, I hope that tabling motion is agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thoroughly support what my distinguished chairman has said, and indeed the Senator from Wyoming.

For purposes of clarity, I submitted the amendment to keep the bill moving and to frame the issue so it could be debated. We have now had a very good debate on this subject.

Just for clarity, I will be voting against my own amendment, which I said at the time I introduced it. There will be a motion to table, and therefore Senators who desire to have the bill remain intact would then support the motion to table.

The distinguished chairman alluded to certain letters. I think it is important that colleagues understand that while the labor unions, which Senator LEVIN addressed, are strongly in favor of keeping the bill intact, there is an equal strength among the private sector organizations.

The National Federation of Independent Business, the voice of small business, addressed a letter to the Senate signed by the senior vice president.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD, together with a letter from the Chamber of Commerce, which I will shortly address.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, September 20, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for your language in the FY 2002 National Defense Authorization Act that would allow the Department of Defense to purchase products from the private sector rather than from Federal Prison industries if it would benefit the taxpayer and the DOD. We will oppose any effort to strike this language from the defense authorization bill.

Eighty-nine percent of NFIB members do not believe that prisons should receive preference over small businesses for federal contracts. NFIB's members have long fought against unfair government competition with the private sector. Federal Prison Industries (FPI) has become one of the most egregious examples of unfair government competition. FPI, also known by its trade name UNICOR, is a government-owned corporation operated by the Federal Bureau of Prisons. From a small program when it was established in 1935, FPI has grown to be a large enterprise. According to its most recent annual report, FPI operates a centrally managed chain of over 100 prison factories that employed 20,966 inmate workers in 1999. With sales to the Federal Government of $566.2 million, FPI would rank 36th among the top 100 contractors to the Federal Government.

FPI would be a formidable competitor for even the most accomplished small business experienced in the Federal market, but FPI does not have to compete. FPI simply takes its contracts from its captive Federal agency ''customers.'' Under FPI's Depression-era statute, FPI is a mandatory source for all Federal agencies, meaning that they are not required to compete with private businesses for Federal contracts. A Federal agency must actually obtain FPI's authorization, a so-called ''waiver,'' before it can even solicit competitive offers from the private sector. FPI, rather than the Federal agency, determines whether FPI's product, delivery schedule, and non-competitive price meet the agency's needs.

FPI's advantages don't stop there. FPI pays its workers at hourly rates of $1.25 per hour or less, rather than market-driven wages. FPI's facilities are built as part of a prison. FPI has access to production equipment excess to other Government agencies at no-cost. Congress even gave FPI direct access to the Treasury with authority to borrow up to $20 million, at rates far below what would be available to even the largest commercial enterprise.

Your language provides for fundamental change, making FPI less predatory to small business government contractors and a more responsible supplier to Federal agencies and taxpayers. it would require that FPI compete for its contracts with the Federal government. small businesses do not want to prohibit prison industries from entering the market, they just want a fair and level playing field upon which to compete against the FPI. Thank you for your support for small business and fair competition.

Sincerely,

DAN DANNER,
Senior Vice President, Public Policy.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, September 20, 2001.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: The United States Senate is expected to very shortly consider A. 1416, the Fiscal 2002 National Defense Authorization Act. Contained in that measure is a provision (Section 821), based on legislation authored by Senators Carl Levin and Craig Thomas, that would allow the Department of Defense to purchase goods and services in the private sector rather than from Federal Prison Industries (FPI), if doing so would be in the best interests of the taxpayer and DOD. Be aware that efforts may be made to strike or alter this provision.

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million organizations of every size, sector, and region urges you to support Section 821 and oppose amendments to weaken or strike this pro-defense, pro-business, pro-taxpayer, pro-worker provision.

Under current law, federal agencies, including the Department of Defense (DOD), must purchase needed goods from FPI rather than buy them following a competitive procurement process. As a result, DOD and other Federal agencies subject to the FPI monopoly, waste taxpayers dollars purchasing inferior-quality prison made goods and services at inflated costs.

By supporting the Levin-Thomas FPI provision you will signal your support for freeing up needed defense dollars for other vital needs and you will save jobs in your state just as many workers and their employers are facing layoffs and cutbacks.

Prisoners should work and learn skills, but can be occupied with work and skills development activities that do not mean that DOD and other agencies waste taxpayers dollars and cost jobs in the private sector.

The language in Section 821 has broad bipartisan support as well as support from both the business community and organized labor. Please join the U.S. Chamber, the AFL–CIO, and scores of other organizations, large and small, in opposition to any attempt to strike or amend Section 821. The U.S. Chamber may use votes on or in relation to Section 821 in our annual ''How They Voted'' guide to Congress.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President.

Mr. WARNER. Mr. President, it says:

On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for your language in the FY 2002 National Defense Authorization Act that would allow the Department of Defense to purchase products from the private sector rather than from Federal Prison Industries if it would benefit the taxpayer and the DOD. We will oppose any effort to strike this language from the defense authorization bill.

Eighty-nine percent of NFIB members do not believe that prisons should receive preference over small businesses for federal contracts.

That is what we are talking about here.

The Chamber of Commerce:

The United States Senate is expected to very shortly consider S. 1416, the Fiscal 2002 National Defense Authorization Act. Contained in that measure is a provision (Section 821), based on legislation authored by Senators Carl Levin and Craig Thomas, that would allow the Department of Defense to purchase goods and services in the private sector rather than from Federal Prison Industries (FPI), if doing so would be in the best interests of the taxpayer and DOD. Be aware that efforts may be made to strike or alter this provision.

On behalf of the Senator from Wyoming and myself, I move to table the amendment.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Mr. President, the Senator from Texas has been very cooperative on this unusual procedure. He advises the managers that he and two other Senators wish to participate in this important debate, that debate by these total of three Senators could be concluded prior to 2:15. The leadership is prepared to agree to have a vote at 2:15.

Mr. REID. Mr. President, the Secretary of State is going to be here for a briefing at 2:30. We would have to have that vote at 2:15. The time between now and 12:30 when we recess would be taken. I understand the Senator from Texas says he has at least one other person who wants to come to speak in addition to him. I am sure the two managers will fairly divide the time between now and when we recess. But if we could have an agreement, we first ask for the yeas and nays on Senator WARNER's motion to table and then agree that the vote would be at 2:15 this afternoon. I ask that in the form of a unanimous consent request.

Mr. WARNER. I ask the Senator from Texas, is that agreeable? We would now ask unanimous consent that a vote would occur on the tabling motion which I, together with the Senator from Wyoming, will make at 2:15, subject, however, to a continuation of this debate up until, should we say, no later than 1 o'clock.

Mr. GRAMM. That is fine.

Mr. REID. Why don't you make it 12:40 or something.

Mr. LEVIN. 12:30.

Mr. WARNER. 12:30.

Mr. GRAMM. That is fine. All I want to do is answer the three speeches that have been given. I have two other people who say they may want to speak. They may not get over to the Chamber. If they cannot, they cannot.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. REID. Mr. President, I only ask unanimous consent that we vote at 2:15, that the time until 2:15 be divided between the two managers, and that prior to that motion to table there be no amendments in order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request proposed by the Senator from Nevada?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been trying to get an amendment up, amendment No. 1595. That is the Vieques amendment, not the energy amendment. And this somehow got in front of me.

Mr. REID. This has nothing to do with that amendment.

Mr. INHOFE. I understand that. After that vote, could we then take up this amendment?

Mr. REID. It recurs automatically, so we do not have to do anything.

Mr. INHOFE. OK.

The PRESIDING OFFICER. Is there objection to the unanimous consent request propounded by the Senator from Nevada?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I don't object. I would just like to be recognized.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, I have listened to our three speeches. In listening to them, you get the idea that what they want is competition in defense procurement. I would, therefore, like to ask unanimous consent that the pending resolution be set aside and that an amendment be adopted by unanimous consent, which says the following:

All defense procurement shall be on a competitive basis, and the Secretary of Defense shall buy products at the highest possible quality at the lowest possible price.

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Mr. President, I wanted that objection because I wanted to make a point. And that point is, this bill is completely full of noncompetitive provisions. This bill is full of provisions that say who can do business with the Pentagon and who cannot. This bill prohibits someone from even bidding on a contract with the Pentagon unless they pay the highest wage rates paid in their region. There is no price competition in this bill. This bill is the antithesis of price competition. When our colleagues talk about price competition, their bill has none, save they want to destroy Prison Industries.

The point I want to make is the following: This amendment has nothing to do with price competition. This bill has to do with killing Prison Industries. Now, look, if you listen to our colleagues, it sounds as though they are saying, we do not want to compete with prisoners. It sounds as if prisoners are getting all this money that would have gone to some private sector producer.

Mr. President, I ask unanimous consent that a letter from The National Center for Victims of Crime be printed in the RECORD.

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

THE NATIONAL CENTER FOR VICTIMS OF CRIME,
Washington, DC, September 24, 2001.

Hon. PHIL GRAMM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAMM: The National Center for Victims of Crime wishes to express its strong opposition to Section 821 of the National Defense Authorization Act for Fiscal Year 2002 (S. 1438), concerning purchases from federal prison industries. This amendment raises a panoply of concerns at both the federal and state levels, and will literally take desperately needed funds away from victims who are trying to piece their lives back together in the aftermath of crime.

At the federal level, we are deeply concerned that this provision would thwart the Federal Bureau of Prisons' (BOP) efforts to collect millions of dollars each year to support victim assistance and pay crime victim restitution.

In addition, we have spoken to state officials who are extremely concerned that this federal provision may set precedent for state level action, significantly affecting the ability of crime victims to collect restitution. Many states require a percentage of money deposited into inmate accounts—including inmate earnings from prison industries—to be collected to support statewide funds for crime victim assistance programs as well as to satisfy court-ordered restitution for victims. For example, in California, during fiscal 2000–2001, the state Prison Industry Authority (PIA) deducted 20% of the inmate

wages and transfers (or the balance of victim restitution orders of court-ordered fines, whichever was less) to pay for crime victim assistance programs and restitution orders. The total payment from PIA wages for crime victim restitution during that year was $440,000 dollars. In Florida, the statewide private Prison Rehabilitative Industries and Diversified Enterprises (PRIDE) collected $264,000 in crime victim restitution during the last fiscal year. To take away those desperately needed victim assistance funds is a slap in the face of the already wounded.

Furthermore, we believe that prison work programs can prepare inmates for a productive return to society, reducing recidivism. Section 821, by introducing competitive bidding into the procurement process, will reduce the availability of prison work. The result will be fewer prisoners returning to society with the necessary skills and work history to gain employment.

We strongly urge you to support restitution for victims of crime and oppose Section 821 of the National Defense Authorization Act.

Sincerely,

SUSAN HERMAN,
Executive Director.

Mr. GRAMM. The point of this letter is, some of the money that is being earned by producing goods in prison is going for restitution to their victims. Prisoners get approximately 5 percent of the value of the products that are sold. This is not benefiting prisoners in any real sense. Who it is benefiting really boils down to three groups of people: One, restitution to victims, where some of the money goes for that purpose; two, we are beginning to develop a program whereby we can pay some of the $30,000 per-prisoner cost of keeping somebody in the Federal penitentiary by having them work; and, finally, indirectly prisoners benefit by a reduced recidivism rate.

Our colleagues say: Well, look, why should the Government give to Prison Industries the right of first offering to sell products to the Government? Why shouldn't we just do it competitively?

Let me say, Madam President, I would be perfectly happy—in fact, I ask unanimous consent that the current amendment be set aside and that the following amendment be adopted:

The Federal Prison Industry Program and its special relationship to the Defense Department shall be terminated and the Federal Prison Industies shall have every right to sell products in the private sector of the economy except with two limitations: No. 1, no products shall be sold in the immediate vicinity of the prison; and, No. 2, no products shall be sold in a market where price has declined more than 10 percent in the last year.

I ask unanimous consent that be adopted.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection?

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Madam President, I wanted that objection because I wanted to make the point that when our colleagues are talking about wanting prison labor to compete; they do not want prison labor to compete; they do not want it to work. The unions and the furniture manufacturers pound their chest and talk about: We want to compete with prison labor. But they are not telling the truth. They want to take away the only market that is left for prison labor.

They killed off the market for prison labor in the 1930s where virtually everybody in American prisons worked and where they produced their own food, where they produced their own clothes, where they paid for part of the cost of their incarceration, and where they learned skills. So having killed that, now they want to kill the last vestige of prison labor; and that is selling to the Federal Government. They cloak themselves in the righteousness of competition, but they want no competition.

Now, lest anybody think the relationship the Federal Prison Industries has is a relationship which is unfair to the Government, I remind my colleagues that in the 1930s we killed the prison industry as it related to producing and selling goods in the private marketplace with three Federal statutes: One, forbid the sale of prison goods in interstate commerce; another, forbid the transportation of prison goods in interstate commerce; and another one said: You can work, but you have to pay them union wages. The simple English was: Prisoners are not going to work. What happened? We drove up the cost of keeping people in prison.

The only thing left is Government procurement. Every other kind of production by prisoners is now illegal in the United States of America.

Let me recite these facts: In the last comprehensive study by the Office of the Inspector General, Department of Defense—let me remind my colleagues, the Defense Department did not ask for the Levin amendment. The Justice Department is adamantly opposed to the Levin amendment. But you get the idea in listening to the proponents of this provision that, well, these prison products are overpriced and are no good. When we did a comprehensive study that was reported to Congress on October 5, 1998, here is what it found:

In 78 percent of the procurements that the Defense Department engaged in with Federal Prison Industries, the cost of the product was actually lower than the cost of the product that was available in the private sector. So 78 percent of the time it was cheaper buying from the prisons; 20 percent of the time, in the survey, it was higher; 21 percent of the time it was roughly the same.

When the cost is higher, the Defense Department has the ability to apply for a waiver so that they don't have to buy from Prison Industries if they think it is not a good deal. Well, in listening to the proponents of this provision, you would get the idea that the answer every time they asked for a waiver was no. The plain truth is that in 89 percent of the cases where they said they didn't want this product from Prison Industries, that waiver was granted.

Let me summarize by making the following points: First of all, by roughly a 4-to-1 margin in the surveys that have been done, it is cheaper to buy from Prison Industries than from the private sector.

Secondly, in those cases where it is not cheaper, almost 90 percent of the time a waiver was granted so that the Pentagon did not have to purchase the item from Prison Industries.

Our colleagues talk about competition, but they don't want competition. When I asked unanimous consent to have competition for the Pentagon to buy the best quality at the lowest price, just as Mr. and Mrs. America try to do every day—and as every business in America tries to do every day—they claim it is what they want, but when I ask that we do it by unanimous consent, they object. They say they want prison labor to have to compete, but when I ask unanimous consent that it be able to compete for both Government contracts and private contracts, save the limitation that you could not sell things right around the prison when you glut the market and you could not sell in markets where prices were falling because of an excess supply—when I tried to take the principle they argue on and apply it across the board, they object.

So what is the principle? The principle is, having killed prison labor in the private sector, having gone from a system where virtually every prisoner in America worked 12 hours a day, 6 days a week to pay restitution to victims, to pay for their incarceration—having killed that in the private sector, we have an effort before us today to kill it in the public sector. That is what this amendment is about. It is not about competition.

Now, it is true that our colleagues hold up letters from the AFL-CIO and from the NFIB, and those letters say they are for this bill, and that is true. We do have a letter from labor unions. We have a letter from people who produce items and who would like to see prison labor killed so that they can sell the items to the Federal Government. But I ask my colleagues, who benefits from that? It is true that the workers of a furniture manufacturing plant that might get more jobs or higher wages by killing the Federal Prison Industries—maybe they will benefit. It is probably true that the furniture manufacturer who would sell the product if we kill Federal Prison Industries will benefit. But there are 285 million people in America who are paying $30,000 per year to incarcerate one person in a Federal penitentiary. We have 1.2 million people nationwide in prison. Does that cost, borne by 285 million people to keep someone in prison, carry no weight? Do we only care about the labor unions and the manufacturers who would benefit by killing the Federal prison system? And do we not care about the 285 million people who would lose by losing victim restitution, by losing our ability to develop a system

where prisoners will help pay some of that $30,000 a year? Do we only hear from the voices of the few who would benefit by killing the Federal prison system and not hear from the 285 million people who would lose?

What a skewed debate this is. But the problem is, the unions know who they are; they have sent letters and they have called Members of the Senate. My dear friends at the NFIB—one of the great organizations in America, which is a special interest organization—have sent out letters, and they have called and lobbied. Where are the lobbyists for the 285 million people who are going to pay $30,000 a year to keep somebody in prison? Have we heard from them? No. They can't figure out why we are talking about killing Federal Prison Industries when the Nation hears the drum roll and the bugle of war. They don't even know this is being debated.

So we have Members of Congress, and over their left shoulder are all those special interest groups that want to kill the last vestige of prison labor in America. They are all going to send letters back home telling people—whether you care about the manufacturer or the labor union, they are going to send those letters. Nobody is going to send a letter back home saying that you cared about 285 million taxpayers because the American public thinks that we are in a crisis and they are paying attention to it.

That is how bad laws are made. I urge my colleagues to defeat the Levin amendment. We had a very unusual thing happen. I must say, in all the time I have been here I don't remember it happening before, but it is perfectly within the rules. We had the Senator from Virginia offer a tabling amendment on behalf of another member—in this case, myself—before I was ready to debate the issue, before I could get together my supporters to come speak on behalf of it. I am sure that was not his intention. His intention was to get on with this bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Did we have a unanimous consent agreement dividing the time? If so, I did not hear it.

The PRESIDING OFFICER. The time was to be equally divided.

Mr. GRAMM. That was in the unanimous consent request?

The PRESIDING OFFICER. Yes, it was.

Mr. GRAMM. I ask unanimous consent for one additional minute.

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

Mr. GRAMM. The issue is not going to be decided on this tabling motion unless this provision is stricken because I have not yet had an opportunity to offer an amendment. I would like to have a compromise. I would like to get new data, and I would like to try to improve the Federal prison system. I would like to respond to the legitimate concerns that have been raised. But I am not willing to step aside and allow prison labor to be killed in America. We have 1.2 million people sitting around in idleness, and the cost of keeping people in prison is driving up taxes all over America.

If, in fact, this amendment is taken out of this bill, it will settle this issue for this year, but if it is not taken out of this bill, it will not settle this issue for this year. I urge the distinguished chairman of the committee to compromise, to come to a reasonable solution so we can deal with the Nation's problems.

This is an important issue. There are 285 million people paying $30,000 a year to keep people in prison. We have 1.2 million people in prison. I just cannot be indifferent about that. As a result, I am opposed to the Levin amendment. I will vote against this tabling motion. If it is not tabled, the amendment will be pending and it can be amended. If it is tabled, then another amendment can be offered, so I do not know that we have settled anything.

We have had a good debate, and I think the more people hear about this, the better off we are. I cannot imagine an objective American siding with killing the Federal Prison Industries.

I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Madam President, very briefly, there are a number of points which the Senator from Texas has made which deserve, again, to be refuted. I will pick two of them.

First he says Mr. and Mrs. America, if they only knew, they surely would say that we have to allow the Prison Industries to establish a monopoly so that the Defense Department must buy a product from Prison Industries, even though the Defense Department is paying more for it from Prison Industries than they do from a private firm.

I think Mr. and Mrs. America would be stunned, would be shocked if they heard that a private firm is not allowed to bid on a product that the Government is buying.

I think Mr. and Mrs. America would probably shake their heads in disbelief and say: Wait a minute, you mean that the office supply company down the street my husband or wife works at is not allowed to bid even if they have a lower price than Prison Industries at 50-cents-an-hour labor? You mean that firm, that company, where my spouse has a job, cannot even bid on it? Talk about being stunned. That would stun Mr. and Mrs. America.

There is something else, by the way, about Mr. and Mrs. America to which I want to make reference. We do not allow Americans to buy products made by Chinese prison labor. We prohibit it. We just do not think it is right that we should be competing with Chinese prison wages. It is tough enough to be competing with wages of people who are not in prison in other countries, but we have a prohibition on that.

Yet our friend from Texas says we ought to let prison labor sell in the private sector. That is really what is at issue by the way. The issue is much more than the language which is in this bill which would simply allow the private sector to compete. What the Senator from Texas is really after and has said he would support would be a provision that would let prison labor make products and sell in the private sector.

I want to see whether or not the American public will support a system where our workers not in prison have to compete with prison wages. I do not think they want to do it any more than we want to compete with Chinese prison wages. I do not think they want to do it. Yet that is what the Senator from Texas says he will support.

I hope this Senate will reject that as being really what the Senator from Texas is after and, according to his own words, something he will support.

The issue before us is a narrower issue. Although the issue I mentioned may be the underlying issue, the narrower issue is the language in this bill. The language in this bill simply says that if a private firm wishes to bid on a product that the Department of Defense is buying, it ought to be allowed to do so and that Prison Industries should not be able unilaterally to say a private company may not bid, that Prison Industries is going to have a monopoly.

The Senator from Texas repeated perhaps 20 times that the effort here is to kill prison labor, kill Prison Industries. Of course, it is not. It is to permit the private sector to compete. Indeed, the statistics, which he cited a number of times, support our language. It was his statistics which said that in 78 percent of the procurements by the Department, the price paid to Prison Industries was actually lower. Fine. We are not trying to change that. All this language does is take care of the other 20 percent, which is also one of the statistics cited by the Senator from Texas.

In the other 20 percent, according to the Senator from Texas, it would actually be cheaper for the Department of Defense to buy from the private sector than it would from Prison Industries. He cites that statistic as proving that in most cases it would be cheaper for the Department to buy from Prison Industries. Fine. We are not trying to stop that. We are not trying to stop the Prison Industries from competing. We just want to allow the private sector to compete so that in 20 percent of the cases where the Department of Defense would save money by buying from the private sector, it would be allowed to do so.

Madam President, I hope this language will stay in the bill. It has broad support. It is also, it seems to me, so fundamentally fair that American citizens not in prison be allowed to bid on items that their Government is buying. That to me is so obvious and so fair that it would come as a shock to American citizens to learn that is anything other than what the current system is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER FOR RECESS SUBJECT TO CALL OF THE CHAIR

Mr. REID. Madam President, I ask unanimous consent that following the 2:15 p.m. vote, the Senate be in recess subject to the call of the Chair as a result of the briefing that will take place by Secretary of State Colin Powell.

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

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, we have a minute before we recess. I feel so strongly about this notion that we favor private enterprise, that we favor the opportunity for competition, and that we have worked at this problem for a number of years and now to pick out a portion of it and say somehow private competition should not work surprises me a great deal.

I understand the number of Federal prisons in Texas. Talk about special interests. It is there. What we ought to do is follow the policy we have had for a very long time and see if we can move as much activity to the private sector as possible when they can compete, when they can make the best product, and that is the case here.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, we have a couple minutes remaining, and I would like to have that time, if I may.

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

Mr. GRAMM. Madam President, first of all, I am not in a Federal prison, and I do not have any kinfolk in a Federal prison, so I do not know how I would benefit from that.

Second, it is interesting, all this concern about competition. The Defense Department sent the chairman a recommendation that they be allowed to be more competitive in purchasing items by not requiring defense contractors to pay inflated wage rates in order to bid. They estimated that next year they could save $180 million if they were allowed to be more competitive, and that provision was struck and not included in this bill.

The Defense Department sent the chairman and the ranking member a letter saying: If you will just let us have a little bit more leeway in getting competitive bidding on small contracts of less than $1 million, that could have saved $180 million in 1 year.

Our colleagues who are so concerned about competition today say basically we do not want to save $180,000 if it means competition, and so they rejected that provision. Yet when it comes to Federal Prison Industries, now all of a sudden everything should be different.

So I hope my colleagues will vote on this on the merits. Do you want to kill Federal Prison Industries or not? Do you think a handful of workers and a handful of manufacturers who would benefit by killing Federal Prison Industries are more important than the 285 million taxpayers who are paying $30,000 a year to keep somebody in prison where those costs can be ultimately partially paid by prisoners working and where we could use some of the money for victims' restitution? That is the issue, and I hope people will vote on that basis.

Mr. VOINOVICH. Madam President, I rise today in support of the preservation of the Federal Prison Industries Program. Language that is currently in the Defense authorization bill would gut this program within the Bureau of Federal Prisons, effectively withdrawing hope for thousands of incarcerated Federal prisoners and fostering a dangerous number of idle hands within our Federal prison system.

Today, the Federal Prison Industries Program employs and provides valuable skills training to the greatest practicable number of inmates incarcerated within the Federal prison system. Overall, FPI has some 21,000 inmates in more than 100 Federal prisons working in 100 industries, from textiles to electronics to graphic design. In Ohio, the Federal Correctional Institute at Elkton has up to 450 inmates working in data processing and electronics recycling. This employment of prisoners does more than just occupy time, it teaches prisoners the skills they need to obtain a job once they leave prison.

By giving prisoners an opportunity to change their lives, the FPI program contributes to security inside prisons, and it reduces the rate of recidivism among those it trains. Indeed, inmates in FPI's work programs are 24 percent less likely to be repeat offenders after being released. In addition, 55 percent of inmates' wages go toward meeting their financial obligations, such as victim restitution, child support, and court fees.

When I was Governor of Ohio, we had a similar program to FPI and saw firsthand the success and value of giving inmates a second change at being productive members of society. In Ohio, we had inmates who had been trained in horticulture take part in groundskeeping throughout the Governor's residence. We had inmates working in the Governor's office mailroom and copy center operations, where they put together news clippings, distributed mail and did a good portion of the photocopying. Overall, I had an extremely good experience with the work these inmates did, and I have to say that for the most part, the work they performed was excellent. For some inmates who had exemplified themselves, I even wrote letters of recommendation to help them get jobs when they got out of prison.

The experience that I have had at the State level by employing State inmates is one that is replicated at the Federal level through the FPI program.

I understand that some private sector companies desire to compete for FPI contracts, however, I believe that FPI provides an invaluable opportunity for inmates, and the communities to which they will eventually return, that cannot be ignored.

While I find merit in pursing possible reforms to the FPI program, I do not believe the answer is to completely obliterate FPI, as the current language does. Therefore, I urge my colleagues to support to ensure the viability of FPI, the safety of our Federal prisons and the rehabilitation of our Federal inmates.

Mr. BYRD. Madam President, I oppose section 821 of the Fiscal Year 2002 Defense authorization bill because I fear that this section would undermine what has proved to be a successful program in helping to manage Federal prisoners.

Section 821 would effectively eliminate the mandatory source requirement for the Department of Defense, which ensures that Federal prisoners are employed in sufficient numbers, and thus is fundamental to the security of our Federal prisons.

Moreover, since this section would significantly affect our Federal prisons, it is an issue that the Senate Judiciary Committee should first consider before the Senate takes action on it after only 2 hours of debate.

I support competition for the provision of goods and services to the Federal Government. However, this competition should not be sought at the expense of a successful prisoner management program, and that program should certainly not be repealed without some alternative program to replace it.

Mr. BROWNBACK. Madam President, I rise to support my colleague from Texas in his effort to strike section 821 from S. 1438. I have outlined why I believe that the Federal Prison Industries is important for the continued orderly function of our prisons.

Today I have received a letter from Fraternal Order of Police President Steve Young. In his letter, Mr. Young made an interesting point that a healthy Federal Prison Industries is not only important for the orderly function of our prisons but also for the safety of our corrections officers.

I ask unanimous consent that Mr. Young's letter be printed in the RECORD.

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

FRATERNAL ORDER OF POLICE,
Washington, DC, September 25, 2001.

Hon. SAM BROWNBACK,
U.S. Senate,
Washington, DC.

DEAR SENATOR BROWNBACK: I am writing on behalf of the more than 299,000 members of the Fraternal Order of Police to advise you of our strong support for Amendment No. 1674 to strike Section 821 from S. 1438, the "FY 2002 National Defense Authorization Act;" and therefore urge a "no" vote on the motion to table this important amendment.

Reform of Federal Prison Industries has been an issue which has received much attention over the past several years. For our

organization, any reform proposal put before the Congress must be viewed from the perspective of its potential impact on both the safety of Federal correctional officers, and the safety of the public from recidivist offenders.

With the large number of Federal prisoners incarcerated in Bureau of Prison (BOP) facilities, now is the time to seek increased opportunities for inmates to gain meaningful employment through FPI. In so doing, we can reduce the rate of recidivism, enhance public safety, provide restitution to victims of crime and their families, and require these inmates to truly pay their debt to society at no additional cost to the American taxpayers. In addition, it will create a safer environment for the thousands of correctional officers who work in BOP facilities.

On behalf of the membership of the Fraternal Order of Police, I wish to thank you for your continuing leadership on this issue and your support of America's law enforcement officers. Please do not hesitate to contact me, or Executive Director Jim Pasco, if we can provide you with any additional information or assistance.

Sincerely,

STEVE YOUNG,
National President.

Mr. THURMOND. Madam President, I rise to express my strong support for the amendment to strike section 821, the Federal Prison Industries provision of the Defense Authorization Act. I commend Senator GRAMM for his leadership and excellent remarks today on this critical issue.

FPI or UNICOR is an essential correctional program that keeps thousands of prisoners working every day without any cost to taxpayers. It helps maintain prison safety and security because inmates that are productively occupied are less likely to be involved in mischief and violence.

FPI has existed since the 1930s, but it has never been more important than it is today in these times of rising prison populations. Just on the Federal level, the prison population today is twice what it was in the late 1980s. While the number of inmates in State prisons may be leveling off now, the number of Federal prisoners is continuing to rise and is expected to expand by 40 percent in the next seven years. The Congress is approving 28 more medium or high-security prisons to accommodate this continuing increase, which is needed to keep our streets safe and keep the crime rate declining. It is prisons of this type that most need the work programs that FPI provides.

Moreover, Prison Industries helps provide prisoners a future when they are released. The program teaches inmates meaningful job skills that they can use when they return to society, and has proven to be the most successful government initiative in helping prevent prisoners from returning to a life of crime. It is an extremely popular work program, through which inmates volunteer to participate. In fact, the prisons have long waiting lists for inmates to be involved. It is worth repeating that FPI requires no government funding and sustains itself as a government corporation.

We should not destroy what keeps the growing correctional population occupied in a way that benefits prisoners and protects the prisons and our communities. Yet, Section 821 of the Defense authorization bill could do just that. It would essentially exclude the Defense Department from FPI and endanger this program and its essential mission.

The Defense Department is critical to FPI's continued success. It is one of FPI's most important customers, constituting about 60 percent of FPI sales. Also, FPI is an important part of the military supply network. DOD and FPI have a good working relationship, and there is no basis for us to create a special carve out of DOD from FPI's very long-standing Federal Government preference in procurement.

Section 821 would eliminate the preference that FPI has over the private sector for sales less than $2,500, for products that are part of a national security system, or for products that are components of items that FPI does not sell. This would essentially exclude Defense from the mandatory source because the great majority of DOD orders fit into one of these three categories. In fact, for any remaining purchases, DOD would be required to conduct ''market research'' before making purchases. This provision is simply unworkable in practice and, considering that DOD constitutes about 60 percent of FPI sales, would severely harm FPI, and even endanger the program.

The arguments that opponents of Prison Industries are making are certainly not new. These issues were raised by Senator LEVIN years ago in a previous Defense authorization bill, and the Congress required the Defense Department and the Justice Department to complete a major study regarding their relationship. The results of that joint study were released in 1999, and show that the changes we are considering today are not warranted. The study found that they have a beneficial and cooperative relationship, and the suggestions it made for improvement have been implemented. It specifically concluded that no statutory changes in the procurement process are warranted, which the provision we are considering today entirely disregards.

Moreover, the current Bush administration opposes this type of piecemeal effort to harm FPI, just as the Clinton administration and others did in the past. The Bush administration has expressed great concern about the effect that Section 821 could have on the safe and effective administration of Federal prisons.

This concern is entirely appropriate. The fact is that Section 821 would eliminate many FPI jobs and create problems for the safe and efficient operation of Federal prisons. Also, many opportunities for inmates to earn marketable job skills would be lost or have to be subsidized with scarce Government funds. Given the severe budget constraints and demands for Federal money caused by the September 11 terrorist attacks, this is definitely not the time to be creating an additional need for Federal dollars.

The operation of Federal prisons is a matter within the jurisdiction of the Judiciary Committee, and that committee is the appropriate place to consider matters related to FPI. In fact, reform legislation that we should consider in the Judiciary Committee is currently pending there.

I agree that it is time to move away from the mandatory source preference that FPI has in the Federal market. However, we must do so in a reasoned, comprehensive way that creates more opportunities, not less.

Senator HATCH and I have introduced a bill that is pending in the Judiciary Committee which would eliminate the mandatory source in a way that would not endanger FPI. Our legislation, S. 1228, would give private businesses the opportunity to partner with FPI to make products in the private sector.

Most importantly, it would permit prisoners to make products for private companies that otherwise would be made overseas, such as electronic toys and televisions. This has the potential to return jobs to America that have been lost to foreign labor. FPI already purchases over $400 million per year in raw materials and equipment from United States companies, most of which comes from small businesses. This bill would expand those opportunities for private industry.

Also, under S. 1228, when inmates made products in the domestic market, they would earn comparable locality wages. Additional money that they earned would be used to pay restitution, child support, and a portion of their room and board costs. This would be in addition to the millions of dollars that FPI inmates already contribute annually to their families and to crime victims. I think we should make FPI a partner with the private sector as part of a comprehensive solution to this long-standing issue.

Any argument about forced labor, whether in FPI today or in this bill, has absolutely no merit. FPI is a program that inmates volunteer to participate in, and S. 1228 would require that participation be voluntary. Also, the facilities would comply with standards established by OSHA, the International Labor Organization, and the American Correctional Association.

I am prepared to work with all interested parties to help resolve this matter once and for all. However, the Defense Authorization Act is not the right place and section 821 is clearly not the right approach to reforming Prison Industries. With the recent terrorist attack, many want to limit the Defense authorization bill to our military and national security needs. This bill certainly should not be used to interfere in the orderly operation of Federal prisons. Thus, I encourage my colleagues to support this important amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, do I have any time remaining?

The PRESIDING OFFICER. There is no time remaining.

Mr. LEVIN. I ask unanimous consent for an additional 2 minutes.

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

Mr. LEVIN. Madam President, if the Senator from Texas wants to offer an amendment to modify the Davis-Bacon law to accomplish what he talked about, he ought to offer it. Nobody offered it in committee, but the Senator from Texas is free to offer it.

What troubles me is we have a bill which is of critical significance to the Armed Forces of the United States. We have pay increases in the bill. We have housing allowances. What the Senator from Texas is saying is, unless he gets his way on this issue, he is not going to allow that bill to go forward. It seems to me that is wrong, and that is the problem. That is what has caused this particular situation.

That is the only reason the Senator from Virginia obviously offered the amendment and moved to table it, to see whether or not there is support for the position of the Senator from Texas. If the Senator from Texas prevails on his position, fine. If he does not prevail on his position, this bill is too important, has too much in it that matters to the security of this country, to be held up by one Senator who insists he is going to get his way even if the majority of the Senate disagrees with him. That is what the issue is. It seems to me that is the overriding issue.

Back to competition, if the Senator from Texas believes there should be an amendment that would modify Davis-Bacon, I would urge him to offer that. Let us debate it. Let us vote it, but let us not hold up the Defense bill as his position would.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I ask unanimous consent that the request of the Defense Department that they have the right to engage in competitive bidding on contracts of less than a million dollars be accepted.

Mr. LEVIN. I object. I have said very clearly that the Senator should offer the amendment if he wants to do so. Send the amendment to the desk. Let's debate that amendment. Win or lose, modify Davis-Bacon if he wishes. Send an amendment to the desk. We will debate it. But what I object to is holding up the Defense bill on this ground. We do not do this by unanimous consent.

Mr. GRAMM. Not to keep dragging this dead cat back across the table, but I am not asking for any special privilege. I wanted to offer my own amendment, which someone else offered. The Senator can deal with his bill as he chooses. I have been a private in the Army, but I believe I am a private in the right. I want this issue to be heard, and I want to debate it. I don't understand why that is somehow unreasonable.

When people want to pass special interest legislation, they can cloak themselves in the righteousness of the moment. I do not understand why it is even in this bill. I think, quite frankly, people ought to be embarrassed that it is in this bill.

In any case, I am not asking for any special privilege whatsoever. I want to exercise my right as 1 of 100 Senators. That is all I am doing.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 12:34 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to ordered by the Presiding Officer (Mr. NELSON of Nebraska).

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. For the interest of all Senators, we will stand in recess immediately following this vote in order to accommodate Senators who wish to attend the briefing that will be held in room 407 this afternoon. That briefing will be to hear the Secretary of State give an update on the current circumstances.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2002

Mr. DASCHLE. I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 65, a continuing resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be read three times, passed, and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 65) was considered read the third time and passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Virginia, Mr. WARNER, No. 1674.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. WARNER. We have no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Delaware (Mr. CARPER) are necessarily absent.

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

The result was anounced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—74

Akaka	Domenici	Lugar
Allard	Dorgan	Mikulski
Allen	Edwards	Miller
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Frist	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Bunning	Hagel	Rockefeller
Burns	Harkin	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kyl	Thomas
Craig	Landrieu	Torricelli
Crapo	Leahy	Warner
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden
Dodd	Lincoln	

NAYS—24

Bond	Graham	McConnell
Brownback	Gramm	Murkowski
Byrd	Hatch	Roberts
Chafee	Hutchison	Santorum
DeWine	Jeffords	Stevens
Durbin	Kohl	Thompson
Ensign	Lott	Thurmond
Fitzgerald	McCain	Voinovich

NOT VOTING—2

Biden	Carper

The motion was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. JOHNSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 2:48 p.m., recessed subject to the call of the Chair and reassembled at 4:06 p.m., when called to order by the Presiding Officer (Mr. MILLER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand the amendment of the Senator from New Mexico has now been cleared on both sides. We welcome that news. He has been working hard on this

amendment for a number of years to provide some equity to some people who have had severe losses. I have always commended him on his efforts and supported him. I think we have worked it out within the budget constraints of the bill.

Perhaps the Senator from Oklahoma would agree that his amendment will be temporarily laid aside so the Senator from New Mexico could offer an amendment.

Mr. WARNER. Mr. President, I join the chairman. We have known of the years and years of work and the foundation laid by our colleague from New Mexico. He provided for it in the budget amendment long before the current situation developed. We support it.

AMENDMENT NO. 1672

Mr. DOMENICI. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mr. ALLARD, proposes an amendment numbered 1672.

Mr. DOMENICI. 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 provide permanent appropriations with fiscal year limits to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act)

At the appropriate place, insert the following:

SEC. . RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(e) APPROPRIATION.—

''(1) IN GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

''(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) may not exceed—

''(A) in fiscal year 2002, $172,000,000;

''(B) in fiscal year 2003, $143,000,000;

''(C) in fiscal year 2004, $107,000,000;

''(D) in fiscal year 2005, $65,000,000;

''(E) in fiscal year 2006, $47,000,000;

''(F) in fiscal year 2007, $29,000,000;

''(G) in fiscal year 2008, $29,000,000;

''(H) in fiscal year 2009, $23,000,000;

''(I) in fiscal year 2010, $23,000,000; and

''(J) in fiscal year 2011, $17,000,000.''.

Mr. DOMENICI. Mr. President, we are going to do something that is very fair that will eliminate a serious problem that is out there among a few thousand Americans, some of whom have walked into meetings with the U.S. Government carrying an IOU. The IOU is that the Federal Government owes them the money they were supposed to receive months ago, because either the person there or one of their spouses have died or is seriously ill with an ailment that is charged and relates directly to having been in the uranium mining activity for years and years in the early days of the nuclear weapons program.

What happened was, we put money in a trust fund and we made this an entitlement, but it was not funded. The trust fund was a given amount of money. They adjudicated these claims. We did it so they could do them quickly; they didn't have to spend a lot of money on lawyers.

The Government ruled quickly, even though in some cases, with some of them listening in the Four Corners area, they did go through an awful lot of trouble to get their claim. But then, the insult: they produced their claim and said, where is the money? The U.S. Department of Justice said, oops, sorry, we don't have any. These people are walking around, some of them almost in a daze, because they cannot believe that their Federal Government they read about every day, spending hundreds of billions of dollars, huge amounts for defense, huge amounts for other things, is telling them for a claim that is theirs, that has been adjudicated, that says the U.S. Government of America owes Jimmy Jones $100,000, there is no money. And this is what they bring to our meetings.

We do not take very long in agreeing with them. We try to give them the history, the fact it has to be funded. Every time we sought funding for one reason or another, we received just enough for a month or two. This claim got mixed up in jurisdictional problems as to which committee ought to fund it.

I say to the Senate, when we were working on the budget resolution, we allocated in that budget to the Armed Services Committee the money that was necessary to keep this program going for a substantial period of time. We said, even though it is allocated to the defense part of our budget, this amount of money should be used for the claimants I am talking about under the Radiation Exposure Compensation Fund.

Under this bill, there is $172 million in the defense account that has not been used because it is for these claimants. A little bit of it was used in the process of producing this bill. I do not choose to argue about that. That is all right with me. I just want this amendment adopted so nobody uses the rest of the money that is in this bill for these people.

For anybody who is interested, we are about to do something for a lot of Americans, principally in the Four Corners area, some in the Dakotas. Those claimants ought to know the best we can do is to put it on this bill. This bill has a long way to go, but the Senator from New Mexico does not know where else to put it that will get it into their hands any sooner.

We will be watching and observing, and if for some reason this authorization bill cannot get through the process—through the House to the President and signed—we will try to find another way. We did not succeed totally. We do not make this a completely mandatory program.

We are taking jurisdiction away from no one. If this bill is in the Judiciary Committee, they will retain jurisdiction. We are going to pay for it out of an allocation that went to this committee's work on defense, and we are just about to say that this money will now go to whom it was intended: those people to whom the Government is clearly indebted and owes money.

I offered this amendment that will make funding for the Radiation Exposure Compensation Fund mandatory.

From the 1940s through 1971, uranium miners, Federal employees, who participated in above-ground nuclear tests, and downwinders from the Nevada Test Site were exposed to dangerous levels of radiation. As a result of this exposure, these individuals contracted debilitating and too often deadly radiation-related cancers and other diseases.

In 1990, Congress recognized their contribution by passing the Radiation Exposure Compensation Act to ensure that these individuals and their families were indemnified for their sacrifice and suffering. However, the RECA Trust Fund ran out of money in May, 2000. Consequently, for over a year most eligible claimants received nothing more than a five-line IOU from the Justice Department explaining that no payments will be made until Congress provides the necessary funds. Some of these claimants died while awaiting their payments. This is simply unconscionable.

Fortunately, we were able to secure the necessary funds in this year's supplemental to pay the IOUs and all claims approved by September 30, 2001. Nonetheless, many claims will be filed and approved over the coming years, and it is time we make all payments to this fund mandatory so that these people who have suffered so greatly for our Nation's security are not again shortchanged by the political complexities of the annual congressional appropriations process. If we do not adopt this amendment, more of these men will die holding nothing but a Government IOU.

In a time when our Nation is at war, it is imperative that we do not forget those citizens who have contributed so much to the strength and security of our Nation. After all, these folks helped build our nuclear arsenal, the nuclear arsenal that is responsible, at least in part, for ending the cold war and leading to America's place as the world's only superpower.

Moreover, it is important that we show those who are now being called on to protect our Nation that the Senate cannot and will not forget their efforts and sacrifice. By turning our backs on some of yesterday's heroes we will be sending the wrong message to the heroes of today.

This is the appropriate time to raise this issue because we assumed this spending in the Senate budget resolution and the funding was allocated to the Armed Services Committee for this purpose. It is important to note that under this amendment, these mandatory payments are capped at the amounts allocated to the Armed Services Committee and will not exceed $172 million in any one year.

Those who helped protect our Nation's security through their work on our nuclear programs must be compensated for the enormous price they paid. Anything less is unacceptable.

Mr. President, there were a lot of Senators involved. If they want to be a cosponsor, we will be glad to ask they be made original cosponsors. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our good friend from New Mexico. He and Senator BINGAMAN and others have fought hard and long for equity in this area. We intended to do it for some time, but it has always been subject to appropriation.

The Senator from New Mexico made sure that in the budget resolution there was an allocation that would make this possible on this bill. He has done his homework, as he always does. It is very gratifying.

I know the people he represents, plus a lot of other people for whom justice will finally be done. I commend him for his work and support on the amendment.

Mr. BINGAMAN. Mr. President, I am an original cosponsor of this amendment by Senator DOMENICI and strongly supportive of it because it takes important steps to fully fund the Radiation Exposure Compensation Act, or RECA.

RECA was originally enacted as a means of compensating thousands of individuals who suffered from exposure to radiation as a result of the Federal Government's nuclear testing program and Federal uranium mining activities. While the Government can never fully compensate for the loss of a life or the reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended in 1990 to the victims of the radiation tragedies. This amendment is critical to ensure that the Federal Government finally lives up to that commitment of providing a compassionate program of compensation to these workers and their families.

Unfortunately, for years the Federal Government's commitment to RECA has been half-hearted. The fund has been consistently shortchanged, so much so that the Justice Department was until recently shamefully issuing IOU's to sick and dying workers. This amendment will assure uranium millers, miners and ore transporters that the Federal Government values the service they gave to our country and is committed to ensuring they receive compassionate compensation for that service.

The amendment provides $655 million over 10 years to workers and their families that are eligible through RECA. This goes a long way toward the Federal Government fully living up to its promise when we passed RECA 11 years ago. Unfortunately, the Congressional Budget Office estimates that we need $812 million over the same period. So, while I urge the Congress to recognize we are making important and critical strides to fully funding this commitment, we remain around $150 million short and we must all work to ensure that the program is fully funded throughout the 10-year period. We must never reach a point of issuing IOU's rather than actual financial assistance to these workers and their families again.

I would also like to thank Chairman LEVIN and Senator WARNER for their hard work on this issue. They have, from the beginning, recognized the importance and fairness involved in passage of this amendment and I am appreciative of their help and support.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1672) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the senior Senator from Michigan. I yield the floor.

Mr. DASCHLE. Mr. President, I am delighted that the Senate has adopted an amendment I cosponsored with Senator DOMENICI to provide $665 million over the next 10 years to fund the Radiation Exposure Compensation Act.

Hundreds of former uranium workers in South Dakota and thousands across the Nation have developed cancer and other life-threatening diseases as a result of their work producing uranium on behalf of the U.S. Government. Although the Federal Government knew this work put the health of these men and women at risk, it failed to take appropriate steps to warn or protect them.

The Radiation Exposure Compensation Act is designed to compensate these individuals, or their surviving family. Although Congress has already committed to the compensation, adequate funding has never available to fund this program. In fact, the Federal Government at times has been sending IOUs to eligible beneficiaries because Congress has not been providing enough money to pay these claims.

The amendment just adopted by the Senate takes a significant step toward addressing this problem. It provides $665 million over the next 10 years to pay these claims. While this amount is not sufficient to cover all those expected to apply for benefits, it will cover the vast majority of claims. I plan to work with my colleagues to ensure that any remaining funds that prove to be necessary are provided.

I want to express my thanks to Senator DOMENICI for his work on this issue, and to Senators BINGAMAN, REID and HATCH for their consistent efforts to support uranium workers.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Congressional Budget Office is required to prepare a cost estimate for spending legislation reported by committees. The cost estimate for the bill reported by the committee, S. 1416, was not finished at the time the report on this bill was filed. The CBO cost estimate is now available. I ask unanimous consent that the Congressional Budget Office cost estimate for the Defense authorization bill reported by our Committee on Armed Services be printed in the RECORD.

Because the four sections removed from S. 1416 should not affect the funding levels in the bill, this CBO cost estimate will also apply to S. 1438 which we are presently considering.

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

SEPTEMBER 19, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1416, the National Defense Authorization Act for Fiscal Year 2002.

The CBO staff contact is Kent Christensen, who can be reached at 226–2840. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

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

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1416—National Defense Authorization Act for Fiscal Year 2002

Summary: S. 1416 would authorize appropriations totaling $343 billion for fiscal year 2002 for the military functions of the Department of Defense (DoD) and the Department of Energy and certain other defense-related programs. It also would prescribe personnel strengths for each active duty and selected reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts for 2002 would result in additional outlays of $338 billion over the 2002–2006 period.

The bill also contains provisions that would raise the costs of discretionary defense programs over the 2003–2006 period. CBO estimates that those provisions would require appropriations of $10 billion over those four years.

The bill contains provisions that would reduce direct spending, primarily through revised payment rates for some services offered under the Tricare for Life program and certain asset sales. We estimate that the direct spending savings resulting from provisions of S. 1416 would total $209 million over the 2002–2006 period and $86 million over the 2002–2011 period. Those totals include estimated net receipts from asset sales of $144

million over the next five years and $120 million over 10 years. Because it would affect direct spending, the bill would be subject to pay-as-you-go procedures.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitle F (Uniformed Services Overseas Voting) of title V is excluded because the provision would enforce an individual's constitutional right to vote. The bill contains one private-sector mandate; however, the costs of that mandate would not exceed the threshold as specified in UMRA ($113 million in 2001, adjusted annually for inflation).

The remaining provisions of the bill either contain no mandates or are excluded, as specified in UMRA, because they would be necessary for national security. The bill also would affect DoD's Tricare long-term care program by increasing costs in state Medicaid programs by about $1 million in 2002 and over $2 million in 2003. Such costs would not result from mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1416 is shown in Table 1. Most of the costs of this legislation fall within budget function 050 (national defense).

TABLE 1.—BUDGETARY IMPACT OF S. 1416, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

[By fiscal year, in millions of dollars])

	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Defense Programs:						
Budget Authority [1]	316,051	0	0	0	0	0
Estimated Outlays	301,602	107,667	36,099	13,839	6,256	3,308
Proposed Changes:						
Estimated Authorization Level	0	342,647	0	0	0	0
Estimated Outlays	0	226,562	76,529	23,636	8,254	3,008
Spending Under S. 1416 for Defense Programs:						
Estimated Authorization Level [1]	316,051	342,647	0	0	0	0
Estimated Outlays	301,602	334,229	112,628	37,475	14,510	6,316
DIRECT SPENDING (EXCLUDING ASSET SALES)						
Estimated Budget Authority	0	32	−200	61	25	17
Estimated Outlays	0	32	−200	61	25	17
ASSET SALES [2]						
Estimated Budget Authority	0	−40	−114	−16	−5	31
Estimated Outlays	0	−40	−114	−16	−5	31

[1] The 2001 level is the amount appropriated for programs authorized by the bill.
[2] Asset sale receipts are a credit against direct spending.

Note.—This table excludes estimated authorizations of appropriations for years after 2002. (Those additional authorizations are shown in Table 3.)

Basis of Estimate

Spending Subject to Appropriation

The bill would authorize appropriations totaling $343 billion in 2002 (see Table 2). Most of those costs would fall within budget function 050 (national defense). S. 1416 also would authorize appropriations of $71 million for the Armed Forces Retirement Home (function 600—income security) and $17 million for the Naval Petroleum Reserves (function 270—energy).

Title XIII would make $15.2 billion of the authorizations in the bill contingent upon either a procedural action taken by the Chairman of the Committee on the Budget in the Senate or a procedural waiver agreed to by three-fifths of the members of the Senate. The estimate assumes that one of these actions would occur and that $343 billion will be appropriated near the start of fiscal year 2002. Outlays are estimated based on historical spending patterns.

The bill also contains provisions that would affect various costs, mostly for personnel, that would be covered by the fiscal year 2002 authorization and by authorizations in future years. Table 3 contains estimates of those amounts. In addition to the costs covered by the authorizations in the bill for 2002, these provisions would raise estimated costs by $10 billion over the 2003–2006 period. The following sections describe the provisions identified in Table 3 and provide information about CBO's cost estimates for those provisions.

Multiyear Procurement. In most cases, purchases of weapon systems are authorized annually, and as a result, DoD negotiates a separate contract for each annual purchase. In a small number of cases, the law permits multiyear procurement; that is, it allows DoD to enter into a contract to buy specified annual quantities of a system for up to five years. In those cases, DoD can negotiate lower prices because its commitment to purchase the weapons gives the contractor an incentive to find more economical ways to manufacture the weapon, including cost-saving investments. Funding would continue to be provided on an annual basis for these multiyear contracts, but potential termination costs would be covered by an initial appropriation.

TABLE 2. SPECIFIC AUTHORIZATIONS IN S. 1416

[By fiscal year, in millions of dollars]

Category	2002	2003	2004	2005	2006
Military Personnel:					
Authorization Level	82,342	0	0	0	0
Estimated Outlays	77,105	4,611	165	82	0
Operation and Maintenance:					
Authorization Level	125,702	0	0	0	0
Estimated Outlays	94,195	24,527	4,092	1,703	506
Procurement:					
Authorization Level	62,217	0	0	0	0
Estimated Outlays	16,037	22,489	13,471	5,112	2,011
Research, Development, Test, and Evaluation:					
Authorization Level	46,616	0	0	0	0
Estimated Outlays	25,286	17,229	3,019	662	191
Military Construction and Family Housing:					
Authorization Level	10,478	0	0	0	0
Estimated Outlays	2,712	4,027	2,312	785	338
Atomic Energy Defense Activities:					
Authorization Level	14,285	0	0	0	0
Estimated Outlays	9,669	3,849	767	0	0
Other Accounts:					
Authorization Level	2,512	0	0	0	0
Estimated Outlays	1,778	431	166	74	20
Unspecified Reductions (DoD):					
Authorization Level	−1,630	0	0	0	0
Estimated Outlays	−617	−582	−236	−104	−38
General Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	280	−60	−120	−60	−20
Total:					
Authorization Level [1]	342,522	0	0	0	0
Estimated Outlays	226,445	76,521	23,636	8,254	3,008

[1] These specific authorizations comprise nearly all of the proposed changes shown in Table 1; they do not include estimated authorizations of $83 million for the Coast Guard Reserve, and $42 million for payments to WWII slave laborers, which are shown in Table 3.

TABLE 3.—ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 1416

[By fiscal year, in millions of dollars]

Category	2002	2003	2004	2005	2006
MULTIYEAR PROCUREMENT					
F/A–18E/F Engines	−10	−10	−10	−10	−10
C–17 Aircraft	0	−117	−293	−272	−252
FORCE STRUCTURE					
DoD Military Endstrengths	262	542	560	576	594
Coast Guard Reserve Endstrengths	83	0	0	0	0
Grade Structure	20	41	47	53	55
COMPENSATION AND BENEFITS (DOD)					
Military Pay Raises	1,026	1,420	1,490	1,558	1,624
Expiring Bonuses and Allowances	564	457	257	171	114
Housing Allowances	230	712	407	84	0
Travel and Transportation Allowances	84	88	93	99	104
Increase Incentive Pay and Bonuses	49	71	75	81	87
New Bonuses	38	24	21	21	22
Subsistence Allowances	6	15	8	3	0
Uniform Allowances	4	4	4	4	4
Commissary Benefits for Reservists	3	3	3	4	4
Education and Training	22	26	30	35	41
DEFENSE HEALTH PROGRAM					
Payment Rates	−144	−90	0	0	0
Long-Term Care Rules	−44	0	0	0	0
Travel Reimbursements	5	5	5	5	5
OTHER PROVISIONS					
Strategic Forces	−20	−70	−140	−200	−220
Voluntary Separation and Early Retirement Incentives	0	145	6	0	0
Payments to World War II Slave Laborers	42	37	31	4	4
Purchase Alternative Fuel Vehicles for DoD	0	0	0	23	21
TOTAL ESTIMATED AUTHORIZATIONS					
Estimated Authorization Level	2,220	3,303	2,594	2,239	2,197

Note.—For every item in this table except the authorization for the Coast Guard reserve and for payments to WWII slave laborers, the 2002 levels are included in the amounts specifically authorized to be appropriated in the bill. Those amounts are shown in Table 2. Amounts shown in this table for 2003 through 2006 are not included in Table 1.

Section 122 would authorize DoD to enter into a multiyear contract to buy engines for F/A–18E/F aircraft starting in 2002. The Navy currently purchases the aircraft from Boeing under a multiyear contract covering the 2000–2004 period, while the engines are purchased separately from General Electric under annual contracts. Each engine costs about $4 million today. According to the Navy, it plans to purchase 48 aircraft a year over the next five years starting in 2002. CBO estimates that the savings from buying F/A–18E/F engines under a multi-year contract would total about $50 million over the 2002–2006 period, or about 3 percent of total engine costs. This estimate assumes that the Navy would buy 96 engines a year (two engines for every aircraft purchased) over the five-year period and that there would be no up-front investment required to implement the multiyear contract.

Section 131 would authorize DoD to enter into a new multiyear procurement contract to buy up to 60 additional C–17 aircraft. Under the current multiyear contract, the Air Force will buy 15 aircraft in 2002 and another 8 aircraft in 2003. Assuming that the Air Force would proceed with follow-on procurement of up to 60 additional aircraft, CBO estimates that savings from buying 60 additional C–17s under a multiyear contract arrangement would total $934 million or an average of about $250 million a year over the 2003–2006 period. Funding requirements would total just under $8.3 billion instead of the almost $9.2 billion needed under annual contracts. This estimate assumes that the Air Force would purchase the 60 additional aircraft starting in 2003 at a rate of 15 a year.

Force Structure. The bill contains various sections that affect endstrength and personnel grade structure.

Endstrengths. The bill would authorize active and reserve endstrengths for 2002. The authorized endstrengths for active-duty personnel and personnel in the selected reserve would total about 1,387,000 and 865,000, respectively. Of those selected reservists, about 67,000 would serve on active duty in support of the reserves. The bill would specifically authorize appropriations of $82.4 billion for the costs of military pay and allowances in 2002. Of that amount, discretionary authorizations for military pay and allowances would total $82.3 billion, while $0.1 billion would be provided to cover mandatory costs. The authorized endstrength represents a net increase of 3,152 servicemembers that would boost costs for salaries and other expenses by $262 million in the first year and about $600 million annually in subsequent years, compared to the authorized strengths for 2001.

The bill also would authorize an endstrength of 8,000 in 2002 for the Coast Guard Reserve. This authorization would cost about $83 million and would fall under budget function 400 (transportation).

Grade Structure. Sections 402, 415, and 502 would increase the number of servicemembers in certain grades. Under section 402, the number of servicemembers in pay grade E–8 in the Navy would increase. Section 415 would change the grade structure of active-duty personnel in support of the reserves. Section 502 would reduce the time-in-grade required for promotion to captain in the Army, Air Force, and Marine Corps, and lieutenant in the Navy when service staffing needs require. These changes would not increase the overall endstrength, but would result in more promotions to these ranks. CBO estimates these provisions would cost $20 million in 2002, rising to $55 million by 2006.

Compensation and Benefits. S. 1416 contains several provisions that would affect military compensation and benefits.

Military Pay Raises. Section 601 would raise basic pay by 5 percent across-the-board and authorize additional targeted pay raises, ranging from 1 percent to 10 percent, for individuals with specific ranks and years of service at a total cost of about $3.1 billion in 2002. Because the pay raises would be above those projected under current law, CBO estimates that the incremental costs associated with the larger pay raise would be about $1 billion in 2002 and total $7.1 billion over the 2002–2006 period.

Expiring Bonuses and Allowances. Several sections would extend DoD's authority to pay certain bonuses and allowances to current personnel. Under current law, most of these authorities are scheduled to expire in December 2001, or three months into fiscal year 2002. The bill would extend these authorities through December 2002. CBO estimates that the costs of these extensions would be as follows:

Payment of reenlistment bonuses for active-duty personnel would cost $327 million in 2002 and $174 million in 2003; enlistment bonuses for active-duty personnel would cost $91 million in 2002 and $140 million in 2003.

Various bonuses for the Selected and Ready Reserve would cost $64 million in 2002 and $73 million in 2003.

Special payments for aviators and nuclear-qualified personnel would cost $52 million in 2002 and $55 million in 2003.

Retention bonuses for officers and enlisted members with critical skills would cost $23 million in 2002 and $13 million in 2003.

Authorities to make special payments to nurse officer candidates, registered nurses, and nurse anesthetists would cost $7 million in 2002 and $2 million in 2003.

Most of these changes would result in additional, smaller costs in subsequent years because payments are made in installments.

Housing Allowances. Section 605 would limit the out-of-pocket cost of housing for servicemembers receiving basic allowance for housing (BAH) within the United States. Currently, DoD pays members BAH rates which cover about 85 percent of the cost of adequate housing in the United States. DoD plans to reduce the average out-of-pocket housing expense for members by increasing BAH by about 4 percent annually, until BAH covers the full cost of adequate housing by 2005, adjusting the rate each January. Section 605 would accelerate DoD's plan by limiting out-of-pocket costs to 7.5 percent in 2002 and eliminating average out-of-pocket costs in 2003, adjusting the rates on January 1, 2002, and October 1, 2002, respectively. CBO estimates that accelerating the increase in BAH would cost $230 million in 2002 and $1.4 billion over the 2002–2006 period.

Travel and Transportation Allowances. Sections 631 through 634 would affect travel and transportation allowances by expanding eligibility or increasing benefits. CBO estimates that the cost of these changes would be as follows:

Expanding eligibility to receive the basic allowance for housing (BAH) to junior enlisted members in grades E–3 and below who are on leave or traveling between permanent duty stations would cost $34 million in 2002 and $182 million over the 2002–2006 period.

Expanding eligibility for temporary subsistence allowance to officers would cost $6 million in 2002 and $30 million over the 2002–2006 period.

Authorizing dislocation allowances (DLA) for married servicemembers without dependents where the spouse is a member of the military, would cost $4 million in 2002. Expanding eligibility to receive DLA to members with dependents moving to their first duty station would cost $34 million in 2002. Authorizing a $500 allowance to compensate members who must move for government convenience (e.g., because of housing privatization or renovation) would cost $6 million in 2002. CBO estimates that these three provisions would cost $256 million over the 2002–2006 period.

In total, these provisions affecting travel and transportation allowances would cost $84 million in 2002 and $468 million over the 2002–2006 period.

Increases in Incentive Pay and Bonuses. Sections 537, 616, and 617 would expand eligibility for bonuses and increase pay for personnel with special skills. Section 537 would expand the population eligible to receive stipends under the Health Professional Stipend Program to include medical and dental school students. Assuming the number of participants would increase gradually, at about 5 percent a year, CBO estimates that implementing section 537 would cost less than $500,000 in 2002 and $7 million over the 2002–2006 period.

Section 616 would raise the maximum pay rates for servicemembers performing submarine duty. CBO estimates this pay increase, effective October 1, 2002, would have no cost in 2002, cost $21 million in 2003, and cost $111 million over the 2003–2006 period.

Under section 617, certain officers and enlisted servicemembers would become eligible to receive career sea pay, regardless of their rank, time-in-service, or time-at-sea. CBO estimates section 617 would cost $49 million in 2002 and $245 million over the 2002–2006 period. Together, these increases in incentive pay and bonuses would cost $49 million in 2002 and $363 million over the 2002–2006 period.

New Bonuses. Sections 619 and 661 would authorize new bonuses for commissioned officers and enlisted members with critical skills. Section 619 would authorize a new officer accession bonus for officers with critical skills. The bonus, limited to $20,000, could be paid in a lump sum or installments. This authority would expire on December 31, 2002. Based on information from DoD, CBO expects that the Air Force and the Navy would use this authority starting in 2002, and that the provision would cost $18 million in 2002 and $22 million over the 2002–2006 period.

Under section 661, the Secretary of Defense could purchase United States savings bonds for certain officers and enlisted members with critical skills, who agree to extend their period of service for a minimum of six years. The face value of the bonds would range from $5,000 to $30,000, depending on the members' years of service and prior receipt of this benefit. Based on DoD's use of similar bonuses, CBO estimates that section 661 would cost $20 million in 2002 and $104 million over the 2002–2006 period.

Together, CBO estimates these new bonuses would cost $38 million in 2002 and $126 million over the 2002–2006 period.

Subsistence Allowances. Section 604 would extend the current authority to provide an additional subsistence payment when rations-in-kind are not available. DoD plans to prescribe this incremental subsistence allowance until payments may be fully offset by the annual increases in basic allowance for subsistence (BAS). CBO estimates that under DoD's plan, additional subsistence payments would end in 2005. This section also would delay the termination of BAS transition authority by three months, making termination effective on January 1, 2002, and saving an estimated $15 million in 2002. CBO estimates the combined effects of implementing these provisions would cost $6 million in 2002 and $32 million over the 2002–2006 period.

Uniform Allowances. Section 607 would loosen restrictions on eligibility of officers to receive an additional $200 clothing allowance by doubling the cap on the dollar amount a member may receive in an initial clothing allowance over the prior two years. Under current law, officers are ineligible to receive the additional allowance if they have received more than $200 in an initial clothing allowance during the past two years. Raising the cap would increase the number of officers eligible for the additional $200 allowance. CBO estimates that implementing this provision would cost $4 million in 2002 and $20 million over the 2002–2006 period.

Commissary Benefits. Section 662 would allow new members of the ready reserve to use the commissary benefit up to 24 times a year. CBO estimates that implementing this section would cost about $3 million in 2002 and $17 million over the 2002–2006 time period. Currently, new reservists do not automatically qualify for commissary benefits, since they have not had sufficient time to accumulate the necessary annual training points. Under this section, new reservists would be allowed to visit the commissary two times a month until they meet the eligibility requirements which CBO estimates to be about six months. Based on data from DoD, CBO estimates that up to 70,000 reservists would become eligible for this benefit each year. Allowing up to 70,000 more customers to shop at commissaries would increase the administrative costs associated with the commissary system, which are paid out of appropriated funds and are estimated by CBO to be about $8 per reservist per month.

Education and Training. Several sections of the bill would affect education and training by expanding eligibility. CBO estimates that the cost of these changes would be as follows:

Section 532 would remove the cap on the number of Junior Reserve Officers' Training Corps (JROTC) units. DoD plans to have 3,185 units in 2002, less than the current cap of 3,500 units. Based on recent growth rates, CBO expects the number of units would exceed 3,500 in 2005. CBO estimates implementing section 532 would increase JROTC costs by $2 million in 2005, rising to $5 million in 2006.

Section 536 would increase the number of international students authorized to be admitted to the service academies and would eliminate the restrictions on full tuition waivers. CBO estimates that this section would cost $17 million over the 2002–2006 period. Removing the restrictions on tuition waivers would allow about 70 additional international students to receive full tuition assistance each year. This figure includes students admitted because of the higher number of international slots made available under this section, as well as slots that are currently receiving only partial tuition assistance. The current cost of tuition for an international student is about $62,000 a year, and the annual cost of implementing this section would be about $4 million.

Section 539 would provide DoD with the authority to allow certain military personnel the option to transfer up to 18 months of their entitlement to Montgomery GI Bill (MGIB) educational assistance to any combination of spouse and children. To be eligible for this benefit, servicemembers would have to have a critical skill or speciality, to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, the service would be required to deposit an amount equal to the net present value of the transferred MGIB benefit into the Defense Education Trust Fund when a servicemember was granted this benefit.

Under current law, participants in MGIB who serve at least three years on active duty are entitled to receive $650 a month if they are full-time students. CBO estimates that the value of 18 months of MGIB benefit would be $11,700 in 2002. In estimating the net present value of transferring a portion of an individual's MGIB benefit, CBO assumes that one-third of the benefit transfers would be to spouses and two-thirds would be to children, that spouses would begin using the benefit after two years and children after 16 years, and that 75 percent of the amount available for transfer would be transferred and used. Using these assumptions, CBO estimates that the cost to DoD of the transferred benefit would be an average of $6,640 per person in 2002 and, because of the automatic cost-of-living increases in the MGIB benefit, the cost of the transferred benefit would increase to $7,365 in 2006.

CBO expects that DoD would use the authority in 2002 to enhance retention in those areas where the maximum authorized retention bonuses are currently being paid and that the benefit would be offered to a larger population in subsequent years. Based on information from DoD, about 20,300 servicemembers, with six or more years of service, will receive a selective re-enlistment bonus in 2002. Under section 539, CBO assumes that about 3,000 of those would receive the MGIB transfer benefit, and that this number would increase to 4,400 by 2006. Thus, CBO estimates implementing this provision would cost $20 million in 2002, and about $130 million over the 2002–2006 period. (There would also be direct spending costs of about $91 million over the 2004–2011 period for outlays from the Defense Education Trust Fund as the transferred MGIB benefit is used. CBO's estimate of those outlays is discussed below under the heading of ''Direct Spending.'')

CBO notes that, because this section offers a benefit to the families of servicemembers, it is possible that the demand for equal treatment across families might cause the services to offer this benefit more widely than CBO has estimated. If this benefit were offered to the entire eligible population by 2011, CBO estimates the cost could be more than $200 million over the 2002–2006 period.

Defense Health Program. Title VII contains several provisions that would affect DoD health care and benefits. Tricare is the name of DoD's health care program and the spending under Tricare for beneficiaries under age 65 is subject to appropriation. Spending under Tricare for beneficiaries age 65 and over, often called Tricare for Life (TFL), is subject to appropriation in 2002, but beginning in 2003 this spending will be paid out of a trust fund and will not be subject to appropriation.

Payment Rates. Under current law, DoD has the regulatory authority to set maximum allowable rates for medical services to limit how much the Tricare program pays to health care providers. Although DoD has set maximum rates for many services, it has not yet set rates for hospital outpatient diagnostic services, including clinical lab work and radiation services, and long-term care services such as skilled nursing and home health care services. As a result, Tricare currently pays 75 percent of billed charges for these services. DoD has started the regulatory process to establish maximum rates

for the services listed here and estimates it will take upwards of two years to implement the changes by regulation.

Section 713 would require DoD to implement these rates by October 1, 2001. Under this provision, DoD would be able to lower its costs for both hospital outpatient and long-term care services over the 2002–2003 period before the regulations would have been implemented. These savings would affect spending subject to appropriation as well as direct spending for retirees of the other uniformed services in 2002 and 2003 and the TFL trust fund that starts operation in 2003. CBO estimates that the total savings in spending subject to appropriation for hospital outpatient and long-term care services would be about $230 million over the 2002–2003 period, assuming appropriations are reduced by the estimated amounts. Section 713 would affect two different programs: Tricare (under 65) and Tricare for Life. Those two effects are discussed below.

By lowering payment rates for hospital outpatient diagnostic services, DoD would be able to reduce spending on its beneficiaries under age 65. (This portion of the provision would not affect beneficiaries age 65 and over because Medicare is first payer for these services and TFL would only be responsible for the Medicare deductible and copayments.) Using data from DoD, CBO estimates that making payment rates for hospital outpatient diagnostic services equivalent to Medicare rates would lower Tricare spending for these services by about 30 percent. CBO estimates that lowering the payment rates for hospital outpatient services would save about $150 million over the 2002–2003 period, assuming appropriations are reduced by the estimated amounts.

Under section 713, DoD also would lower the rates paid for skilled nursing and home health care. This change would primarily affect the TFL program since beneficiaries under age 65 do not use much long-term care (DoD spent only $10 million on long-term care for those under 65 in 2000). Savings arise because Tricare's skilled nursing benefit has no time limit while Medicare's benefit expires after 100 days. The change in payment rates would have no impact on Tricare for the first 100 days because Tricare would only be liable for the deductibles and copayments charged under Medicare. However, this provision would lower the amount that Tricare would pay for those beneficiaries who need more than 100 days of skilled nursing care. Additionally, Tricare would reduce its costs for providing skilled nursing and home health care to those beneficiaries who use these services without a prior hospital stay and are thus not Medicare-eligible.

CBO estimates the savings to Tricare would initially be low because the Tricare for Life program does not actually begin operation until the start of fiscal year 2002 and CBO expects that it will take about a year before all beneficiaries take full advantage of the program. CBO estimates that lowering payment rates for skilled nursing and home health care would save DoD about $80 million in 2002, assuming appropriations are reduced by the estimated amounts. (There also would be direct spending savings of about $7 million over the 2002–2003 period for the other uniformed services, and about $215 million in 2003 for DoD when the trust fund begins operation. CBO's estimates of those savings are discussed below under the heading of ''Direct Spending.'')

Long-term Care Rules. Tricare does not currently require a hospital stay prior to using long-term care services such as skilled nursing and home health care. Requiring prior hospitalizations would reduce the number of beneficiaries who use long-term care. DoD has stated the regulatory process to require such prior hospitalizations and expects to complete the process by the start of fiscal year 2004.

Section 703 would require DoD to structure the Tricare long-term care program to resemble Medicare, which requires prior hospitalization before being eligible for skilled nursing and home health care. Under section 703, DoD would be required to implement this provision on October 1, 2001. Requiring prior hospitalization under Tricare's long-term care program would reduce the benefit for those beneficiaries who would otherwise have used long-term care and would save DoD the cost of providing this care over the 2002–2003 period before DoD's new long-term care rules would have gone into effect under DoD's plan. CBO estimates that some of those beneficiaries would likely be able to get a prior hospitalization before seeking care. In those instances, Medicare would become the first payer while a few beneficiaries would end up using Medicaid. Thus the savings to DoD would be partially offset by increased costs to both Medicare and Medicaid (discussed below).

Using data from DoD and the Agency for Healthcare Research and Quality, CBO estimates that about 3,500 beneficiaries, who would have used skilled nursing without a hospital stay, would be affected by these new rules along with about 24,000 beneficiaries who would have used home health care. CBO estimates that some of those beneficiaries would pay for the long-term care through Medicare or Medicaid, while others would pay the costs themselves, use other insurance, or do without the long-term care. For those beneficiaries who would be covered by Medicare, DoD would not save the full cost because Tricare would be liable for all deductibles and copayments. Taking this information into account, CBO estimates that, under section 703, Tricare spending would be reduced by about $40 million in 2002, assuming appropriations are reduced by the estimated amounts. (There would also be direct spending savings of about $120 million for both the trust fund and the other uniformed services in 2003 and Medicare and Medicaid costs in both 2002 and 2003.)

Travel Reimbursement. Under current law, if the military health care system refers an active-duty servicemember to a new doctor or hospital greater than 100 miles from the member's home or duty station, the servicemember is reimbursed for the costs of traveling to the new doctor or hospital. Section 712 would require the Secretary of Defense to also reimburse reasonable travel expenses for a parent, guardian, or responsible family member when the covered beneficiary is a minor. Based on data provided by the department, CBO estimates that this provision would apply about 10,000 times each year and expects that reimbursements would average about $500 per occurrence, although those costs would rise with inflation. CBO estimates that implementing this provision would cost about $5 million a year, assuming appropriation of the necessary amounts.

Strategic Forces. Section 1011 would repeal section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), to allow DoD to initiate actions to retire or dismantle the Peacekeeper intercontinental ballistic missile force. CBO estimates that implementing this provision would yield net savings of $650 million over the 2002–2006 period. Those savings would come from eliminating the cost to operate the missiles starting immediately in 2002, eventually saving about $200 million a year. These savings would be partially offset by the costs of removing the missiles and warheads from the silos and the costs of monitoring the silos. CBO assumes that the retirement process would take about three years and that the missiles would be completely retired by the end of 2004. CBO estimates missile retirement costs would total about $100 million over the 2002–2004 period.

Voluntary Separation and Early Retirement Incentives. S. 1416 contains several provisions that would allow DoD and the Department of Energy (DOE) to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates implementing these provisions would cost $145 million in 2003 and $6 million in 2004.

Section 1113 would provide DoD with the authority to offer its civilian employees early retirement annuities as well as separation incentive payments of up to $25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be provided only during fiscal year 2003 and would be limited to 4,000 employees. Assuming that 4,000 DoD employees would participate in the buyout program, CBO estimates that the buyout payments would cost $100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRDF) for every employee who takes a buyout. The payments would equal 15 percent of the final basic pay of each employee and come out of the agency's appropriated funds. CBO estimates these payments would cost $29 million in 2003. (CBO estimates that enacting this section also would increase direct spending for federal retirement and retiree health care benefits by a total of $46 million over the 2003–2011 period. CBO's estimate of those outlays is discussed below under the heading of ''Direct Spending.'')

Section 3153 would provide the Department of Energy with authority to offer payments of up to $25,000 to employees who voluntarily retire or resign in calendar year 2003. Current buyout authority for DOE is scheduled to expire on December 31, 2002. CBO assumes that about 600 DOE employees would participate in the buyout program in calender year 2003. CBO estimates that the cost of the buyout payments would total $11 million in 2003 and $4 million in 2004. Like DoD, DOE also would be required to make a payment to the CSRDF for every employee who takes a buyout payment. CBO estimates these payments would cost $5 million in 2003 and $2 million in 2004. (CBO estimates that enacting this provision also would increase direct spending for federal retirement and retiree health care benefits by $16 million over the 2003–2011 period. CBO's estimate of those outlays is discussed below under the heading of ''Direct Spending.'')

Payment to World War II Slave Laborers. Section 1064 would authorize the Secretary of Veterans Affairs (VA) to pay a gratuity of $20,000 to certain veterans and civilians who were held as prisoners of war (POWs) or prisoners of Japan during World War II and sent to Japan to perform slave labor. Section 1064 also would authorize VA to pay this gratuity to a surviving spouse if the claimant is deceased. During the war, thousands of American POWs and civilians who were employees of the United States (either directly or through contractors) were forced to provide slave labor for Japanese corporations. While the precise number of people who might qualify for this gratuity is not known because many Japanese documents are still unavailable for examination, at least one historian has estimated that as many as 25,000 Americans were forced to perform slave labor for about 40 different Japanese companies, and thus would qualify for this gratuity.

Based on historical and actuarial data about the veteran and civilian populations, CBO estimates that about 6,000 claims would be made for the $20,000 payment resulting in a cost of about $118 million over the 2002–2006 period. (CBO assumes that surviving spouses who have subsequently remarried would not be eligible for this benefit, a standard VA policy. Should this rule not apply for this benefit, CBO estimates that an additional 2,000 claims would be made and costs would increase to $161 million over the 2002–2006 period.)

Purchase of Alternative Fuel Vehicles for DoD. Section 317 would increase the number of alternative-fuel light duty trucks purchased for DoD use above the levels set forth in the Energy Policy Act of 1992. CBO estimates that implementing this section would cost about $23 million in fiscal year 2005 and $44 million over the 2005–2006 period.

Based on data from the General Services Administration (GSA), CBO estimates that about 11,500 light duty trucks are purchased annually for DoD use. CBO also estimates that to meet the levels specified in section 317, GSA would need to purchase about 7,700 alternative-fuel light duty trucks for DoD in 2005 and every year thereafter. These vehicles would be purchased in lieu of conventional gas or diesel vehicles and do not include vehicles purchased to satisfy the terms of the Energy Policy Act. Based on data provided by GSA, CBO estimates that in 2005 the average alternative-fuel light duty truck would cost about $3,000 more than a conventionally powered vehicle. When this cost differential is multiplied by the 7,700 trucks estimated to be purchased under this section, CBO estimates that the net annual cost to the department would be about $24 million a year. This cost would be partially offset by savings in DoD's fuel purchases. CBO estimates fuel savings would average about $2 million a year over the 2005–2006 period or about $300 per vehicle per year.

Emergency Response Equipment. Section 1063 would allow DoD to give state and local governments equipment needed for responding to emergencies involving weapons of mass destruction. Only states and local governments in possession of this equipment prior to enactment of this bill would be eligible for this transfer. CBO estimates that this provision would have no budgetary impact because giving equipment to a state or local government would not result in additional spending or cause the federal government to forgo receipts, nor would it affect DoD's authority under current law to lend equipment to other governments. It is possible, however, that giving this equipment away now could lead to DoD experiencing shortages in equipment later, but CBO projects that any future spending would occur after 2011.

Reduction in Authorizations of Appropriations for DoD Management Efficiencies. Section 1002 would authorize a $1.6 billion reduction to the amounts authorized for procurement, research and development, and operation and maintenance in the bill to reflect savings that should be achieved through implementation of the provisions in title VIII and other management efficiencies. Specifically, section 802 would set savings goals for the procurement of services (other than construction) within DoD. Section 802 specifies savings goals beginning in fiscal year 2002 (3 percent) that increase annually until 2011 when DoD would be expected to achieve a 10 percent cost savings in the procurement of services. CBO has no basis for estimating the extent to which those savings targets could be achieved. CBO notes that the department has undertaken similar savings initiatives in the past and that there is little evidence that these initiatives produced the savings levels that were promised. If the total of the authorization amounts in the bill are appropriated in 2002 and the savings goals for next year are not achieved, then the department would need to reduce funding elsewhere in its budget to achieve the $1.6 billion reduction called for by section 1002.

Direct Spending

The bill contains provisions that would reduce direct spending, primarily through revision to payments rates for certain defense health care program services and certain asset sales from the National Defense Stockpile. The bill also contains a few provisions with direct spending costs. On balance, CBO estimates that enacting S. 1416 would result in net savings in direct spending totaling $209 million over the 2002–2006 period (see Table 4).

Medical Care Trust Fund. Sections 703 and 713 would change the way DoD administers long-term care and the way it pays for that care under the Tricare for Life program. DoD has the regulatory authority to make the changes that are directed in these sections but thinks it will take upwards of two years to implement the changes by regulation. Both sections would require that the changes take effect on October 1, 2001. Accordingly, DoD would save money over the roughly two-year period before the regulations would have been implemented. The Tricare for Life program will begin on October 1, 2001, but the trust fund will not begin operation until one year later, so only the savings to DoD in fiscal year 2003 would be considered direct spending savings. There also would be some minor savings in 2002 for retirees of the other uniformed services.

Payment Rates. Under current regulations, the Tricare for Life program will pay all deductibles and copayments associated with Medicare's skilled nursing benefit and will pay for skilled nursing care in excess of the Medicare benefit (100 days). Additionally, Tricare will pay for skilled nursing and home health care even if the beneficiary does not have a prior hospital admission. (Tricare will pay 75 percent of billed charges, with no maximum charge, until the beneficiary has paid $3,000 in out-of-pocket costs and then will pay 100 percent of billed charges after that point.) Section 713 would require DoD to set maximum allowable charges for skilled nursing and home health care, which would lower its cost of providing long-term care. CBO estimates that implementing new charges based on Medicare rates would lower what DoD pays for skilled nursing and home health care by about 30 percent. Under section 713, CBO estimates that direct spending from the trust fund for DoD retirees would decline by about $215 million in 2003. (The discretionary savings for 2002 are discussed earlier in the ''Spending Subject to Appropriation'' section under the heading of ''Defense Health Program.'')

TABLE 4.—ESTIMATED DIRECT SPENDING FROM HEALTH CARE AND OTHER PROVISIONS IN S. 1416, AS REPORTED

[By fiscal year, outlays in millions of dollars]

	2002	2003	2004	2005	2006
CHANGES IN DIRECT SPENDING (EXCLUDING ASSET SALES)					
Medical Care Trust Fund:					
Payment Rates	−2	−220	0	0	0
Long-Term Care Rates	21	−47	0	0	0
Voluntary Separation and Early Retirement Incentives (DoD)	0	44	35	3	−6
Voluntary Separation and Early Retirement Incentives (DOE)	0	6	7	2	(1)
Improvements to Energy Employees Compensation Program	11	14	14	13	13
Transferability of MGIB Education Benefits	0	0	2	5	8
Armed Forces Retirement Home Fees	2	2	2	2	2
Land Conveyance of Navy Property in Maine	0	1	1	0	0
Subtotal	32	−200	61	25	17
ASSET SALES [2]					
National Defense Stockpile—New Sales	−2	−2	−2	−2	−2
National Defense Stockpile—Accelerated Cobalt Sales	−20	−30	−14	−3	33
Authority to Transfer Naval Vessels	−18	−82	0	0	0
Subtotal	−40	−114	−16	−5	31
TOTAL CHANGES IN DIRECT SPENDING					
Estimated Outlays	−8	−314	45	20	48

[1] Less than $500,000.
[2] Asset sale receipts are a credit against direct spending.

The Tricare for Life program also covers retired members of the Coast Guard and retired uniformed members of the Public Health Service and the National Oceanic and Atmospheric Administration. Health care spending for these retirees is considered direct spending. Under section 713, CBO estimates that the other uniformed services would save about $2 million in 2002 and $5 million in 2003.

Long-Term Care Rules. Under current law, Medicare will not pay for skilled nursing and home health care unless the beneficiary has been hospitalized before receiving that care. Tricare, on the other hand, will pay for long-term care without a prior hospitalization. For those cases, Tricare becomes the primary insurance because Medicare will not pay. Section 703 would require DoD to structure its long-term care benefit to resemble Medicare's, which requires prior hospitalization. Implementing this provision would lower DoD's costs because fewer beneficiaries would be eligible for skilled nursing and home health care. CBO estimates that under section 703, direct spending from the

trust fund would decline by about $120 million in 2003. CBO also estimates that, under section 703, the other uniformed services would save less than $500,000 in 2002 and about $1 million in 2003. (There would also be discretionary savings of about $40 million, as discussed earlier.)

The Tricare for Life program would be able to lower costs by shifting many of those costs to their beneficiaries and other government programs, primarily Medicare. CBO estimates that about 50 percent of individuals who would have used long-term care without a prior hospital stay would be able to qualify under the Medicare rules (about 1,600 for skilled nursing and about 12,000 for home health care). CBO further estimates that the average cost of skilled nursing is about $250 a day, and for home health care about $2,300 for 60 days of care, which is the Medicare benefit. Accordingly, CBO estimates that under section 703 direct spending for Medicare benefits would increase by $20 million in 2002 and $70 million in 2003. In addition, a few beneficiaries would eventually become eligible for Medicaid, which also provides long-term care benefits. CBO estimates that Medicaid costs under section 703 would be $1 million in 2002 and $3 million in 2003.

Voluntary Separation and Early Retirement Incentives. S. 1416 contains several provisions that would allow the DoD and DOE to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates enacting these provisions would increase direct spending for federal retirement and retiree health care benefits by $50 million in 2003 and $62 million over the 2003–2011 period.

Section 1113 would provide DoD with authority to offer its civilian employees early retirement annuities as well as separation incentive payments of up to $25,000 for employees who voluntarily retire or resign in fiscal year 2003. The authority under this section is provided only during fiscal year 2003 and is limited to 4,000 employees. CBO estimates that enacting section 1113 would increase direct spending for federal retirement and retiree health care benefits by $44 million in 2003 and $46 million over the 2003–2011 period.

Section 3153 would provide DOE with authority to offer payments of up to $25,000 to employees who voluntarily retire or resign in calendar year 2003. Current buyout authority for DOE is scheduled to expire on December 31, 2002. CBO estimates enacting section 3153 would increase direct spending for federal retirement and retiree health care benefits by $6 million in 2003 and $16 million during the 2003–2011 period.

DoD Retirement Spending. CBO assumes that 4,000 DoD employees would participate in the buyout program in 2003. CBO further assumes most workers who take a buyout would begin collecting federal retirement benefits an average of two years earlier than they would under current law. Inducing some employees to retire earlier initially would result in additional retirement benefits being paid from the Civil Service Retirement and Disability Fund. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 1113, CBO estimates direct spending for retirement benefits would increase by $38 million in 2003 and $34 million over the 2003–2011 period. (The discretionary costs for 2003 associated with the buyout payments were discussed earlier in the ''Spending Subject to Appropriation'' section under the heading of ''Voluntary Separation and Early Retirement Incentives.'')

DoD Retiree Health Care Spending. Enacting section 1113 also would increase direct spending on federal benefits for retiree health care because many employees who accept the buyouts would continue to be eligible for coverage under the Federal Employee Health Benefits (FEHB) program. The government's share of the premium for these retirees—unlike current employees—is mandatory spending. Because many of those accepting the buyouts would convert from being an employee to being a retiree earlier than under current law, mandatory spending for FEHB premiums would increase. CBO estimates these additional FEHB benefits would increase direct spending by $6 million in 2003 and $12 million over the 2003–2011 period.

DOE Retirement Spending. CBO assumes that about 600 DOE employees would participate in the buyout program in calender year 2003 and that most workers who take a buyout would begin collecting federal retirement benefits an average of two years earlier than they would under current law. Inducing some employees to retire earlier initially would result in additional retirement benefits being paid from the CSRDF. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 3153, CBO estimates direct spending for retirement benefits would increase by $6 million in 2003 and $15 million over the 2003–2011 period.

DOE Retiree Health Care Spending. Section 1113 also would increase direct spending on federal retiree health benefits because many employees who accept the buyouts would continue to be eligible for coverage under the FEHB program. CBO estimates these additional FEHB benefits would increase direct spending by less than $500,000 in 2003 and by $1 million in 2004.

Energy Employees Compensation. Section 3151 would make technical changes to the Energy Employees Occupational Illness Compensation Program (EEOICP) created by Public Law 106–398, which enacted the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. CBO estimates that enacting this provision would increase direct spending for EEOICP by $11 million in 2002, $65 million over the 2002–2006 period, and $108 million over the 2002–2011 period.

Section 3151 would establish more relaxed criteria for determining whether a claimant suffers from chronic silicosis. Specifically, this section would reduce the required pneumoconiosis classification of a claimant to a more lenient category. CBO estimates that relaxing this criteria would allow about 550 new claimants, who were not previously eligible, to receive compensation from EEOICP.

Under current law, successful claimants are entitled to a one-time, lump sum payment of $150,000. CBO estimates that relaxing the criteria for chronic silicosis would increase direct spending for EEOICP by about $55 million over the 2002–2006 period, and $83 million over the 2002–2009 period. CBO assumes these payments would be spread evenly throughout the 2002–2009 period because screening programs are still ongoing and will need several years to identify all potential claimants.

Additionally, under current law, once a claim is approved EEOICP becomes the primary payer for all medical bills related to a claimant's condition. CBO estimates that the average annual cost for treatment of chronic silicosis is about $4,000. After considering mortality rates associated with this disease, CBO estimates that medical costs paid under EEOICP would increase direct spending by about $1 million in 2002, $5 million over the 2002–2006 period, and $21 million over the 2002–2011 period.

Section 3151 also would make other changes to EEOICP. The age requirement for those claimants afflicted with leukemia attributable to occupational exposure to radiation would be lowered to include those whose initial exposure occurred before age 21. CBO estimates that lowering the age requirement would create a negligible number of additional claims. Section 3151 would also clarify the rules for making payments to survivors of former energy workers. Currently, widows or children can claim the entire $150,000 payment in the event that the former employees are deceased. Grandparents, grandchildren, and siblings can claim the payment if they can prove dependency on the deceased employee. Section 3151 would allow these other relatives to make such claims without proving dependency. CBO estimates that only about 2.5 percent of all survivors would be someone other than a widow or child, generating about 25 additional claims. CBO estimates that the relaxed restrictions on survivors would increase direct spending for EEOICP by less than $500,000 in 2002, and $4 million over the 2002–2006 period. CBO expects that almost all these additional claims would be paid in the 2002–2006 period.

Transfer of Entitlement to MGIB Education Assistance. Section 539 would provide DoD with the authority to allow certain military personnel to transfer up to 18 months of their entitlement to MGIB educational assistance to any combination of spouse and children. To be eligible, servicemembers would have to have a critical skill or speciality, to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, an amount equal to the net present value of the transferability option would be deposited into the Defense Education Trust Fund when a service member was granted this benefit, and would be paid to the Secretary of Veterans Affairs as the benefit was used. The monies deposited into the trust fund are subject to appropriation and were discussed earlier under the heading of ''Spending Subject to Appropriation.''

CBO expects that DoD would use the authority in 2002 to enhance retention in those areas where the maximum authorized retention bonuses are currently being paid and that the benefit would be offered to a larger population in subsequent years. Based on information from DoD, about 20,300 servicemembers, with six or more years of service, will receive a selective re-enlistment bonus in 2002. Under section 539, CBO assumes that about 3,000 of those would receive the MGIB transferability benefit, and that this number would increase to 7,100 by 2011. CBO also assumes that two-thirds of the transfers would be used by children. Since most selective re-enlistment bonuses go to servicemembers with 10 or fewer years of service, few of their children would be of an age to use post-secondary education benefits over the next 10 years. CBO's estimate of mandatory outlays for this benefit, therefore, focuses on the use of the remaining one-third of the transfers that would go to spouses.

CBO expects the spouses would, on average, begin training two years after the transferability option was granted, and that they would train, on a part-time basis, over a period of several years. Based on these assumptions, CBO estimates that about 700 spouses would receive an average annual benefit of $2,400 in 2004 and that, by 2011, almost 840 spouses would receive an annual MGIB benefit of about $2,800. Thus, CBO estimates that enacting this provision would increase direct spending for MGIB education benefits by $2 million in 2004, $15 million over the 2004–2006 period, and $91 million over the 2004–2011 period.

Changes to Armed Forces Retirement Home Fee Structure. Section 1045 would authorize changes to the fees levied on residents of the Armed Forces Retirement Home. These fees are deposited into the Armed Forces Retirement Home Trust Fund, which pays the operating and maintenance costs of the U.S. Soldiers' and Airmen's Home in Washington, D.C., and the U.S. Naval Home in Gulfport, Mississippi. The legislation would change the percentage of monthly income charged to residents of the two homes and alter the monthly caps on resident fees. Section 1045 would also authorize the Chief Operating Officer of the Armed Forces Retirement Home, in consultation with the Secretary of Defense, to make additional changes in the resident fees in accordance with the financial needs of the Retirement Home. However, Armed Forces Retirement Home staff have indicated that no significant changes in the fee structure, other than those indicated by the bill, are anticipated in the near future.

Information provided by the Armed Forces Retirement Home indicates this provision would reduce fees for more than 1,200 residents, almost 80 percent of all residents. CBO estimates the affected residents would see their fees reduced by an average of about 15 percent in 2002. Therefore, CBO estimates that section 1045 would reduce offsetting receipts (a credit against direct spending) by $2 million in 2002 and a total of $20 million over the 2002–2011 period.

Land Conveyances. Title XXVIII would authorize a variety of property transactions involving both large and small parcels of land.

Enacting this bill would result in direct spending by authorizing a conveyance that would reduce offsetting receipts collected by the federal government. Under section 2823, the Navy would be authorized to convey 485 acres of property to the state of Maine or other governmental jurisdictions. Under current law, however, the Navy will declare that property excess to its needs and transfer it to the General Services Administration for disposal. Under normal procedures, GSA sells property not needed by other federal agencies or by nonfederal entities in need of property for public-use purposes such as parks or educational facilities. Information from GSA indicates that portions of the land will likely be sold under current law after the entire parcel is screened for other uses in 2002. As a result, CBO estimates that the conveyance in the bill would result in forgone receipts totaling about $1 million in 2003 and $1 million in 2004.

CBO estimates that other conveyances would not significantly affect offsetting receipts because according to DoD some of the properties have values of less than $500,000 while others are not likely to be transferred to GSA for disposal.

Concurrent Receipt. Upon passage of qualifying, offsetting legislation, section 651 would allow total or partial concurrent payment of retirement annuities together with veterans' disability compensation to retirees from the military, the Coast Guard, the Public Health Service, and the National Oceanic and Atmospheric Administration who have service-connected disabilities. The provision also would discontinue special compensation for certain uniformed service retirees who are severely disabled.

Under current law, disabled veterans who are retired from the uniformed services cannot receive both full retirement annuities and disability compensation from the Department of Veterans Affairs. Because of this prohibition on concurrent receipt, such veterans forgo a portion of their retirement annuity equal to the nontaxable veterans' benefit.

Section 651 would become effective only upon passage of legislation that would fully offset its costs in each of the first 10 fiscal years after passage of the offsetting legislation. If qualifying, offsetting legislation were enacted in 2001, CBO estimates that implementing this section in 2002 would increase direct spending for retirement payments and veterans' disability compensation by about $3 billion in 2002, $17 billion over the 2002–2006 period, and $41 billion over the 2002–2011 period. Because those effects are contingent upon subsequent legislation, they are not included in Table 4.

In addition, the military retirement system is financed in part by an annual payment from appropriated funds to the military retirement trust fund, based on an estimate of the system's accruing liabilities. If section 651 were implemented, the yearly contribution to the military retirement trust fund (an outlay in budget function 050) would increase to reflect the added liability from the expected increase in annuities to future retirees. CBO estimates that implementing this provision would increase such payments by about $1 billion in 2002, and $6 billion over the 2002–2006 period, assuming appropriation of the necessary amounts.

Other Provisions. The following provisions would have an insignificant budgetary impact on direct spending:

Section 314 would extend a pilot program for the sale of air pollution emission reduction incentives. DoD would be allowed to spend all receipts less than $500,000 on environmental programs. Any receipts above $500,000 would go to the Treasury.

Section 505 would allow officers whose mandatory retirement has been deferred for medical reasons to further postpone their retirement for up to 30 days.

Section 515 would allow disability retirement for reservists whose disability was incurred or aggravated while remaining overnight before inactive-duty training, or between successive periods of such training. Currently, reservists are only covered during overnight stays for such periods if they are outside reasonable commuting distance of their residences.

Section 552 would require the military to review the records of certain Jewish American war veterans to determine if any of these veterans should be awarded the Medal of Honor. A $600 a month pension is available to living Medal of Honor recipients. Based on similar reviews in the past, CBO estimates that a small number of awards would be presented (many posthumously), resulting in an increase in direct spending of less than $500,000 a year.

Section 586 would allow DoD to accept voluntary legal services as a way to provide legal help to DoD beneficiaries. Although the service is voluntary, in the event of a legal malpractice suit the government would be liable for any claims against the legal volunteer. Payment of those claims is considered direct spending, but CBO estimates that this provision would cost less than $500,000 each year.

Section 1111 would provide federal retirement credit to certain former employees of Nonappropriated Fund Instrumentalities (NAFI). Under current law, most workers who transfer from NAFI employment to regular federal employment may transfer any NAFI retirement service credits earned as NAFI employees to the appropriate federal retirement program. However, under certain circumstances, some former NAFI employees have not been permitted to transfer NAFI retirement credits to their federal service. Section 1111 would permit many of these employees to use NAFI credits that otherwise would not have been credited to their federal service in order to qualify for retirement annuities under the Civil Service Retirement System or the Federal Employees' Retirement System.

Although workers would be able to use these credits in order to qualify for federal retirement benefits earlier than they would have otherwise, the provision mandates that annuities be actuarially reduced. The actuarial reduction would be calculated in such a way that the present value of a retiree's benefits would be actuarially equivalent to the value of the annuity that would have been provided without the NAFI service credit. Information provided by the Department of Defense and Office of Personal Management indicates that only between 5 and 15 employees would claim NAFI service credit under this provision in any given year. Therefore, CBO estimates that Section 1111 would increase direct spending for federal retirement benefits by less than $500,000 a year.

Section 1112 would provide greater pension portability for certain civilian employees who have been employed by a NAFI employer and then become federal workers. The provision would eliminate the requirement that workers who move between a NAFI employer and the civil service must be fully vested in order to transfer any accrued service credits from one retirement system to another. According to the Department of Defense, relatively few workers would be affected by this provision; thus, CBO estimates that Section 1112 would increase direct spending by less than $500,000 per year.

Section 2804 would expand DoD's ability to substitute in-kind payments for cash from the lease of its property. The provision would raise direct spending because it would lower the amount of cash that DoD receives and deposits in the Treasury as offsetting receipts. CBO estimates that the loss of offsetting receipts would total less than $500,000 annually.

Asset Sales

The bill would authorize various asset sales totaling $144 million over the 2002–2006 period.

National Defense Stockpile. Section 3301 would authorize DoD to sell certain materials contained in the National Defense Stockpile that are obsolete or excess to stockpile requirements. CBO estimates that DoD would be able to sell the materials authorized for disposal and achieve receipts totaling about $2 million in 2002, $10 million over the 2002–2006 period, and $20 million over the 2002–2011 period.

Section 3302 would amend previous authorization bills allowing managers of the stockpile to achieve near-term sales in excess of the established interim targets. Because actual sales have already exceeded those targets and because the bill would not increase total program targets, CBO estimates that enacting this provision would have no net budgetary impact.

Section 3303 would accelerate by one year the disposal of cobalt that was previously authorized for sale in the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85). The 1998 bill authorized the sale of all remaining cobalt starting in 2003. The sales of cobalt authorized for disposal under earlier bills are projected to be completed this year. This bill would allow all remaining cobalt to be sold starting in 2002, thus avoiding a one-year gap in sales. CBO estimates that DoD would be able to expedite that disposal without impacting current market prices, resulting in more receipts from asset sales over the next five years, but no net budgetary impact over the 2002–2011 period.

Naval Vessels. Section 1216 would authorize the transfer of 13 naval vessels to foreign countries. It would authorize the sale of six vessels; the other seven would be given away. Information from DoD indicates that the

asking price for the six ships would be approximately $175 million. There is significant uncertainty as to whether all six vessels would be sold and what the sale price might be. Reflecting this uncertainty, CBO estimates that receipts from these sales would total $18 million in 2002 and $82 million in 2003.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in direct spending that are subject to pay-as-you-go procedures are shown in Table 5. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

TABLE 5. ESTIMATED IMPACT OF S. 1416 ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars—										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays	0	-8	-314	45	20	48	51	19	21	15	17
Changes in receipts	Not applicable										

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitle F (Uniformed Services Overseas Voting) of title V is excluded because the provision would enforce an individual's constitutional right to vote.

Section 1062 of the bill would prohibit possession of significant former military equipment that has not been demilitarized and require the Secretary of Defense to notify the Attorney General of any known cases of persons holding such equipment. The Attorney General would be given the authority to require holders of such equipment either to ensure that the equipment is demilitarized or returned to DoD for demilitarization. In either case, those requirements would be considered mandates. If the equipment is not returned to DoD for demilitarization, the recipient must bear the costs of demilitarizing the equipment. However, the instances in which this provision would be used are expected to be small; in most cases DoD demilitarizes equipment prior to transferring ownership. Consequently, the costs of this mandate would be minimal.

The remaining provisions of the bill either contain no mandates or are excluded, as specified in UMRA, because they would be necessary for national security. The bill also would affect DoD's Tricare long-term care program by increasing costs in state Medicaid programs by about $1 million in 2002 and over $2 million in 2003. Such costs would not result from mandates as defined by UMRA.

Previous CBO estimates: On August 22, 2001, CBO transmitted a cost estimate for H.R. 2586, the National Defense Authorization Act for Fiscal year 2002, as ordered reported by the House Committee on Armed Services on August 1, 2001. The House bill also would authorize approximately $343 billion in defense funding for fiscal year 2002. Both H.R. 2586 and S. 1416 would reduce direct spending over the 2002–2006 period, but the Senate bill contains less such savings.

On May 22, 2001, CBO prepared cost estimates for S. 170 and H.R. 303, identical bills titled the Retired Pay Restoration Act of 2001. S. 170 and H.R. 303 would provide identical benefits to those specified in Section 651 of S. 1416. If section 651 is implemented by October 1, 2001, the costs would be identical to those estimated for S. 170 and H.R. 303. As noted above, however, the provisions of section 651 cannot be implemented until additional legislation is enacted (to offset the section's costs). S. 170 and H.R. 303 do not contain such a contingency requirement.

Estimate prepared by: Federal Costs: Military Construction and Other Defense: Kent Christensen (226–2840); Military and Civilian Personnel: Dawn Regan (226–2840); Civilian Retirement: Geoffrey Gerhardt (226–2820); Stockpile Sales and Strategic Forces: Raymond Hall (226–2840); Military Retirement: Sarah Jennings (226–2840); Health Programs: Sam Papenfuss (226–2840); Multiyear Procurement: Raymond Hall (226–2840); Naval Petroleum Reserves: Lisa Cash Driskill (226–2860); Operations and Maintenance: Matthew A. Schmit (226–2840). Impact on State, Local, and Tribal Governments: Elyse Goldman (225–3220). Impact on the Private Sector: R. William Thomas (226–2900).

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. LEVIN. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1595

Mr. INHOFE. Mr. President, I have amendment No. 1595 before the Senate. I am very distressed right now over some things that are happening. I have an amendment before the Senate that will change our relationship with and the understanding many people have concerning the island of Vieques. The island of Vieques has been a live range for us for over 50 years. It has had a very successful record. There has only been one civilian killed during that time period. Contrast that with a range in the State of Oklahoma. In the State of Oklahoma we have had a live range much longer than that, and we have lost eight civilians during that period of time—because of purely political reasons and in a lust for the votes and a mistaken notion that if you vote to close a range as a result of people who are protesting, breaking the law, people who are former terrorists, such as Mrs. Lebron, who led a bunch of terrorists into the House of Representatives many years ago and opened fire, wounding five of our Members of the House of Representatives, and others now protesting, trespassing on property that we own, property owned by the U.S. Navy, where we train our troops for their deployments from the east coast to the Persian Gulf.

When we deploy battle groups to the Persian Gulf, those troops are going to see combat. The chances are better than 50–50 they will see combat. They have relied on this live-fire training for a long time. It has always been there. It is the only place we can do that type of training. We have had all kinds of committees to find another place that is just as good, but they cannot do it.

The reason they cannot find a new range is because there has to be unified training: a battle group of aircraft carriers and the F–14s, F–18s, using live munitions, bombing, and at the same time our Navy using live munitions, and at the same time our Marine expeditionary units going in under that live fire.

For those of us in this room—and I do not know how many besides the two I am looking at have actually been in the service —there is a huge difference between inert and live ammunition. I can remember when I was in basic training. It is easy to crawl under that barbed wire when it is not real bullets, but when it is real ammunition, that is different. That is exactly what we have to have to train these people who are going off to the Persian Gulf.

We have been unable to do it because of these protests. This is the first time in the history of America we have allowed a bunch of illegal protesters to change our policy. They will not be successful, but if they were successful, think about our other ranges. I have talked to the chiefs of every service. The Air Force is in desperate need of ranges right now.

I have talked to people in Lawton, OK. There are 100,000 people who live right next to a live range, and a few of them said: All you have to do is protest and they close the range?

There is a clear right and wrong. I have 2½ years of my life in this issue. I have been around the world. I have looked at every possible area where we could have an alternative training source. Some people say let us send the F–18s over there and let them go to England or some place and drop their loads. Let us train over here with live fire and let us let the marines train over in this area, and I was suggesting at least that notion to some of the Navy pilots that were on one of the—this is probably over a year ago—on one of the aircraft carriers on which they were supposed to be training, and he said, well, wait a minute, that is like having the very best football players you can have anyplace in the world; you have the best quarterback, the best halfback, the best defense but they never scrimmage together. So what happens on the day of the opening game? They lose it. They have to train together.

Now, people say you get the same training with inert. You do not get the same training with inert, but when we allowed that bunch of illegal trespassers to take us out of live fire and put us in inert, we lost five American lives. Did we lose these lives because of that? Yes, we did. They had to go over and they were trying to carry out an exercise in Kuwait. It did not work,

and six people died, five of whom were Americans.

I have the investigation. It shows clearly those individuals who were unable to have live fire training—they had inert training on Vieques but not live fire training. There is a huge difference. Talk to anyone in the Navy who has to handle those live missiles. When they are deploying them, when they are handling live ordnance, it is a big difference from inert. Anyway, we have already lost that many, and I am hoping we will be able to resolve this problem.

Senator CORZINE is going to offer an amendment if I bring up my amendment. It is a second-degree amendment, and that amendment would have the effect of killing what I am trying to do. That would make it so we would not have a range to practice at or to train on on these deployments from the east coast. I have had to think long and hard about this as to whether or not it is better not to have an amendment at all and resolve this problem in conference, or whether we go ahead and succumb to the second-degree amendment.

I say to Senator CORZINE, I think the votes are there to pass his amendment. If we did that, we would be closing the range and at the same time we would be giving that responsibility to the President on a year-by-year basis. If one stops and thinks about the 200-and-some ranges we have, if the President had to go through and debate this every year as to whether or not to allow that range to stay open as a live range, he would not have time to do anything else. That would not work.

Secondly, that puts politics right back in it. My amendment is a good amendment. It said call off the referendum. We should never have had a referendum. Then it says we will use the range we own—and at this very time we are in the middle of war—to train our troops until such time as both the CNO of the Navy and the commandant of the Marine Corps certify we do not need it. Those are military people. They are not political people.

I have this gnawing feeling that the way this is worded I would lose that amendment, and rather than have the Corzine language in there, we are far better off not to have any language at all.

I regrettably say I think we will end up in the same situation as we would be if we passed this amendment, or if we did not pass it or if we just left it like it is in conference.

As we speak, in Puerto Rico they are considering a resolution. That resolution says we, Puerto Ricans, as proud American citizens with the same responsibilities as our brethren in the continental United States, have the obligation of contributing to this fight, allowing and supporting military training and exercises in the island municipality of Vieques.

This may not pass. It is being debated right now. But certainly there is a very large number of people saying—and that number is much larger today after September 11 than it was before—we are American citizens first. We have to train our people and we have to train them with quality training so they do not lose their lives when they get over to the Persian Gulf.

That is my situation. That is the dilemma that we have right now.

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

Mr. INHOFE. I will be glad to yield.

Mr. WARNER. Mr. President, frankly, there is no Senator in this Chamber, on either side of the aisle, who has worked more conscientiously on this extremely complex issue than our distinguished colleague from Oklahoma, Mr. INHOFE.

I had indicated to him I felt his amendment was one that certainly merited my support, and my support remains. I wonder if we laid his amendment aside, perhaps in further consultations we could come up with some affirmation of a position that fostered, No. 1, the current obvious willingness among responsible people in Puerto Rico to recognize the extenuating circumstances in which our American servicemen are now preparing to embark, as we speak, for various points worldwide in response to an issue taken by a very courageous and bold President of the United States.

I wonder if we could lay it aside, enabling the Senator from Oklahoma to counsel with our colleague from New Jersey in the hopes that perhaps he could reach a position again that would foster the strengthening of this opportunity to continue the use of this base as the Puerto Ricans at the present time are doing.

Mr. INHOFE. I appreciate that counsel, and I think it is very wise counsel. If I could count the votes, and I knew I could defeat the Corzine amendment and have mine, I would do it, but I think we would be in far worse shape if we had that language.

For that reason, I am down to two choices: one to go ahead and withdraw my amendment, and the other to lay it aside so we can talk to see if something can happen. I think I will choose the latter and ask at this time to lay aside amendment No. 1595 for a period of time.

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

Mr. WARNER. Mr. President, the chairman of the committee and I will confer on what matter we next have at hand.

Mr. LEVIN. I wonder if we have any cleared amendments we can take up?

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1677

Mr. LEVIN. On behalf of Senators CLELAND and HUTCHINSON, I offer an amendment which would give the Secretary of Defense direct hiring authority for certain health care professionals, and I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, for himself, and Mr. HUTCHINSON, proposes an amendment numbered 1677.

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

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

The amendment is as follows:

(Purpose: To authorize the Secretary of Defense to exempt certain health care professionals from examination for appointment in the competitive civil service)

On page 377, between lines 3 and 4, insert the following:

SEC. 1124. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) AUTHORITY TO EXEMPT.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination

''(a) AUTHORITY TO EXEMPT.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

''(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

''(1) Physician.
''(2) Dentist.
''(3) Podiatrist.
''(4) Optometrist.
''(5) Pharmacist.
''(6) Nurse.
''(7) Physician assistant.
''(8) Audiologist.
''(9) Expanded-function dental auxiliary.
''(10) Dental hygienist.

''(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.''.

Mr. WARNER. We both urge adoption of the amendment.

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

The amendment (No. 1677) was agreed to.

Mr. LEVIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1678

Mr. WARNER. On behalf of Senators COLLINS and LANDRIEU, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, Ms. LANDRIEU, and Mr. ALLARD, proposes an amendment numbered 1678.

Mr. WARNER. 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 authorize waivers of a prohibition of requirement for a nonavailability of health care statement or a preauthorization of health care, and to make other modifications regarding the prohibition)

At the end of subtitle B of title VII, add the following:

SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–184) is amended by striking ''covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,'' and inserting ''covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code,''.

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.—Subsection (b) of such section is repealed.

(c) WAIVER AUTHORITY.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

''(b) WAIVER AUTHORITY.—The Secretary may waive the prohibition in subsection (a) if—

''(1) the Secretary—

''(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

''(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

''(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

''(2) the Secretary provides notification of the Secretary's intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

''(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

''(4) 60 days have elapsed since the date of the notification described in paragraph (3).''.

(d) DELAY OF EFFECTIVE DATE.—Subsection (d) of such section is amended—

(1) by striking ''take effect on October 1, 2001'' and inserting ''be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002''; and

(2) by redesignating the subsection as subsection (c).

(e) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

MEDICAL TECHNOLOGY

Ms. COLLINS. Mr. President, I rise today to bring to the attention of our distinguished chairman of the Senate Armed Services Committee an issue that we must consider as potential military action is taken to address our national crisis. There are many aspects to consider in taking care of our soldiers, sailors, airmen and Marines who are sent into harm's way. However, there is an immediate and critical area that may not seem like a high priority in these times of deployment and mobilization of our armed forces, an area that in times of war becomes absolutely necessary in preserving their well-being. I am speaking of medical technology and research as it concerns the battlefield.

I have recently been made aware of two efforts that could dramatically improve the current medical challenges involved in blood and tissue preservation. These programs would aim to develop stable blood products, organs, and wound-repairing tissues that could enhance human survivability under conditions of trauma, shock, anoxia and other extreme conditions that are common in combat.

Mr. LEVIN. The Senator from Maine is quite correct in her observation and assessment that medical treatment is a part of war that sometimes may be taken for granted, and that the medical care of our service men and women is an area of defense that should not be overlooked. Particularly in the area of military combat casualty care, the Department must consider any initiative that could have benefits for saving the lives of men and women whose service to our nation puts them at risk of severe injury.

Ms. COLLINS. I have recently been briefed on these two medical research efforts and would like to offer a couple of comments on their potential impact in combat casualty care. They are research initiatives by our research laboratories and universities across the country, which could provide a unique capability to develop new tissue products that are vitally important for the military. Recent U.S. military actions have resulted in stationing troops in harsh climates, from Kuwait to Bosnia to Saudi Arabia. Future locations and missions will require new capabilities in combat casualty care, and these capabilities would include stable blood products, organs, and wound repairing tissues that will enhance human survivability under conditions of trauma, shock, anoxia and other extreme conditions, including extreme environment. These projects aim to develop tissue with a long shelf life that are necessary for combat casualty care. Additionally, the research would serve as a large-scale source of murine models for the scientific community to utilize mouse genetics in understanding how the products of multiple genes interact to develop and maintain entire physiological systems. I would strongly urge the Department to investigate research that would permit the long-term storage of blood cells and tissues in deployed environments.

Mr. LEVIN. I thank the distinguished Senator from Maine for highlighting the critical nature of this research, and for voicing her support for investments in the well-being of a most precious national asset—our men and women in uniform, who will fight and risk their lives for each of us.

Mr. WARNER. Mr. President, this authorizes the Secretary of Defense to waive the prohibition against requiring statements of nonavailability to authorized health care services other than mental health services of beneficiaries receiving care under TRICARE standard. It is my understanding this amendment is cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1678) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1679

Mr. LEVIN. Mr. President, on behalf of Senator FEINGOLD, I offer an amendment which requires the Under Secretary of Defense to provide a report on certain matters pertaining to the V–22 Osprey Program before the aircraft is returned to flying status, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FEINGOLD, proposes an amendment numbered 1679.

Mr. LEVIN. 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 report on the V–22 Osprey aircraft before a decision to resume flight testing)

At the appropriate place in title II, insert the following:

SEC. ____. REPORT ON V–22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V–22 Osprey aircraft, the Under Secretary of Defense

for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V–22 Osprey Aircraft, including—

(A) a description and analysis of any deficiencies in the hydraulics system and flight control software of the V–22 Osprey aircraft; and

(B) a description and assessment of the actions taken to redress such deficiencies.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendations of the Panel to Review the V–22 Program.

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

Mr. LEVIN. This amendment has been cleared by the other side.

Mr. WARNER. Mr. President, if we can hold.

Mr. LEVIN. I ask unanimous consent this amendment be temporarily laid aside.

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

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

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I see colleagues coming to the Chamber. I will not be lengthy. I surmise we may be debating an amendment. But until we do, let me just take this time to present kind of a bit of an overview—I see the Senator from Virginia.

Mr. WARNER. Mr. President, perhaps we can just go into morning business for a period of time.

Mr. WELLSTONE. That is fine. I appreciate that.

I ask unanimous consent that we go into morning business for 10 minutes so that I may speak.

Mr. WARNER. I reserve the right to object.

Can we stipulate some time period?

Mr. WELLSTONE. I say to my colleague, 10 minutes.

Mr. WARNER. No objection.

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

(The remarks of Mr. WELLSTONE are printed in today's RECORD under ''Morning Business.'')

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, I have talked to the managers of the bill about two amendments I intend to offer. I would like to comment about these matters now and will be glad to get into a greater discussion about them later. I believe that these amendments address issues that are extremely important and directly relate to our fighting men and women and those service members who have disabled children.

First, I want to thank the committee, especially Senators LEVIN and WARNER, for taking the first step toward ensuring that disabled families of our active-duty military have greater access to the health care they deserve. The first amendment I intend to offer is another step toward achieving that goal.

Early last year, a young man in the U.S. Air Force, SGT Faye, drove over 12 hours with his wife and disabled 4-year-old daughter to testify how important it was to make Medicaid more accessible. Why? The military health care system does not provide for his daughter's needs, and Medicaid does.

Unfortunately, in order to continue her eligibility for Medicaid, this service member could not accept a promotion to the next rank. No member of the Armed Forces who risks their life for our country should ever be put in a position of having to decide between health care for a disabled child and doing their job for our country, nor should these families have to rely on Medicaid to find health care that works.

My amendment corrects the injustices these families have suffered by giving these families in TRICARE what they effectively receive in Medicaid. It allows disabled dependents to receive the health care that is necessary to maintain their function and prevent further deterioration of their disability, provides community-based services so disabled dependents can stay at home with their families and live in their communities rather than being institutionalized. This is no different from what Medicaid provides. The amendment includes respite care and hearing aids which can help a disabled person stay or become independent. It includes more flexible mental health services, and also gives the physician the final decision regarding what health care services are necessary.

These guarantees are effectively what are in existence under the Medicaid program. But what harmed SGT Faye was that in order to be able to get these kinds of services for his 4-year-old child, he had to decline his promotion to the next rank a promotion that would have raised his family's income above the Medicaid threshold. SGT Faye had outstanding recommendations and the Air Force wanted to promote him, but he couldn't accept it because it meant giving up the health care his daughter needed.

Right now, the President is activating many servicemen and women who face these very same circumstances. We clearly know that these servicemen and women should not have to worry about finding adequate health care for their children, especially when their children have a disability. Half of all the members of the Armed Forces are married, more than half have children, and many of those children are under 10 years of age. As in any population, a number of those children are special needs children and require the services I have outlined.

This amendment ensures that servicemen and women don't have to go to Medicaid to get the health care their children need.

We know how far we have come, over many decades, to guarantee that disabled people have the health care and independence they need to be participating members of their communities. Our military families with disabled dependents should not be denied that opportunity. These improvements to TRICARE are some of the most significant steps we can take in this Congress. They offer a new and better life to large numbers of military families. I commend Senator CLELAND, who did a great deal of work in this area and provided great leadership in the development of a number of different programs to reach out to children with special needs.

This amendment gives servicemen and women and their disabled family members the health care they need.

My other amendment also addresses the needs of our military families, but from a different angle. It relates to the needs of the families of servicemen and women who will be impacted by the call up of the National Guard and Reserves components. As we examine the immediate and long-term needs of our military, we cannot forget the families, especially the children, whose daily lives and routines are disrupted by their parents' commitments to preserving America's freedoms. Husbands and wives, parents and children, will be separated more frequently and for longer periods during the coming months and years. These separations will be filled with uncertainty about the safety of their loved ones, and the families will be profoundly affected.

Today, over half of the active-duty members are married, almost half have children. There are 2 million family members of active-duty personnel and 900,000 family members of those in the Reserve. There are nearly half a million children under the age of 6 of active-duty members, and a majority need some type of child care.

Families of reservists will also be affected because they often lack the support provided by military installations. Reserve members are located in more than 4,400 communities nationwide. More than half of them live at least 75 miles from a military installation. Support is especially critical to provide needed assistance to these geographically isolated families.

This amendment uses the lessons learned from Desert Storm and Bosnia

to authorize additional wartime support for military families. Included are provisions for child care and youth programs and family support programs, such as parent education, to help families cope with the stress of deployments. It also provides assistance for Reserve families geographically separated from military installations, as well as support for security for DOD schools and children's facilities in areas of high risk for terrorist attacks.

We have a number of children attending schools that are off base that come to mind immediately. In Turkey, children of U.S. service members ride in buses through areas which could put these children at risk should there be any deterioration in the security conditions we are facing throughout the world. This amendment would also provide additional resources for protecting these children in overseas schools.

Many husbands and wives share child care responsibilities. When a service member deploys, the burden is left to one spouse, and in some cases a guardian. The need for child care is greater. If a spouse works irregular hours, such as nights or weekends, the challenge is even more difficult. In many instances, the base operating hours are extended and longer shifts are required. Additional operating funds are needed for the non-traditional care in centers and family child care homes.

Guard and Reserve families do not typically live close to the military bases where they can obtain military child care. We should do all we can to offer these families the same assistance with child care that we are offering active-duty personnel on their bases. We can do so through a cooperative agreement with The National Resource and Referral networks. Modeled on a project called ''AmeriCorps Care'' established by the National Service Corporation. Child care assistance can be provided on the same sliding fee scale available to military families on base. This step will prevent financial hardships for many young reservists called to active duty.

With parents not available, youth, especially young teens, are stranded, with no place to go after school or no way to get to after school activities. Families not located close to installations find child care problems after school. Youth are often left home alone after school. During Desert Storm, to help give parents peace of mind that children were engaged in positive after school activities, transportation and activities were provided free to over 17,500 Guard and Reserve families through a partnership between DOD and the Boys and Girls Clubs of America. The youths participated in after school programs, sports and recreational activities, and received help with homework. We ought to be prepared to provide those kinds of services to these Guard and Reserve families. This is what was done during the Persian Gulf War. It worked well then and was good for the morale of the Reserve and the Guard who were serving overseas.

My amendment doesn't reinvent the wheel. We had many of these programs in place before. We simply need to reauthorize them for today's deployments.

During Desert Storm, additional aid funds were provided to civilian community schools when large units were deployed. We also learned during Desert Storm that there is a need for counselors for family support activities. This amendment authorizes the additional funds for counselors.

There are serious school security issues on our overseas bases, including safety on school buses in foreign countries. Approximately 40 percent of military families living overseas live off their bases. Their children are bused to schools, either on the base, or, in many cases, to schools in unprotected foreign communities that are potential targets for terrorist attacks. We also need to fund bus safety personnel and equipment for school buses to ensure the personnel are adequately trained to identify risk.

Military families face an extended period of anxiety and sacrifice for our Nation. It is our responsibility to ensure they have the support they need in the face of this extreme danger and sacrifice.

I urge the Senate, when we have the opportunity, to support my amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENT NO. 1679

Mr. WARNER. Mr. President, parliamentary inquiry, I believe the Feingold amendment is the pending amendment.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. At this time I indicate we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1679.

The amendment (No. 1679) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1683

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment which would authorize an additional $1 million for the Air Force for research, development, test and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative, offset by a reduction of $1 million in the bill from Navy RDT&E funds provided for Modular Helmet Development. I believe this amendment has been cleared on the other side.

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

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 1683.

Mr. WARNER. 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 add $1,000,000 for the Air Force for research, development, test, and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative (PE 604617), and to offset the increase by reducing by $1,000,000 the amount provided for the Navy for research, development, and test and evaluation for Modular Helmet Development (PE 604264N); Aircrew Systems Development)

On page 23, line 12, increase the amount by $1,000,000.

On page 23, line 11, reduce the amount by $1,000,000.

Mr. LEVIN. We have no objection to the amendment.

Mr. WARNER. I urge the adoption of the amendment.

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

The amendment (No. 1683) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1684

Mr. LEVIN. Mr. President, I send an amendment to the desk which I offer on behalf of Senator MIKULSKI.

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

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. MIKULSKI, proposes an amendment numbered 1684.

Mr. LEVIN. 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 amend title 10, United States Code, to provide for an insensitive munitions program)

At the end of subtitle D of title VIII, add the following:

SEC. 833. INSENSITIVE MUNITIONS PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

"§ 2405. Insensitive munitions program

''(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and

fielding when subjected to unplanned stimuli.

''(b) CONTENT OF PROGRAM.—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

''(c) REPORTING REQUIREMENT.—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

''(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

''(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2404 the following new item:

''2405. Insensitive munitions program.''.

Mr. LEVIN. Mr. President, this amendment would require the Department of Defense to have a program to address the accidental detonation of munitions and to report on this program along with the budget request. I believe this amendment has been cleared.

Mr. WARNER. Mr. President, the chairman is correct. It is cleared.

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

The amendment (No. 1684) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1685

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I offer amendment which would provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension. I understand this amendment has been cleared.

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

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HUTCHINSON, proposes an amendment numbered 1685.

Mr. WARNER. 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 provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension)

At the end of subtitle D of title V, add the following:

SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105–103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

Mr. LEVIN. We have no objection to this amendment.

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

The amendment (No. 1685) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1686

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY. I ask the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 1686.

Mr. LEVIN. 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:

At the appropriate place, insert:

SEC. . LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of 10 U.S.C. 2667 (section 1061, National Defense Authorization Act, 1998, P.L. 105–85) is amended by adding a new paragraph at the end as follows:

(3) The requirements of paragraph (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if—

(A) use of the ship is restricted to federally supported research programs and non-federal uses under specific conditions with approval by the Secretary of the Navy;

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.

Mr. LEVIN. Mr. President, this amendment would allow the Navy to renew long-term leases to oceanographic research vessels without recompeting the award of those leases. I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the chairman is correct.

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

The amendment (No. 1686) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1687

Mr. WARNER. Mr. President, on behalf of Senator VOINOVICH, I offer an amendment that would authorize Federal agencies to pay for employee credentials, including professional accreditation, licenses, and certification for civilian employees. This amendment, I understand, has been cleared.

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

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 1687.

Mr. WARNER. 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 authorize agencies to use appropriated or other available funds to pay the cost of credentials and related examinations for Federal employees)

At the end of subtitle C of title XI, add the following:

SEC. 1124. PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 5758. Expenses for credentials

''(a) An agency may use appropriated or other available funds to pay for—

''(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

''(2) examinations to obtain such credentials.

''(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5758. Expenses for credentials.''.

Mr. WARNER. I urge its adoption.

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

The amendment (No. 1687) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I rise today not to offer an amendment but, first, to express my thanks and appreciation to the managers of the bill for responding to a concern that I raised. I have spoken with Chairman LEVIN, and his staff, Senator WARNER, and his staff, as well as Chairman INOUYE and Senator STEVENS, and the Defense Department about the concern I have over our industrial base for the production of tactical fighters.

It seems to me that the tragedy of September 11 brings with it the realization that we are in a long contest with terrorists. We are in a long, drawn out contest that may require us to provide all kinds of responses. The tactical aircraft we are planning to build in the future is just one of the tactical aircraft that we might have to provide in years beyond.

So it is my concern that when the competition for the joint strike fighter—the JSF—is over, that if one of the two contestants—Boeing and Lockheed Martin are competing—is selected, if there is not production and an active role for the second one, we would be left with only one major producer of tactical aircraft.

It is for that reason I have raised the concern that, either before or after the contract is let, the Defense Department and both contractors must be willing to agree that production will go on in both facilities.

Boeing and Lockheed Martin are this country's sole remaining tactical aircraft manufacturers. Whoever wins the contract will have a long-term foothold in tactical aircraft manufacturing due to the very large number of aircraft expected to be built for both here at home and the overseas market.

If nothing else happens, whoever loses out of the jet fighter business, in about 10 years, when our current production of F–22s, F–16s, and FA–18s will have reached the end of their production runs, there will be nothing left for them to do. That would leave us with just one military house capable of providing the full line of services necessary to build whatever aircraft will follow. And the JSF, while it is the state of the art now, will not be the state of the art 10, 20, 30 years from now.

The competitiveness exhibited by Boeing and Lockheed Martin in the JSF competition has been good for the U.S. and for our military forces. Without it, we would not now be looking at two sets of prototypes that, by all independent accounts, meet and exceed the criteria set by the Department of Defense.

My concern is what happens on the next complex tactical aircraft program we build. I am a big fan of Boeing; I am a big fan of Lockheed Martin—the two finest producers in the world. One of them happens to be located in my State; one of them happens to be located in the President's State. Both companies have excellent design and manufacturing teams. And without them we would not now be fielding the best military aircraft in the world. But I am an even bigger fan of having them both in the business of making tactical aircraft with concomitant design, engineering, manufacturing, and support services.

With only one domestic military tactical aircraft producer, we would seriously cripple our ability to field state-of-the-art tactical aircraft in the future, as any serious competition would be eliminated. And as is the case in so many other areas, competition is essential to the health of our tactical aircraft industry.

We do not have to look far to see examples of how we can ensure a robust split production program. The two primary competitors for JSF—Lockheed Martin and Boeing—currently share production of the F–22 Raptor. Boeing has a one-third share and Lockheed Martin a two-thirds share of the program. Supporting split production would ensure a minimum of two primary contractors in the tactical fighter industrial base.

An issue associated with split production is second sourcing. That has been productive, and it has been a prudent working theory in the years past. It still is practiced effectively in many areas.

During the defense buildup period, the Department of Defense and Congress worked diligently to increase the amount of competition in the development of major defense systems. In the defense aerospace industry, during those years, there were five primary companies capable of developing and producing fighter weapons systems.

The benefits of competition were well understood in commerce at large but difficult to establish in the military. So emphasis in some programs shifted to second sourcing. The production piece of weapons systems programs was divided in two. A single design was produced. The Government financed creation of both production lines. The firms competed for the largest share of the production run each year, but both remained in production.

This worked to keep costs under control for large volume purchases because each firm saw the potential for decent earnings by investing in cost reduction programs to remain competitive. If one producer let its costs get out of control, well, then, the purchaser—the Department of Defense—could go to the more efficient producer.

The same logic was successful in setting up second sourcing for propulsion systems for the joint strike fighter. And my question is, If the logic is compelling enough to institutionalize competitive competition in second sourcing for engine competition, why wouldn't the same logic work for the prime aircraft manufacturing companies, especially since there are only two left in the industry?

The second sourcing expands the mobilization base as well as producing an increased surge capability. And it encourages higher product quality and reliability at a competitive cost. And that helps the Government in contract negotiations.

One other example I would cite is the joint cruise missile project, second sourcing of the Tomahawk missile in 1982. Every review of that effort demonstrated abundant cost savings to the Government, and a steady production of missiles which have been used for years by our Armed Forces.

The success of the program resulted from at least two factors: One, the cost for entry for a second source was low, given the large projected production run, and, two, the annual production quantities were large enough to absorb direct and indirect manufacturing costs.

The Tomahawk experience is directly applicable to the current JSF Program because we have a large projected number of aircraft deliveries spread over many years, for both the armed services—all branches—and those of our allies, and gives us an opportunity to retain the benefits of second sourcing.

It worked for engines, and it worked for prime aircraft developers and manufacturers, while preserving the domestic industrial base. However, second sourcing alone does not ensure the sustainment of full design and development capability.

I think it would also be unwise for the country to have only one company capable of designing an appropriate fighter aircraft. I hope, as we move forward, we will continue to utilize the design and development capacity of both of the manufacturers.

Despite the fact that there may be some additional costs for having two production lines—some say costs may be a half billion to a billion dollars—when you are really talking about a couple of hundred billion dollars, a multiyear program, it seems to me the protection of the search capacity, production protection of a second major source, and the protection of competition are well worth the price. That is why I have been arguing that we must maintain two tactical aircraft providers.

We cannot prevent the pendulum from swinging radically in the opposite direction without maintaining split production. The recent terrorist attack teaches us that if we skimp on defense, we will pay for it. Maintaining a strong defensive posture is not done on the cheap, unless we are willing to expose our national security and homeland security.

For this reason, I have discussed at length with my colleagues, with the

managers of this bill, with the chairman and ranking member of the Appropriations Committee, as well as the Department of Defense, the need to continue to keep two tactical aircraft fighters in production. Based on the discussions I have had and the understanding that has been developed, I believe now that we are in a position where we will not see one company alone winning the competition and taking over the entire tactical aircraft production in the United States. I think that would be a significant mistake for the Nation, and it would not serve our military well because we would not ensure that competition to provide not only this airplane and the most economical and highest quality product available but future design and manufacture of aircraft to follow on.

So while we had discussed the possibility of offering an amendment, I believe the position is well understood. And from the conversations I have had, I believe there will be efficient steps taken to ensure that we do maintain two tactical aircraft producers. If we don't move down that path, then I will be back on the appropriate measure, whether it is on an authorization or an appropriations bill, to ensure that we do have two strong tactical aircraft manufacturers in this country.

Mr. President, I thank the managers and the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, at this time, I withdraw my amendment No. 1595 from consideration.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I express my gratitude, and I understand the differences of opinion we have regarding this issue. I think we now have an opportunity to have a good discussion on this issue in conference committee. In that vein, I ask unanimous consent to have printed in the RECORD the amendment I would have proposed.

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

Strike all after the first word and insert in lieu thereof the following:

SEC. 1066. CLOSURE OF VIEQUES NOVEL TRAINING RANGE.

(a) Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended by adding at the end the following new subsection:

''(e) NATIONAL EMERGENCY.—

''(1) EXTENSION OF DEADLINE.—The President may extend the May 1, 2003 deadline for the termination of operations on the island of Vieques established in Subsection (b)(1) for a period of one year (and may renew such extension on an annual basis), provided that—

''(A) The President has declared a national emergency, and such declaration remains in effect; and

''(B) The President determines that, in light of such national emergency, the actions required by subsections (b), (c) and (d) would be inconsistent with the national security interest of the United States.

''(2) EFFECT OF EXTENSION.—An extension of the deadline pursuant to paragraph (1) shall suspend the requirements of subsections (b), (c) and (d) for the duration of the extension.''

(b) Subsection (a) of Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed and subsections (b) through (e) are redesignated as subsections (a) through (d) respectively.

(c) Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed.

Mr. CORZINE. Mr. President, before I discuss the provisions of this amendment, let me make something clear. I am very sensitive—painfully and personally so—of the human tragedy and national emergency created by the cowardly attacks of the terrorists on our nation on September 11. Just as much as my colleagues, I stand united with our President, our military personnel, and the people of America in accepting, as President Bush put it, our ''mission and moment'' to end this scourge of terrorism.

But just as so many of America's leaders have implored the nation to be measured and thoughtful in our actions in the wake of this tragedy, and just as President Bush has asked that Americans go on about their lives, so too should the workings of America's democracy. That's why I believe it would be a a mistake to approve the amendment by the Senator from Oklahoma, which represents a significant change in direction from the policies formulated by both Presidents Bush and Clinton, while frankly undermining the President's authority as commander in chief. Why should the Chief of Naval Operations, and the commandant of the Marine Corps, be given the authority to make decisions that go well beyond military considerations? In my view, full access given the extended public debate and deep concerns, surrounding this Vieques facility this decision rightfully rests, as it did before September 11, with the President of the United States.

Mr. President, I believe, in the long run, we should respect the views of the people of Puerto Rico and Vieques. Their voice has been clear on this issue, certainly before the current circumstances. Just a few months ago, more than 70 percent of those living in Vieques voted to suspend operations and there was a broad element of support for that view throughout Puerto Rico's leadership and public.

At the same time, I understand and am sympathetic to the concerns of many of my colleagues about the need for combined Navy and Marine amphibious training in this time of national emergency. But, as Presidents Clinton and Bush both have said, in the long-term, we should respect the will of the people. And, in my view, while there is justification for changing the timing of implementation of current policies given the current circumstances, we should return to agreed upon policy as soon as practical. Any exceptions to the agreed upon policy should be at the judgment of the president of the United States-our commander in chief.

And that, Mr. President, is exactly what this amendment does. It would provide for the termination of operations on Vieques by May 1, 2003, subject to the national security judgment of the President. In fact, my amendment would codify the policy already established by President Bush. However, in an effort to give the President necessary flexibility in these extraordinary times, the amendment would allow the President to continue operations on Vieques for one-year periods in times of national emergency beyond the May 1, 2003 deadline, if the President determines, in light of the emergency, that the termination of operations would be inconsistent with national security interests.

I also would note, that my amendment eliminates the requirement for a second referendum required by last year's DOD authorization. Finally Mr. President this is a compromise endorsed by the Resident Commissioner of Puerto Rico, Congressman ANIBAL ACEVEDO VILÁ and supported by the National Puerto Rican coalition. After all, there already has been a referendum with the results showing that 70 percent of Vieques residents favor closure.

Mr. President, I think that's a reasonable compromise that makes commonsense. And I hope it can win the support of my colleagues.

Mr. President, I've heard some people say that the Navy bombings in Vieques are merely a political issue. But to the 9,000 residents of Vieques who live immediately adjacent to the field of fire and have suffered with constant and severe noise, and whose environment and health have been threatened by related pollutants, the bombing of Vieques is a humanitarian issue. And to all the people of Puerto Rico, it's an issue about respect and democracy.

I have personally visited Vieques and seen the disastrous impact that constant bombing has had on the island's natural resources and environment, on its resident's health and on its economy. The people of Puerto Rico are Americans. They raise our flag. They have fought valiantly in our wars. Many hundreds—maybe as many as 800—died on September 11th in the World Trade Center tragedy. Puerto Ricans deserve to be treated justly.

Both President Clinton and President Bush have recognized this reality in formulating their responses to this difficult issue.

Mr. President, like all Americans, I believe that the people of Puerto Rico have shown throughout history that they are willing to make sacrifices if asked to protect America. But we shouldn't use the current circumstances to justify continued bombing over some indeterminate period. We should and must find an alternative training site and more on as soon as possible.

So, in summary, Mr. President, this amendment recognizes our current military needs and provides the President flexibility to deal with America's war on terrorism. But, over time, this action would respect the will of the people of Puerto Rico, and end the Vieques debate on the bombings.

I hope my colleagues will support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, in consultation with our colleagues on both sides of the aisle, I feel the need to propound another unanimous consent request. I know there have been requests made throughout this debate regarding the list of finite amendments.

I ask unanimous consent that the list that I will send to the desk at a later time tonight be the only first-degree amendments remaining in order to S. 1438, the Department of Defense authorization bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all the amendments, the bill be read the third time and the Senate vote on passage of the bill with no intervening action or debate.

Mr. WARNER. Madam President, reserving the right to object, most readily, I say to our leader that I have to object. There are still Members on our side with concerns.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Madam President, will the leader yield.

Mr. DASCHLE. Madam President, I am happy to yield to the Senator from Michigan.

Mr. LEVIN. Madam President, if the majority leader will yield for one moment, this bill has provisions in it which we need to pass. There is a special pay provision in it for short wartime specialties, for instance. We have special provisions which will allow us to hold onto enlisted members in high priority units who otherwise might leave the military. We have special reenlistment and enlistment bonuses in this bill. We have a targeted pay raise of 4½ percent for everybody. And we have targeted pay raises of between 5 and 10 percent for special categories.

This is a vital bill for the success of our military.

The problems we have now are no longer related to the jurisdiction of this committee. We think we have resolved the last problem, or we are close to resolving the last problem that relates to the jurisdiction of this committee. Everybody else is willing to have their amendments placed on this list so we have a finite list. We are not trying to preclude anybody from offering amendments of any kind. It is just a list of their amendments and a finite list.

I thank the majority leader for his patience. I thank Senator REID for his extraordinary effort to get us to where we are. I express disappointment that we can't get that finite list so we can proceed to complete this important bill, but to report to him and to our colleagues that the problem we think we have now is not related to the jurisdiction of the Armed Services Committee, and that is too bad.

Mr. DASCHLE. Madam President, if I could just add to what the distinguished Senator from Michigan has said, and let me repeat also the compliment of our two managers. I think they have done an admirable job. They have shown remarkable patience with all of their colleagues. But I don't know of a bill that deserves more urgency than this one. I don't know of a bill that ought to be the source of unity as we look at the array of challenges that our country is currently facing.

This afternoon, we were given one of the finest briefings that I have heard in recent years by the Secretary of State and the Secretary of Defense. They did an outstanding job in laying out the challenges that we have to face, not only in the short term but in the longer term. At the very least, it seems to me, the Senate ought to respond to the tremendous challenges we face by providing the support that we can to this administration at a time of need.

I must say that I know we have worked off the earlier objections. And now, as the Senator from Michigan said, we have objections tonight that I am told have nothing to do with the Defense bill but have to do with the schedule on other issues. I am willing to work with my colleagues. No one wants to pass an energy bill more than I do. We know we have to do that. That has to be an important part of the Senate's agenda. I am willing to enter into a colloquy with Senators who have concerns about how high a priority that is. But, for heaven's sake, let us not hold up one of the most urgent bills before the Senate tonight.

I must say, I will tell my colleagues, that we may be left with no other option than to pull this bill and go straight to Defense appropriations when that bill is ready. We can resolve this on Defense appropriations. I don't want to have to do that, but I will do that if there is no other choice. Tomorrow we are going to go to the military construction bill.

This is our last opportunity tonight until sometime later.

There are so many other urgent pieces of work that have to be done. We have an airport security bill that we all have talked about that we know is important. That has to be brought up, hopefully next week.

We can't continue to deliberate, object, delay, and confound the two managers here as we try to address this important question. We have a window. If we lose this window, we are going to have to look for another window under the appropriations process.

I put my colleagues on notice. We will either work this out this way or we will work it out another way. But these laborious objections are very troubling to me and ought to be troubling to all of our colleagues.

I will work with our managers.

I appreciate as well the distinguished assistant majority leader for his efforts tonight.

If I sound frustrated, I am. I will be patient. But patience wears thin. We have a lot of work to do.

I yield the floor.

Mr. REID. Madam President, before the leader leaves the floor, I am a member of the Committee on Appropriations. We are not an authorizing committee. We should not have to do the Defense authorization bill because the hard work that these two managers and the committee members have put in will be for naught.

Yesterday, I had to make some phone calls. Eighty-three National Guardsmen who have been called to active duty out of Ely and Las Vegas. These are MP's—military policemen. We had 100 out of Reno call the same day. They are military intelligence. They are leaving as I am speaking.

There are provisions in this bill to help them and their families. At Nellis Air Force Base, we have 10,000 military personnel, and at Fallon we have 7,000.

How can I go back to Nevada and face these people? This bill is going to go down as a result of something that has nothing to do with this bill.

The leader talked about these two managers. They have worked so hard. They have worked so hard. They are two veteran legislators. They are two of the best we have. They have done everything they can to move this legislation.

Ninety-eight percent of the Senate wants to move this bill. It is too bad that 2 percent decided they don't want this bill to move anyplace. It is too bad for the country. It is too bad for the military personnel in Nevada and all over this country, and for those serving outside the United States' continental limits. It is just too bad.

If the leader is frustrated—and I know he is because he has been on this all day—I can't imagine how these two managers feel who have spent months working on this legislation. And they are being told, well, you can have the appropriators do it. That is what it is coming to. It is a sad day in the history of the Senate and this country.

Mr. DASCHLE. Madam President, in light of our circumstances, I reluctantly concluded that there will be no more votes tonight. There is so much work we could do. Clearly, we are not at a point where we can move any further on the bill. If Members wish to express themselves, they are welcome to

do that. But there will be no more votes tonight.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Madam President, the fiscal year 2002 National Defense Authorization Act that was reported out of the Committee on Armed Services was a good bill. In particular, it included important provisions regarding missile defense.

It required prior Congressional approval of any activities during the next fiscal year that are barred by the ABM Treaty. This provision assured Congress its proper role in any decision to walk away from a cornerstone of strategic stability which has served the United States well for the past 30 years.

It strengthened transparency and Congressional oversight over the Administration's missile defense programs. If the Congress is to authorize billions of dollars for national missile defense, we deserve a clear blueprint for how the administration will spend that money.

And it reallocated $1.3 billion from missile defense to other pressing defense priorities.

As a result of the managers' amendment adopted last week, the first two provisions were dropped. The third one was altered to permit the President to spend the $1.3 billion on missile defense or on counter-terrorism.

As every other Member, I understand the need to forge a unity of purpose in fighting the difficult war which lies ahead. That is why I did not prevent action on the managers' amendment last week. Let the record show, however, that I strongly disagree with the decision to delete those very sensible provisions.

The prior approval provision did nothing to prohibit the President from withdrawing the United States from an international treaty. Nor did it prohibit the Department of Defense from undertaking any activity in violation of the ABM Treaty. Rather, it simply enabled the Congress to exercise its rightful power of the purse to approve or disapprove the use of funds for any DoD activity barred by a major U.S. treaty.

I believe that the President has the constitutional authority to withdraw from a treaty in the face of congressional silence. I also believe, however, that Congress must exercise its appropriate responsibility. That is why it was also a mistake, in my view, to delete the missile defense transparency provisions in this bill.

Finally, in my view, there is no question how marginal dollars must be spent. The tragic and unconscionable attacks of September 11, 2001, have thrust upon us a war that we absolutely must win, not only for our own sake, but for all civilized nations. The wisdom of any element of defense spending must be evaluated in that light.

As President Bush has made clear, this war will be complex. The battle to dry up terrorist funding will be as crucial as any military offensive. Both battles may hinge on the support we receive from other countries.

President Bush has done a wonderful job of turning world reaction into positive and specific support for an effective campaign against international terrorism and those who aid and abet it. That is precisely what is needed.

Today, that international support is broad and strong, at least in words. It extends from NATO to Russia, Pakistan, and even North Korea. We must maintain and strengthen that international coalition, however, in the months, and years, to come.

Russia may very well play a crucial role in any military action against Osama bin Laden or those who aid him in Afghanistan. By virtue of both geography and its involvement in the region, Russia can do much to aid or hinder our operations. Already, some of its military leaders are cautioning against military action that we may find essential to the defeat of terrorism.

What will happen, if the President chooses this time to walk away from the Anti-Ballistic Missile Treaty in the face of Russian objections? Russia's official stance is that anti-terrorism is a separate issue, and that cooperation will continue. But I fear that both military and public opinion in Russia could shift substantially against cooperation with the United States.

Neither can we take our European allies for granted. Their governments overwhelmingly oppose any unilateral abandonment of the ABM Treaty. Even Prime Minister Tony Blair, the leader of our staunchest ally, warned that Great Britain's support was not a ''blank check.''

Alliance cohesion requires our willingness, too, to cooperate with other nations in pursuit of a common aim. Our leadership role in the battle against terrorism is clear today, but will be maintained in this conflict only by convincing others of both our wisdom and our care to take their concerns into account. That is why precipitate actions to deploy a missile defense, such as our unilateral withdrawal from the ABM Treaty, could undermine our vital war efforts.

A defense against ICBM's will have little impact on international terrorism. Terrorists are not likely to develop or acquire such weapons and the complex launch facilities that they require. Rather, terrorists are likely to seek to attack the United States through infiltration, smuggling in a nuclear weapon in a ship into a city's harbor or carrying lethal pathogens in a backpack.

A national missile defense would do nothing to defend against these more likely threats. Indeed, too much investment in it now could drain needed resources from the war effort, not just in money, but also in technical manpower and production capability.

Let me give some examples of how $1.3 billion could be used to further the war on terrorism: The greatest threat of a nuclear weapons attack on the United States is from a weapon smuggled into the United States. Terrorists cannot build such a weapon, but they could hope to buy one. According to the bipartisan Baker-Cutler task force report issued earlier this year, Russia has tens of thousands of nuclear weapons, sensitive nuclear materials and components. Some are secure, but others are not. Some nuclear facilities don't even have barbed wire fences to keep out potential terrorists. The task force called for spending $30 billion over the next 8 to 10 years, to address what it called ''the most urgent unmet national security threat to the United States today.''

Biological terrorism is a real threat to both our military personnel and our civilian population. It is a challenge we can sensibly face, but only if we invest in the necessary preparation today. For instance, the Department of Defense should produce or acquire the necessary vaccines and antibiotics to protect our armed forces against a range of pathogens. It should assist civilian agencies in procuring and stockpiling similar medicines for emergency use. According to Dr. Fred Iklé, who testified at a Foreign Relations Committee hearing earlier this month, $300 to $500 million will be needed just to ramp up our vaccine stockpile. This is a common-sense response to an otherwise frightening threat.

The Department of Defense should also test and procure inexpensive biohazard masks that could save lives both in the event of a terrorist attack and through everyday use in military hospitals. By conducting the necessary testing and creating an initial market for such masks, the Defense Department will pave the way for use of these masks in our civilian health care system.

A more immediate step to help our armed forces would be to improve the security of our domestic military bases and installations. Many of them lack the basic anti-terrorism protections that our overseas bases have.

Another war-related need is to speed up the Large Aircraft Infra-Red Counter-Measures program that gives our military transport aircraft increased protection against surface-to-air missiles. We gave Afghan groups hundreds of Stinger missiles in the 1980's, and scores of them could be in the Taliban's inventory today. We owe it to our fighting men and women to give them maximum protection as they move into combat or potentially hostile staging areas.

Winning the war on terrorism, a war that we face here and now, is infinitely more important than pouring concrete in Alaska or an extra $1.3 billion into combating the least likely of threats.

We can take the time to perfect our technology and to reach understandings with Russia and China that will minimize the side-effects of missile defense. But we have precious little time to do what is essential: to win the war against terrorism, to dry up the supply of Russian materials or technology, or to prepare our military, our intelligence community, our health care system, and our first responders to deal with a chemical or biological weapons attack by the terrorists of tomorrow.

In the fury of the moment, Congress will let the President have the final say on the use of these funds. So be it. It will be up to the President to take the sensible course.

In the midst of a war, let us not be diverted by the least likely threat. Let us turn our attention, our energies, and our resources to winning the war that is upon us, and to building our defenses against terrorism of all sorts.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

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

THE RESPONSE TO TERRORISM

Mr. WELLSTONE. Madam President, I would like to, in 10 minutes, cover three topics. First, I want to talk a little bit about September 11 and now. And I want to just say, in an ironic way—not bitterly ironic—the days I have had in Minnesota have maybe been some of the better days I have had because—and I am not putting words in anybody's mouth; and I do not do damage to the truth; I have too much respect for people, even when we disagree—most of the people with whom I have spoken back in Minnesota have said a couple things.

First of all, they have said we need to do a better job of defending ourselves. Who can disagree with that? Second of all, they have said—they have not been jingoistic; and they have not said we need to bomb now—we need to do this the right away. Many of them have expressed concern that we not let terrorists define our morality and that we should take every step possible to minimize the loss of life of innocent civilians in Afghanistan, or any other country, starting with innocent children. I am proud of people in Minnesota for saying that.

People in Minnesota have also said they understand this is not going to be one military action. They know this is going to be a long struggle. They know we are going to need a lot of cooperation from a lot of other countries. They think it should be international.

Above and beyond the way people come together to support each other, I am so impressed with the way I think people are really thinking deeply about this and want us to stay consistent with our own values as a nation. I just want to say that. That is my view.

I find myself kind of on two ends of the continuum. I had a discussion with some friends who were telling me that I should speak out more about the underlying conditions and causes of this violence, this hatred and violence. I told them there is a divide between us because I cannot do that because there are no conditions or explanations or justification for the mass murder of innocent people. I do not even like to talk about war because I do not think warriors murder people. Warriors are not involved in the slaughter of innocent people; criminals are.

A second point, which now gets closer to the defense authorization bill: On economic recovery, we have to really focus on economic security. I believe, and will always believe, we should have included assistance for employees in the package we passed last Friday.

I say to the Senator from Massachusetts, when I went home to Minnesota, I heard about that. People were not bitterly angry, but they said: How could that happen to us and our families who are out of work? That has to be a priority, along with safety, to get help to employees.

I would argue, maybe it is a sequence; you can't do everything at one time. It is easier to give a speech than to actually do it. But above and beyond help for employees and employment benefits and making sure people can afford health care needs and making sure there is job training and dislocated worker funding and, I would argue, having to deal with some child care expenses, I want to say one other thing. The truth is, I think we have to also think about an economic recovery package. And that should include, I say to my colleague from New Jersey, a workforce recovery package because not only are we going to need to extend the lifeline to people by way of helping them—when people are flat on their back, Government helps them; that is what Government is for—it is also true that that is part of an economic stimulus because you do not want to have a lot of people—people who work in hotels and restaurants and small businesspeople, all of whom now are really hurting—you do not want to have a whole lot of people shut down and not able to consume at all.

So we need to think about this package in broader terms as well. Finally, on the defense authorization bill, if I had my own way, there are at least a couple of provisions I wish were in it. One of them Senator LEVIN worked so hard on, and other colleagues support it. It made it clear that if President Bush requested funding for missile defense tests that violated the ABM Treaty, he would need congressional approval to spend those funds. I wanted that language in this bill in the worst way. If I had time, I would argue over and over again, but I don't want to impose my own agenda on what our country is facing right now. But we need to reorder some of our priorities, and clearly more of the money—some of the money in this bill that I don't think we need for certain items I would put into homeland defense and helping families with economic security.

I think there are a lot of threats our country is faced with that come way before a rogue nation sending missiles our way by suitcase, by boat, by plane, chemical, biological—there are lots of other threats with a much higher priority. I wish we hadn't dropped that language. I understand that the majority leader and Senator LEVIN and others made a commitment that we will come back to that language and that provision.

I believe missile defense doesn't make the world more secure; it makes it less secure for our children, grandchildren, and for all God's children. I could argue that for the next 5 hours. I don't have 5 hours.

I congratulate Senators on both sides of the aisle for the way in which we have worked together. We probably need each other as never before. There will be some sharp disagreement on policy issues—some of the issues that deal with education and health care, prescription drugs, you name it. Frankly, I am sure there will be questions many of us have as we go forward. But for right now, I want to just dissent on missile defense and say to my colleagues we need to get back to that debate. I think we are going to have to see more of an emphasis on priorities, including some of the money from some weapons systems that are not necessary to what we are talking about now by way of our own national security and homeland defense.

I say to Senator LEVIN and others, I appreciate the additional support for the armed services, especially when they are about to go into harm's way. I want to say to every Senator that we did not do well for too many people in this package for the industry, which was necessary. I don't think the companies and CEOs were crying wolf, but we didn't help the employees, and the economic security of these working families has to be the next step, along with safety. That has to happen soon.

Finally, I believe we are going to have to have a broader workforce recovery bill as part of economic recovery legislation, as a part of how we deal with this recession in hard economic times, because there are a lot of other people who are really hurting right now. The Government should be there to help people when they are flat on their backs through no fault of their own. That is going to be a big part of our work as well.

VOTE EXPLANATION

Mr. BIDEN. Madam President, I was unable to be here for an earlier vote today. I was at the funeral of a brave young American, Aerographer's Mate Second Class Matthew Michael Flocco, whose life was one of those so tragically ended at the Pentagon on September 11. I believed it was important to be there with the family, to make sure they knew that America shares in their grief and stands ready to assist them in any way we can.

CRITICAL INFRASTRUCTURE INFORMATION SECURITY ACT

Mr. BENNETT. Madam President, yesterday Senator KYL and I introduced the Critical Infrastructure Information Security Act, CIISA, which is designed to minimize a dangerous national security blind spot by: one, protecting voluntarily shared critical infrastructure information; two, providing critical infrastructure threat analysis; and three, encouraging proactive industry cooperation.

Critical infrastructures are those key sectors such as financial services, telecommunications, transportation, energy, emergency services, and government essential services, whose disruption or destruction would impact our economic or national security. On September 11, 2001, America suffered a senseless strike, where America's commercial air space was ''weaponized'' and turned viciously against its financial and defense establishments in an infrastructure attack that resulted in staggering losses.

About 85 percent of the United States' critical infrastructures, telecommunications, energy, finance, and transportation systems, are owned and operated by private companies. If our critical infrastructures are targets, it is the private sector that is on the front line. Thus, we have to think differently about national security, as well as who is responsible for it. In the past, the defense of the Nation was about geography and an effective military command-and-control structure. However, now prevention and protection must shift from the command-control structure to partnerships that span private and government interests.

The American economy is a highly interdependent system of systems, with physical and cyber components. Preventing, detecting, responding, mitigating, and recovering from attacks to these systems requires an unprecedented exchange of information. It is essential to remove unnecessary barriers that prevent the private sector from sharing information. Because in many cases, releasing sensitive information into the public domain could have extremely negative consequences for business, it is understandable why the private sector is reticent to share this information with the Government as it is not protected.

The Critical Infrastructure Information Security Act, CIISA, is intended to clear the way for increased critical infrastructure information sharing and improve threat analysis for these infrastructures. The bill seeks to increase the two-way sharing of information between the Federal Government and the private sector by first, protecting information voluntarily shared by the private sector, and second, requiring the Government to send analysis back to the private sector. It also encourages information sharing within the private sector so industry can better solve its own problems.

CIISA outlines a process by which critical infrastructure information, information which would not normally be shared due to its sensitivity, can be submitted to one of 13 designated Federal agencies with a request that the information be protected. Such a request would mean that this information will not be disclosed even in a response to a request under the Freedom of Information Act, commonly known as FOIA.

FOIA has helped make a transparent government. Initially enacted in 1966, FOIA establishes for any person, corporate or individual, regardless of nationality, presumptive access to existing, unpublished agency records on any topic. CIISA does not change FOIA in any way. In fact, it seeks to protect information which would not be in the public domain in the first place and if publicly released, could interfere with, disrupt, or compromise critical infrastructure operations. CIISA will protect voluntarily shared information without diminishing Federal transparency.

Access to information is essential to our democracy. However, it is important to realize that the ability to make a request under FOIA does not apply only to American citizens interested in seeing what the Government is doing. Corporations, associations, foreign citizens, and even foreign governments have the same access. There are no limitations on FOIA even during times of war. Furthermore, the narrow provisions provided in CIISA are nothing new. Congress has on 40 other occasions created certain classes of information that are not subject to the Freedom of Information Act.

In order to ensure the uniform protection of voluntarily shared information, CIISA requires the Director of the Office of Management and Budget to establish procedures for the Federal agencies to receive, acknowledge, mark, care, and store voluntarily submitted critical infrastructure information. Today, there is no uniform standard of care under FOIA.

CIISA requires that information and analyses from the Federal Government be shared back with the private sector in the form of notifications, warnings, and strategic analyses. The bill requires a Federal agency receiving voluntarily submitted critical infrastructure information to make reasonable efforts to do the following: one, analyze the information; two, determine the tactical and strategic implications for such information; three, identify interdependencies; and four, consider conducting further analysis in concert with other Federal agencies. Following this analysis, a Federal agency may issue warnings regarding potential threats to: one, individual companies; two, targeted industry sectors; three, the general public; or four, other government entities. Federal agencies must take appropriate actions to prevent the disclosure of the source of any voluntarily submitted critical infrastructure information that forms the basis for any warnings.

CIISA also requires the President to designate an entity within the executive branch to conduct strategic analyses of potential threats to critical infrastructure; and to submit reports and analyses to information sharing and analysis organizations and the private sector. These analyses draw upon this information submitted to the Federal Government by the private sector, as well as information from the Federal Government, such as national security and law enforcement information. The President is also required to submit a plan for developing strategic analysis capabilities in the Congress.

When competitors work closely to address common problems, antitrust concerns always surface. Security in a networked world must be a shared responsibility. To encourage the private sector to find solutions to common security problems, CIISA provides a narrow antitrust exemption, not unlike that of the Information Readiness Disclosure Act or the Defense Production Act. Information sharing and analysis organizations formed solely for the purpose of gathering and analyzing critical infrastructure information and to help prevent, detect, mitigate or recover from the effects of a problem relating to critical infrastructure, will be exempt from antitrust laws. Again, this exemption only applies to the activities specifically undertaken to address infrastructure problems. The antitrust exemption will not apply to conduct that involves or results in an agreement to boycott any person, to allocate a maker, or to fix prices or output.

The threats to our critical infrastructure are varied. Some of those threats are physical; some may come from cyberspace. From wherever they come, the private sector and Government each has different vantage points. It is my hope that this bill will help both entities work together to reduce the blind spot.

I thank Senator KYL for his interest and leadership on this issue.

COMMENDING THE TRUCKING INDUSTRY

Mr. BROWNBACK. Madam President, I rise to speak today in recognition of the noble truck drivers across the Nation. For the past 2 weeks, our truckers have been valiant in their service to

this country, delivering important supplies to the attack sites of New York City and Arlington, VA. Many of these truckers have been volunteering time, equipment, and use of their vehicles to supply these areas in efforts of relief, regardless of the escalating gas prices throughout the country. This is a commendable act, as airlines have been shut down and delivery has been severely restricted, truckers have responded to the call of America. I commend the work performed by this industry. We have often heard about those on the front line, but not of those in the shadows, holding part of America's infrastructure intact with their service. I say thank you to the hard-working men and women of the trucking industry who continue to contribute to the relief effort throughout the country.

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 September 25, 1994 in Hollywood, CA. Three men and five juveniles wielding baseball bats and a golf club allegedly assaulted two gay men. Juan Huiza, 19, and Marvin and Guillermo Hendriquez, both 20, were charged with suspicion of civil rights violations and assault with a deadly weapon.

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

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID R. CHEVALIER

• Mr. SMITH of New Hamsphire. Madam President, I rise today to pay tribute to former U.S. Army Sgt. David Chevalier of North Hampton, NH, for his heroic service to the United States of America during the Korean Conflict.

On June 13, 1953, David was injured in action while courageously serving his country in Korea. David has earned the Purple Heart medal for his dedicated service to our country with pride.

As a Vietnam veteran and son of a Naval aviator who died in a World War II related incident, I commend David for his selfless dedication to his state and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privilege to represent him in the U.S. Senate.•

TRIBUTE TO ELETROPAC COMPANY, INC.

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Electropac Company, Incorporated, of Manchester, NH, on the celebration of their 25th year in business.

For 25 years, Electropac Company, Incorporated headed by Raymond Boissoneau, has provided high quality printed circuit boards to businesses in New Hampshire, the United States and worldwide markets. The company has constantly invested in the latest technology and processes and has produced innovative products for their customers.

Electropac is one of North America's leading suppliers of printed circuit boards with $45 million in annual revenue and currently employs more than 400 dedicated team members. Electropac has consistently prided itself in their dedication to complete customer satisfaction and teamwork.

I commend the leadership and employees of Electropac for their exemplary accomplishments in the business world. The contributions of Electropac have been of significant benefit to the citizens of our state and have provided economic stimulus and employment opportunities. It is truly an honor and a privilege to represent you in the U.S. Senate.•

TRIBUTE TO JAMES E. O'NEIL

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to James E. O'Neil of Chesterfield, NH, on being named as the Keene Chamber of Commerce 2001 Citizen of the Year.

Jim has served the community of Keene for many years contributing to the overall quality of life in the region. He is involved in leadership positions with organizations including the Monadnock United Way and Center Stage of Cheshire County and is a board member for Cheshire Medical Center and Monadnock Family Services. Jim is also an executive trustee of Kingsbury's charitable foundation to benefit the Chesterfield School.

Jim and his wife, Joan, have been married for 29 years and have two children: a daughter, Rachel, who resides in Cambridge, MA, and a son, Jay, a resident of Durham, NH.

I commend Jim for a lifetime of community service to the greater Keene area. He is an exemplary role model for the citizens of his community and our entire State. It is an honor and a privilege to represent him in the U.S. Senate.•

TRIBUTE TO COVER

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to COVER, a non-profit program based in Lebanon, NH.

The COVER organization works in partnership with low income, elderly and disabled citizens assisting them with urgent home repairs. The volunteers organized by COVER have successfully prevented the imminent displacement of more than 100 Upper Valley residents due to substandard or inaccessible housing.

The members of COVER work together to ensure that home repair projects are supplied with recycled materials to conserve natural resources. The volunteer labor pool allows cover to build positive relationships throughout the community bringing neighbors together to accomplish the refurbishing needs of area homes.

More than 700 hard working volunteers at COVER have completed more than 100 home repair projects in the Upper Valley region since 1998.

I applaud the tireless efforts of the organizers and volunteers of COVER. Their valuable contributions have aided and enriched the lives of the elderly and disabled citizens in the community. The citizens of Lebanon and our entire state owe a debt of gratitude to the COVER organization. New Hampshire is a better place in which to live because of their kind acts of charity. It is truly an honor and a privilege to represent them in the U.S. Senate.•

TRIBUTE TO ALEXANDER LEVERIS

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Alec Leveris of Kensington, NH, for his heroic service to the United States of American during World War II.

On September 17, 2001, I will present Alec with the medals he so bravely earned while serving his nation in battle. Alex joined the U.S. Navy in Boston and was trained in Newport, RI. He served as an ordinary seaman on tours of duty on the U.S.S. *Yorktown* including the Battle of Midway and trained pilots to take off and land on the aircraft carrier, U.S.S. *Alabama*.

Alex earned medals for his dedicated military service including: the Honorable Service Lapel Button, a Combat Action Ribbon, the European-African-Middle Eastern Campaign Medals, a World War II Victory Medal, an American Campaign Medal, the Navy Good Conduct Medal and an Asiatic-Pacific Campaign Medal.

As a son of a Naval aviator who died in a World War II related incident, I commend Alex for his selfless dedication to his state and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privilege to represent him in the U.S. Senate.•

TRIBUTE TO LESLIE E. ROBERTS

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay

tribute to Leslie E. Roberts of Belmont, NH, who passed away on July 27, 2001.

Lesile was born in Wolfeboro, NH, and served with honor in the U.S. Army during world War II with Company C, 64th Armored Infantry Battalion, 16th Armored Division in Germany. He also served with the U.S. Army Corps of Engineers where he oversaw construction of major public works restoration projects during the Occupation Period.

After returning to New Hampshire, Leslie joined the 368th Combat Engineer Battalion of the Army Reserve and served for more than 20 years with the reserves as a Battalion Equipment Officer.

Leslie was a small business owner in Belmont, NH, in the dairy and heavy equipment hauling industries. He also served as treasurer of Roberts Cove Corporation of Alton, NH.

He was an active supporter of his community and served in positions including: member and leader in the 4H club, charter member of the Belmont Historical Society and member of the New Hampshire Farm Bureau. Leslie was also a charter member of the Belmont Rotary Club and had been a Paul Harris Fellow. In 1988 he received the Citizen of the Year Award from the town of Belmont.

Leslie is survived by his wife, Suzanne; his sons: Clive Roberts, Mark Roberts and Roy Roberts, and his two daughters: Lynn Wilson and Diane C. MacKey. He is also survived by 14 grandchildren, three great-grandchildren, two brothers: Preston T. Roberts and Irving R. Roberts and two sisters: Mary Goodrich and Ruth Scheneck.

Leslie served his country and state with pride and dignity. As a Vietnam veteran, I commend him for his service in the U.S. Army and for his exemplary personal and business contributions to his state and community. He will be sadly missed by all those whose lives he touched. It is truly an honor and a privilege to have represented him in the U.S. Senate.●

TRIBUTE TO BOB AND ESTELLA HUGHES

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Bob and Estella Hughes of Bedford, NH, on the occasion of their 50th wedding anniversary.

Bob and Estella are natives of Manchester, NH. Bob graduated from St. Anselm College and worked in the automobile industry for more than 40 years as a manager of financial operations prior to retiring.

Estella graduated from Mount Saint Mary's College and received a master's degree in Special Education from Salem State College in Salem, MA. She worked as a school teacher until 1985, when she started Manor Home Builders, Inc. To date, Manor Home Builders, Inc. has constructed more than two hundred homes in the greater Manchester area. Since his retirement, Bob has joined Estella and their son, David, at Manor Home Builders, Inc.

Bob and Estella have been strong supporters of the local community in many charitable activities. They have also been actively involved in the New Hampshire and national political arena.

Bob and Estella have a large and close-knit family including: 3 daughters, Cindy, Pam and Lisa, 3 sons: David, Kevin and John, and 14 grandchildren.

Mary Jo and I send our warmest congratulations to Bob and Estella on this important wedding anniversary and wish them many more happy years together. It is truly an honor and a privilege to represent them in the U.S. Senate.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 717. An act to amend the Public health Service Act to provide for research and services with respect to Duchenne muscular dystrophy.

H.R. 1583. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the ''Lee H. Hamilton Federal Building and United States Courthouse.''

H.R. 1850. An act to extend the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission.

H.R. 1860. An act the reauthorize the Small Business Technology Transfer Program, and for other purposes.

H.R. 2589. An act 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.

H.J. Res. 65. Joint resolution making continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests, the concurrence of the Senate:

H. Con. Res. 84. Concurrent resolution supporting the goals of Red Ribbon Week in promoting drug-free communities.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. WOLF, Mr. ROGERS of Kentucky, Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. REGULA, Mr. LATHAM, Mr. MILLER of Florida, Mr. VITTER, Mr. YOUNG of Florida, Mr. SERRANO, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Mr. CRAMER, Mr. KENNEDY of Rhode Island, and Mr. OBEY.

The message also announced that the House has passed the following Senate bill, without amendment:

S. 248. A bill to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

At 4:16 p.m., a message from the House delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2199. An act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2510) to extend the expiration date of the Defense Production Act of 1950, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 717. An act to amend the Public Health Service Act to provide for research

and services with respect to Duchenne muscular dystrophy; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1850. An act to extend the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2199. An act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 84. Concurrent resolution supporting the goals of Red Ribbon Week in promoting drug-free communities; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Weeks; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 2589. An act 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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4145. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001–02 Late Season'' (RIN1018–AH79) received on September 24, 2001; to the Committee on Indian Affairs.

EC–4146. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' (Notice 2001–58) received on September 24 , 2001; to the Committee on Finance.

EC–4147. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Reverse Subsidiary Mergers under Section 368'' (Rev. Rul. 2001–46, 2001–42) received on September 24, 2001; to the Committee on Finance.

EC–4148. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bifenthrin; Pesticide Tolerances for Emergency Exemptions'' (FRL6801–5) received on September 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4149. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyhalofop-butyl; Pesticide Tolerances for Emergency Exemptions'' (FRL6800–25) received on September 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4150. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Final Framework for Late Session Migratory Bird Hunting Regulations'' (RIN1018–AH79) received on September 21, 2001; to the Committee on Environment and Public Works.

EC–4151. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Late Season and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands'' (RIN1018–AH79) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4152. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''California: Final Authorization of Revisions to State Hazardous Waste Management Program'' (FRL7065–7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4153. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; State of Delaware; Department of Natural Resources and Environmental Control'' (FRL7056–7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4154. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Texas: Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL7067–6) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4155. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress and Contingency Measures for the Baltimore Ozone Nonattainment Area'' (FRL7066–3) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4156. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Class Deviation from the Provisions of 40 CFR 35.3.25(b)(1)'' received on September 24, 2001 ; to the Committee on Environment and Public Works.

EC–4157. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Approval of Operating Permits Program; Commonwealth of Massachusetts'' (FRL7065–9) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4158. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to Mixture and Derive-from Rules'' (FRL7066–2) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4159. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Missouri: Final Authorization of the State Hazardous Waste Management Program Revision'' (FRL7068–1) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4160. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities'' (FRL7067–9) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4161. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District'' (FRL7066–7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4162. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, Imperial County Air Pollution Control District'' (7066–8) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4163. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Industrial-Commercial-Institution Steam Generating Units'' (FRL7066–4) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4164. A communication from the President of the United States (received and referred on September 24, 2001), transmitting, consistent with the War Powers Act, a report relative to terrorist attacks in the United States; to the Committee on Foreign Relations.

EC–4165. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report relative to the authorization of the Military Departments to incur obligations in excess of available appropriations; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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. 107–67).

By Mrs. FEINSTEIN, from the Committee on Appropriations, without amendment:

S. 1460: An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes. (Rept. No. 107–68).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 1270: A bill to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Roy L. Austin, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

Nominee: Roy Leslie Austin.

Post: Ambassador, Republic of Trinidad & Tobago.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $485,00, 9/11/99 to 12/11/00, G.W. Bush campaign & the Repub. Party.

2. Spouse: (gave jointly with me most of the time).

3. Children and Spouses Names: Roy and Traci Austin, no contribution; Roger Austin, no contribution; Deborah Austin Depay, no contribution.

4. Parents Names: Clarence Austin & Florence Ferris (both deceased); no contribution.

5. Grandparents Names: Audley Austin & Estella Austin, deceased for more than 50 years; Martha Butcher, Decreased for more than 40 years; no contribution

6. Brothers and Spouses Names: No brothers; one half-brother in the U.S.

7. Sisters and Spouses Names: Two living half-sisters; neither in the U.S.

Franklin Pierce Huddle, Jr., of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Nominee: Franklin Pierce Huddle, Jr.

Post: Republic of Tajikistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Chanya Huddle: None.

3. Children and Spouses Names: Son—Pavarage Huddle (unmarried), none.

4. Parents Names: Clare Huddle (decreased); Franklin Huddle (decreased).

5. Grandparents Names: Eleanor Huddle and David Huddle (deceased); Clara Scott and George Scott (deceased).

6. Brothers and Spouses Names: David Huddle (wife Kathleen Huddle), none.

7. Sisters and Spouses Names: Elizabeth Tagliamento (husband John Tagliamento), Christy Huddle, none; Eleanor Huddle, none.

---

*Kevin Joseph McGuire, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Kevin J. McGuire.

Post: U.S. Ambassador to Namibia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: $25.00, 1995, Democratic National Committee.

3. Children and Spouses Names: Kiernan McGuire, David & Virginia McGuire, John D. McGuire, none.

4. Parents Names: Both deceased, John Francis McGuire, Alice K. McGuire, none.

5. Grandparents Names: Deceased, Mr. & Mrs. John Francis McGuire, Mr. & Mrs. Patrick J. Kelly, none.

6. Brothers and Spouses Names: Mr. & Mrs. Frank McGuire, none.

7. Sisters and Spouses Names: None.

---

*Pamela Hyde Smith, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Nominee: Pamela H. Smith.

Post: Ambassador to the Republic of Moldova.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee:

1. Self: None.

2. Sidney G. Smith, (deceased 2/15/98), none.

3. Catherine E. Smith, none; Marian H. Smith, none.

4. William B. Hyde, $100, 1998 Republican Nat'l Committee; $50, 1999, Republican Nat'l Committee; $200, 2000, Republican Nat'l Committee; $50, 2001, Republican Nat'l Committee; $100, 1999, Bush for President. Elizabeth D. Hyde: None.

5. Donald H. Doud and Sonya C. Doud (both deceased); Robert H. Hyde and Beulah L. Hyde (both deceased).

6. None.

7. None.

---

*Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

*Charlotte L. Beers, of Texas, to be Under Secretary of State for Public Diplomacy.

*Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

*Michael E. Malinowski, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Nominee: Michael E. Malinowski.

Post: Ambassador, U.S. Embassy, Nepal, Kathmandu.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses Names: None.

4. Parents Names: Edward S. Malinowski, None; Helen J. Malinowski, None.

5. Grandparents Names: None.

6. Brothers and Spouses Names: None.

7. Sisters and Spouses Names: Melanie J. Olszewski, None.

---

*Hans H. Hertell, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Nominee: Hans H. Hertell.

Post: U.S. Ambassador to the Dominican Republic.

Nominated: On or about March 16, 2001.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: (Please see enclosed list.)

2. Spouse: Marie Stubbe Hertell, $500.00, March/99, George W. Bush Campaign; June/99, Gov. Bush Presidential Expl. Committee.

3. Children Names: Marie Alexandra Hertell, none; Hans Hertell, none; Hermann Josef, none.

4. Parents Names: Hilger Hertell, deceased; Ivelisse San Juan, deceased.

5. Grandparents Names: Manuel San Juan and Carmen San Juan, deceased; Carl Anton Hertell and Anna Maria Bravant, deceased.

6. Brothers Names; Johann Hilger Hertell, none; Manuel Hertell, deceased.

7. Sisters Names: Carmen Ana Hertell, none; Erika Hertell, none.

Hans H. Hertell, S.S.# 000–00–000—amount, date, and donee:

$1,000, Feb/98, Kupka for Congress.

$1,000, Dec/98, Abraham Senate 2000.

$500, Apr/99, Bush for President Inc.

$500, Jun/99, Bush for President Inc.

$250, Sep/99, Comite Eleccion de Carlos Romero-Barcelo al Congreso Inc.

$20,000, Jun/00, Republican National Committee.

$250, Dec/99, Comite Eleccion de Carlos Romero-Barcelo al Congreso Inc.

$1,000, Nov/99, Bush-Cheney 2000 Compliance Committee.

$2,576, Jan/01, RNC National State Elections Committee.

$110, Jan/01, RNC National State Elections Committee.

$8,960, Jan/01, RNC National State Elections Committee.

John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: John J. Danilovich.

Post: Ambassador/Republic of Costa Rica.

Nominated: May 16, 2001.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $1,000.00, 04/99, Bush for President; $20,000.00, 10/00, Republican Nat'l Cts; $2,425.00, 01/01, RNC State Elections.

2. Spouse: None.
3. Children and Spouses Names: None.
4. Parents Names: None.
5. Grandparents names: None.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: Joan M. Danilovich, $1,000.00, 05/99, Bush for President.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Reuben Barrie Walkley.

Post: Conakry, Republic of Guinea.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses Names: Jolyon Walkley, Brett Walkley, none.
4. Parents Names: R.H. Walkley, Joan Walkley, none.
5. Grandparents names: William & Fanny Howard, Samuel & Catherine Walkley, all deceased.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: Janice Kelley and Craig Butcher, none.

---

*Mattie R. Sharpless, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Mattie R. Sharpless.

Post: Central African Republic.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: N/A (single).
3. Children and Spouses Names: No children.
4. Parents Names: Father—James E. Sharpless, Sr. (deceased); Mother: Lecola Sharpless, none.
5. Grandparents Names: Grandfather—Agusta Shepard, (deceased); Grandmother: Estella Shepard (deceased).
6. Brothers and Spouses Names: James E. Sharpless, Jr., none, Marsha Sharpless, none; Melvin J. Sharpless (divorced), $50.00, 8/2000, Democratic National Committee; Robert E. Sharpless, none, Edith Sharpless, none; Carl D. Sharpless, none, Valerie Sharpless, none; Ronald Sharpless (divorced), none.
7. Sisters and Spouses Names: Glorious Leaven (divorced), $450, 1997–2000, Democratic National Committee. Delores Marie Fuller (divorced), none. Mamie R. Sharpless, none, Nelson Villa Vencencio, none.

---

*Arlene Render, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Nominee: Arlene Render.

Post: Cote d'Ivoire.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses Names: Jonathan, age 11, Kierra, age 5 None.
4. Parents Names: None.
5. Grandparents Names: None.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: None.

---

*Jackson McDonald, of Florida, 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 The Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jackson Chester McDonald.

Post: Ambassador to The Gambia.

Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse: Françoise Corbière McDonald, none.
3. Children and Spouses: Thomas Dubray McDonald, none (minor); Cécile Marie Ortolo, none (minor); Alice Marie Ortolo, none (minor).
4. Parents: John M. McDonald, none (deceased in 1994); Margaret C. McDonald, none.
5. Grandparents: James W. McDonald, none (deceased in 1967); Elsie Y. McDonald, none (deceased in 1967); George B. Chester, none (deceased in 1974); Mabel W. Chester, none (deceased in 1983).
6. Brothers and Spouses: James B. McDonald, none; Doris McDonald, $35 in 2000 Democratic National Committee; John O. McDonald, none; Linda N. McDonald, none; Kenneth D. McDonald, none; Linda R. McDonald, none; William D. McDonald, none; Pam G. McDonald, none.
7. Sister and Spouse; Margaret M. Davis, none; Mark Davis, none.

---

*Rockwell A. Schnabel, of California, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Rockwell Anthony Schnabel.

Contributions, Amount, Date, and Donee:

1. Self: Rockwell Schnabel: $1,000.00, 6/26/1997, Cyprus Amax Minerals PAC; $1,000.00, 10/01/1997, Friends of Dylan Glenn; $500.00, 11/13/1997, Susan Golding for U.S. Senate; $1,000.00, 05/04/1998, Matt Fong U.S. Senate (Genl. Election); $1,000.00, 05/04/1998, Matt Fong U.S. Senate (Primary Election); $2,500.00, 05/07/1998, International Game Technology (IGT) PAC; $1,000.00, 05/28/1998, Cyprus Amax Minerals PAC; $12,500.00, 05/31/1998, Natl. Republican Congressional Committee Contributions; $25,000.00, 05/31/1998, 1998 Republican House-Senate Dinner; $12,500.00, 05/31/1998, Natl. Republican Senatorial Committee; $1,000.00, 09/09/1998, Retain Chief Justice George (Ronald George, Chief Justice); $1,000.00, 11/04/1998, McCain for Senate '98; $1,000.00, 03/15/1999, GW Bush Exploratory Committee; $1,000.00, 05/11/1999, Christopher Cox Congressional Committee; $1,000.00, 05/17/1999, Kasich 2000; $500.00, 06/23/1999 Cyprus Amax Minerals PAC; $1,000.00, 10/06/1999, Friends of Giuliani Exploratory Committee; $1,000.00, 10/13/1999, 21st Century Freedom PAC Federal (FKA Economic Freedom PAC); $1,000.00, 12/30/1999, Friends of Dylan Glenn; $1,000.00, 03/15/2000, Tom Campbell for Senate; $12,500.00, 06/30/2000, Republican National Committee—RMC; $5,000.00, 11 13/2000, Bush-Cheney Recount Fund; $1,000.00, 03/21/2001, McConnell Senate Committee '92; $1,000.00, 03/23/2001, Lindsey Graham for U.S. Senate.

2. Spouse: Marna Schnabel: $1,000, 10/01/1997, Friends of Dylan Glenn; $500, 11/13/1997, Susan Golding For U.S. Senate; $25,000, 06/11/1998, RNSEC; $8,000, 10/13/1998, Senatorial Majority Fund; $8,000, 10/13/1998, National Republican Senatorial Committee; $1,000, 10/15/1998, Matt Fong U.S. Senate Committee; $1,000, 11/30/1998, Dreier For Congress Committee; $1,000, 03/24/1999, Bush For President Inc.; $5,000, 12/09/1999, California State Republican Party; $1,000, 12/30/1999, Friends of Dylan Glenn; $5,000, 06/02/2000, American Success Political Action Committee; $12,500, 06/30/2000, Republican National Committee—RNC; $300, 08/02/2000, Tribute to Laura Bush; $2,000, 08/19/2000, Lazio 2000 Inc.; $1,000, 09/22/2000, Friends of Dylan Glenn.

3. Children and Spouses: Darrin Schnabel (daughter): $1,000, 3/14/99, G.W. Bush; $1,000, 7/03/98, Friends of Dylan; $1,000, 5/06/98, Matt Fong U.S. Senate Committee.

Christy Schnabel (daughter), none; Jerry Di Rienzo (son-in-law), none; Everton Schnabel (son), none; Alexis Schnabel (daughter-in-law), none.

4. Parents: Mother: Wilhelmina Schnabel van Baer—deceased; Father: Hans Schnabel—deceased.

5. Grandparents: NA.

6. Brothers and Spouses: Henk Schnabel (brother), none; Sylvia Schnabel (sister-in-law), none; Bert Schnabel (brother), none; Marijke Schnabel (sister-in-law).

7. Sisters and Spouses: Margariet Schnabel (sister), none; Ed Daniels (brother-in-law), none.

---

*John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Non-proliferation).

*Ralph Leo Boyce, Jr., of Virginia, to be a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Ralph Leo Boyce, Jr.

Post: Ambassador to Indonesia.

Contributions, Amount, Date, and Donee:
1. Self: Ralph L. Boyce, Jr., None.
2. Spouse: Kathryn S. Boyce, None.
3. Children and Spouses: Matthew S. Boyce, None; Erin J. Boyce, None.
4. Parents: Ralph L. Boyce, None.
5. Grandparents: Deceased.
6. Brothers and Spouses: None.
7. Sisters and Spouses: Elizabeth Emory, None. Robert Emory, None.

---

*Kevin E. Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kevin E. Moley.
Post: United Nations, Geneva, SW.
Contributions, Amount, Date, and Donee:
1. Self: Kevin E. Moley: $20,000, 6/26/2000, RNC; $1,000, 3/5/1999, Bush for President.
2. Spouse: Dorothy M. Moley: $1,000, 3/5/1999, Bush for President.
3. Children and Spouses: Damon E. Moley, None.
4. Parents: Harold E. Moley, None (Deceased); Marie F. Moley, None (Deceased).
5. Grandparents: John and Isabel Moley, None (Deceased); James and Mary O'Connell, None (Deceased).
6. Brothers and Spouses: David E. Moley, None; Gloria J. Moley, None.
7. Sisters and Spouses: None.

---

*Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

*Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kenneth C. Brill.
Post: U.S. Rep to the Vienna Office of UN and U.S. Rep to the IAEA.
Contributions, Amount, Date, and Donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Katherine, Christopher (minor), None.
4. Parents: Mr. H.C. Brill, None; Ms. C.E. Ulrich, None.
5. Grandparents: Mr. and Mrs. Alfred Brill, deceased; Mr. and Mrs. Chandler Lapslev, deceased.
6. Brothers and Spouses: Mr. Bruce Brill, None; Mr. and Mrs. Douglas Brill, None; Mr. and Mrs. Gary Brill, None.
7. Sisters and Spouses: Mr. and Mrs. R. Dodson (Janet), None; Mr. and Mrs. M. Cummings (Diane), None.

---

*Clifford G. Bond, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Clifford G. Bond.
Post: Sarajevo, Bosnia-Herzegovina.
Contributions, Amount, Date and Donee:
1. Self: Clifford G. Bond, None.
2. Spouse: Michele T. Bond, None.
3. Children and Spouses: Robert C. Bond, None; Lillian Bond, None; Elisabeth Bond, None; Matthew Bond, None.
4. Parents: Edward E. Bond, deceased; Dorothy C. Bond, deceased.
5. Grandparents: Lillian Craig, deceased; George Craig, deceased; Francis Bond, deceased; Elizabeth Bond, deceased.
6. Brothers and Spouses: Francis C. and Mary Lou Bond, None; Edward C. Bond, deceased; Robert R. Bond, None; Anthony Peter Bond, None.
7. Sisters and Spouses: Barbara Susan Bond, None.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1459. A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 1460. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN:

S. 1461. A bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small- to medium-size airports with security enhancements; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1462. A bill to establish the Federal Emergency Transportation Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH of New Hampshire:

S. 1463. A bill to provide for the safety of American aviation and the suppression of terrorism; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1464. A bill to amend the Internal Revenue Code of 1986 to modify the definition of rural airports for purposes of the air transportation tax; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. MCCONNELL):

S. 1465. A bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 535

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 677

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 706

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 950

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 950, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 960

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 980

At the request of Mr. FITZGERALD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 980, a bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions

relating to wildlife conservation and restoration programs, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1078

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) 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 Rhode Island (Mr. REED) 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 Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Mr. SARBANES) 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. 1138

At the request of Mr. ALLEN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1138, a bill to allow credit under the Federal Employees' Retirement System for certain Government service which has performed abroad after December 31, 1988, and before May 24, 1998.

S. 1204

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor 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.

S. 1243

At the request of Mr. GRAHAM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1243, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1257

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1257, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1390

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1390, a bill to amend title XXI of the Social Security Act to require the Secretary of Health and Human Services to make grants to promote innovative outreach and enrollment efforts under the State children's health insurance program, and for other purposes.

S. 1409

At the request of Mr. MCCONNELL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. KYL), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1432

At the request of Mr. SMITH of Oregon, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1432, a bill to authorize the issuance of United States Defense of Freedom Bonds to aid in funding of the war against terrorism, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1452

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1452, a bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a criminal record.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S.J. RES. 8

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.J.Res. 8, a joint resolution designating 2002 as the ''Year of the Rose''.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S.Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S.Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 160

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S.Res. 160, a resolution designating the month of October 2001, as ''Family History Month.''

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S.Con.Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

AMENDMENT NO. 1594

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. CLELAND), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of amendment No. 1594 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1599

At the request of Mr. LOTT, the names of the Senator from Connecticut

(Mr. DODD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1621

At the request of Mr. DAYTON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1621 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1634

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 1634 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1639

At the request of Mr. ALLARD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 1639 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1641

At the request of Mr. DOMENICI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 1641 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1642

At the request of Mr. DOMENICI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 1642 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1459. A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

Mr. CRAPO. Madam President, I rise today to introduce legislation naming the Federal building and United States courthouse in Boise, ID, for our former colleague Senator James A. McClure.

Jim McClure ably served Idaho for 24 years in the United States Congress, including 18 years here in the Senate. At the time of his retirement from the Senate in 1991, Jim McClure was one of the most senior members of the Republican Conference, serving as its Chairman from 1981 to 1985. Prior to entering Congress in 1967, Jim McClure also served 6 years in the Idaho State Senate.

Throughout his service in Congress, Jim McClure was widely recognized for his expertise on energy and natural resource issues, especially in the areas of mining, forestry, public land, water, and natural resource law. As Chairman of both the Senate Interior Appropriations Subcommittee and the Senate Energy and Natural Resources Committee, Jim McClure was a key legislator behind the establishment of the Hells Canyon National Recreation Area in western Idaho and eastern Oregon. Jim McClure also led the drive for the creation of the Frank Church River of No Return Wilderness in Idaho, and he was instrumental in helping to assist and improve Idaho's rural economy and standard of living.

Known for his ardent support of second amendment rights and hard-line stance on foreign policy and defense issues, Jim McClure was an influential voice in working with several administrations on arms control issues. In 1990, he was a part of a four-member Senate delegation that visited Iraqi President Saddam Hussein to express concern about Iraq's development of chemical, biological, and nuclear weapons.

Having retired from the Senate more than 10 years ago, Jim McClure has continued to be active in working with Congress on behalf of many important groups in Idaho and throughout the country. His civic-mindedness has also been illustrated through his service as a Trustee for the Kennedy Center for the Performing Arts.

As former Prosecuting Attorney for Payette County, ID, as well as former City Attorney for Payette, the renaming of this courthouse for Jim McClure is an appropriate tribute to his service to Idaho and to the Nation. I invite my colleagues to join Senator CRAIG and me in honoring Senator James A. McClure through this legislation. Mr. President, 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. 1459

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

SECTION 1. DESIGNATION OF JAMES A. McCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, shall be known and designated as the ''James A. McClure Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the James A. McClure Federal Building and United States Courthouse.

By Mr. DURBIN:

S. 1461. A bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small- to medium-size airports with security enhancements; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Madam President, I rise today to introduce a very timely and important piece of legislation, the Airline Passenger Safety Enhancement Act of 2001.

This legislation would require the Federal Government to operate passenger and carry-on baggage security checkpoints and screening operations in airports. The federalization of the screening process, and the Federal Government's role, will be accomplished by using FAA or U.S. DOT personnel, security personnel detailed by other Federal agencies, or by establishing a government or government-controlled corporation to screen carry-on baggage and the traveling public. Additionally, the FAA will have the authority under this Act to make changes and adjustments in screening policy to assure safety.

This legislation would require the FAA Administrator to immediately make arrangements with airport operators for armed, uniformed law enforcement personnel at passenger, carry-on baggage and employee security checkpoints. O'Hare and Lambert Airports have already posted such personnel at passenger and carry-on baggage checkpoints.

The Airline Passenger Safety Enhancement Act of 2001 also would require the FAA Administrator to conduct a comprehensive study to determine how best to organize the security

operations at airports in cooperation with air carriers and local airports in order to secure the safety of passengers and workers. A report to Congress would be required no later than 30 days after the enactment of this legislation. This report would include recommendations for legislation to assure greater airport security.

I've heard from a number of Downstate Illinois airports that support stronger airport security procedures. However, these airports will be asked to shoulder a heavy financial burden. For example, the Central Illinois Regional Airport in Bloomington-Normal will likely need to spend as much as $30,000 per month for additional security measures. These funds are above and beyond what has been budgeted and could create a financial hardship for the airport. The Department should explore ways to help smaller airports by providing resources and technical assistance to upgrade security and enhance passenger safety. My legislation would provide for additional support to these small-to-medium size airports by providing them with added financial and technical support which would enhance, upgrade and improve security operations.

I am hopeful that these upgrades and improvements of a federalized security system can be paid for through an added fee of up to $1.00 per domestic flight segment.

While this concept generally appears to be supported by the airlines and by some in the Administration, I think it's important for Congress to act swiftly to codify these important changes.

In closing, together, we can craft common-sense solutions that protect passengers, secure our airports, and ensure that our aviation system is the safest in the world and I believe this legislation can make that happen.

By Ms. SNOWE.

S. 1462. A bill to establish the Federal Emergency Transportation Administration; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I rise today to introduce legislation, the National Emergency Transportation Coordination Act of 2001, to address a serious concern I have in the wake of last week's tragic events.

Last week, I met with local transportation officials in my home State of Maine to review the enhanced security measures implemented since the September 11 attacks. During my meetings, these officials expressed serious concerns about security coordination among different modes of transportation. Apparently, drastically differing standards of safety and security were used by Federal officials in different cities during the attacks.

For obvious reasons, this lack of coordination could be of significant concern in the future. The fact of the matter is, we did not know last Tuesday's attacks were coming. We certainly didn't know where, or in what form. In the future, my hope is that our intelligence will be enhanced so that we may thwart terrorist attacks before they occur. Nonetheless, I believe it is critical that we be prepared for any contingency. To this end, the legislation I am introducing today gives the U.S. Department of Transportation, U.S. DOT, the authority and tools necessary to safeguard our national transportation infrastructure in the event of a national emergency.

Specifically, my legislation will enhance coordination within the U.S. DOT and with other federal agencies to safeguard our transportation infrastructure in the event of an emergency. It will centralize within U.S. DOT the authority to: 1. coordinate national transportation and transportation-related activities of all federal agencies during a national emergency; 2. disseminate critical transportation-related information during an emergency; and 3. develop and notify appropriate federal, state and local authorities of uniform emergency transportation security standards to be followed during an emergency and to ensure those standards are followed.

It will establish within the U.S. DOT a Federal Emergency Transportation Administration, FETA. FETA would be responsible for coordinating domestic transportation during a national emergency, including aviation, maritime and port security, and surface transportation, including rail. FETA would coordinate transportation-related responsibilities of other agencies during an emergency as well. FETA could serve as a point of contact within U.S. DOT for the Office of Homeland Security laid out by the President last Thursday.

In addition, FETA would be responsible for establishing uniform national transportation ''emergency'' standards, and notifying appropriate Federal, State, and local agencies and governments about transportation-related security threats in the event of an emergency. It would also develop appropriate standard operating procedures for agencies and municipalities to follow during an emergency and disseminate critical transportation-related information during.

As a member of the Senate Committee on Commerce, Science, and Transportation, I know that steps are already being taken to safeguard our airports and our skies. However, there is no guarantee that, should there be another terrorist attack on our soil in the future, that aviation will be the only mode of transportation targeted. We must not take that chance. We must take steps to ensure that all our modes of transportation are coordinated in the event of such an attack. I strongly urge my colleagues to join me in a strong show of support for this legislation.

By Mr. SMITH of New Hampshire:

S. 1463. A bill to provide for the safety of American aviation and the suppression of terrorism; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH of New Hampshire. Madam President, 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. 1463

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 ''Airline Safety Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and navigators with proper training will serve as a deterrent to future contemplated acts of terrorism.

(6) Secured doors separating the crew cabin from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

SEC. 3. AVIATION SAFETY AND SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.

(a) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—No department or agency may prohibit a pilot, co-pilot, or navigator of a commercial aircraft, or any law enforcement personnel specifically detailed for the protection of a commercial aircraft, who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm for the protection of the aircraft.

(b) REINFORCED COCKPIT DOORS ON COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a commercial aircraft described in paragraph (2) that is operated in the United States shall possess a door or doors separating the crew cabin of such aircraft from the passenger cabin of such aircraft, which door or doors shall be certified by the Secretary as being secure against forcible entry from the passenger cabin into the crew cabin of such aircraft.

(2) COVERED COMMERCIAL AIRCRAFT.—A commercial aircraft described in this paragraph is any commercial aircraft that, as determined by the Secretary, is configured so as to permit a door to separate the crew cabin and passenger cabin of such aircraft.

(c) REGULATIONS.—The Secretary may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

By Mr. BROWNBACK (for himself and Mr. MCCONNELL):

S. 1465. A bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003; to the Committee on Foreign Relations.

Mr. BROWNBACK. Madam President, I am introducing today a bill, along with Senator MCCONNELL, and there will be others who will be added as cosponsors to the bill, to provide limited authority to the President to provide assistance to Pakistan and India.

This bill provides a limited waiver authority to the President to provide foreign aid assistance to Pakistan and to India. I do not need to remind anybody in this body of the difficulty facing particularly Pakistan at this time, as General Musharraf, the Chief Executive of the country, stepped forward to support the United States in this time of fighting international terrorism, particularly that which is based in Afghanistan.

Yet because of prior legislation, the United States cannot provide certain types of aid to Pakistan that I believe the administration may well need to provide to Pakistan to keep the Government there, to provide support and help to the Government.

For instance, the U.S. Government today, because of sanctions that were put on Pakistan by law and there is no waiver authority, cannot provide more than $50 million in foreign aid assistance to Pakistan. They can in some areas provide below $50 million, but they cannot provide any more than that. They can do no debt rescheduling. There are no balance of payment supports the United States can provide to Pakistan. These are a lot of funds, but I want to point out what would take place if the Pakistani Government gets into great difficulty and the United States is not able to help.

General Musharraf controls nuclear weapons and missile capacity as well. If the Government of Pakistan does not survive, it will probably move to a more radical regime that will have both nuclear weapons and the capacity to delivery those nuclear weapons to our allies and even possibly U.S. interests.

Pakistan is helping us against this battle of terrorism. We need to lift all sanctions to work with them. We are going to need to help them economically during this very difficult time for them and for us.

As we move forward in this battle on terrorism, we are going to have to work with people in many ways. There is a military component that people watch, but there is also a strong cooperative component which needs to take place. We need to work with our potential allies around Afghanistan so that we can go into the country of Afghanistan or support resistance fighters around Afghanistan and in Afghanistan, which I think is the better route to go, for us to drain the swamp and be able to get the terrorism at that point in time or cause them to move and capture them at that time.

The administration is asking for this important assistance. They will need to work very closely with Pakistan. The Musharraf government has had sanctions imposed on it because they triggered particular provisions by their own actions. The administration is going to have to weigh that very carefully. If they are going to return to an elective government, which the Pakistani President and the Supreme Council of Pakistan, the Supreme Court has stated that they will next October have free elections to elect their leadership, we are going to have to appraise this as it moves forward.

Right now the Bush administration does not even have the authority to waive these sanctions to provide foreign aid, debt repayment, and assistance. They do not even have the option. This bill will provide them the waiver authority to provide that assistance. It means the sanctions will still be in place, and the administration will have to decide whether or not to lift them.

I am introducing this bill now because I would like to see it included either on the Defense authorization bill, foreign ops appropriations bill, or as a freestanding bill passing through this Congress. This needs to take place. That is why I am introducing this bill and drawing it to the attention of my colleagues. We need to do this, and we should not be parsimonious in this time of great difficulty for us and for them. I thank the Chair.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1672. Mr. DOMENICI (for himself, Mr. ALLARD, Mr. DASCHLE, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 1673. Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, Mr. INOUYE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1674. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1675. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1676. Mr. NELSON, of Nebraska (for himself, Mr. BUNNING, Mr. CLELAND, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1677. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, supra.

SA 1678. Mr. WARNER (for Ms. COLLINS (for himself, Ms. LANDRIEU, and Mr. ALLARD)) proposed an amendment to the bill S. 1438, supra.

SA 1679. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, supra.

SA 1680. Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1681. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1682. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1683. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, supra.

SA 1684. Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 1438, supra.

SA 1685. Mr. WARNER (for Mr. HUTCHINSON) proposed an amendment to the bill S. 1438, supra.

SA 1686. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1687. Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill S. 1438, supra.

SA 1688. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1689. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, Mr. BINGAMAN, Mr. BIDEN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1690. Mr. HELMS (for himself, Mr. MILLER, Mr. SHELBY, Mr. BOND, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1672. Mr. DOMENICI (for himself, Mr. ALLARD, Mr. DASCHLE, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(e) APPROPRIATION.—

''(1) IN GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

''(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) may not exceed—

''(A) in fiscal year 2002, $172,000,000;

''(B) in fiscal year 2003, $143,000,000;

''(C) in fiscal year 2004, $107,000,000;

''(D) in fiscal year 2005, $65,000,000;

''(E) in fiscal year 2006, $47,000,000;

''(F) in fiscal year 2007, $29,000,000;

''(G) in fiscal year 2008, $29,000,000;

''(H) in fiscal year 2009, $23,000,000;

''(I) in fiscal year 2010, $23,000,000; and

''(J) in fiscal year 2011, $17,000,000.''.

SA 1673. Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, MR. INOUYE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 209, between lines 12 and 13, insert the following:

SEC. 652. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, 40 percent for months beginning after such date and before October 2005, and 45 percent for months beginning after September 2005.''.

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under subsection (a)(1)(B)(i) as being applicable for the month''.

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking ''35 percent'' and inserting ''the applicable percent''; and

(B) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.''.

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(2) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, 15 percent for months beginning after that date and before October 2005, and 10 percent for months beginning after September 2005.''.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2005.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

SA 1674. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 821 of the bill.

SA 1675. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

SEC. 3159. CLARIFICATION OF CALCULATION OF ANNUAL INFLATION ADJUSTMENT FOR ECONOMIC ASSISTANCE PAYMENTS FOR THE WASTE ISOLATION PILOT PLANT.

(a) CLARIFICATION.—Section 15(c) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579; 106 Stat. 4791) is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by inserting after ''such subsection'' the following: '', as adjusted from time to time under this subsection,''; and

(B) in subparagraph (B), by inserting after ''decrease'' the following: ''for such fiscal year''; and

(2) in paragraph (2), by striking ''the fiscal year prior to the first fiscal year to which subsection (a) applies'' and inserting ''the fiscal year preceding such preceding fiscal year''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to fiscal years beginning on or after the date.

(c) AVAILABILITY OF ADDITIONAL AMOUNTS FOR PAYMENT UNDER RETROACTIVE AMENDMENT.—(1) The Secretary of Energy shall determine the amount that would have been available for economic assistance payments under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act in each of fiscal years 1999, 2000, and 2001 if the amendments made by subsection (a) had taken effect on October 1, 1998.

SA 1676. Mr. NELSON of Nebraska (for himself, Mr. BUNNING, Mr. CLELAND, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXIX, add the following:

SEC. 2905. RENAMING OF DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

(a) RENAMING OF ACT.—(1) Section 2901(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking '' 'Defense Base Closure and Realignment Act of 1990' '' and inserting '' 'Defense Base Review Act of 1990' ''.

(2) Any reference in any law, regulation, document, paper, or other record of the United States to the Defense Base Closure and Realignment Act of 1990 shall be deemed to be a reference to the Defense Base Review Act of 1990.

(b) RENAMING OF COMMISSION.—(1) Section 2902(a) of that Act is amended by striking '' 'Defense Base Closure and Realignment Commission' '' and inserting '' 'Defense Base Review Commission' ''.

(2) Any reference in any law, regulation, document, paper, or other record of the United States to the Defense Base Closure and Realignment Commission shall be deemed to be a reference to the Defense Base Review Commission.

SA 1677. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military

activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 377, between lines 3 and 4, insert the following:

SEC. 1124. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) AUTHORITY TO EXEMPT.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination

''(a) AUTHORITY TO EXEMPT.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

''(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

''(1) Physician.
''(2) Dentist.
''(3) Podiatrist.
''(4) Optometrist.
''(5) Pharmacist.
''(6) Nurse.
''(7) Physician assistant.
''(8) Audiologist.
''(9) Expanded-function dental auxiliary.
''(10) Dental hygienist.

''(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.''.

SA 1678. Mr. WARNER (for Ms. COLLINS (for himself, Ms. LANDRIEU, and Mr. ALLARD)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–184) is amended by striking ''covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,'' and inserting ''covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code,''.

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.—Subsection (b) of such section is repealed.

(c) WAIVER AUTHORITY.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

''(b) WAIVER AUTHORITY.—The Secretary may waive the prohibition in subsection (a) if—

''(1) the Secretary—

''(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

''(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

''(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

''(2) the Secretary provides notification of the Secretary's intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

''(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

''(4) 60 days have elapsed since the date of the notification described in paragraph (3).''.

(d) DELAY OF EFFECTIVE DATE.—Subsection (d) of such section is amended—

(1) by striking ''take effect on October 1, 2001'' and inserting ''be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002''; and

(2) by redesignating the subsection as subsection (c).

(e) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

SA 1679. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. REPORT ON V–22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V–22 Osprey aircraft, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V–22 Osprey Aircraft, including—

(A) a description and analysis of any deficiencies in the hydraulics system and flight control software of the V–22 Osprey aircraft; and

(B) a description and assessment of the actions taken to redress such deficiencies.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendations of the Panel to Review the V–22 Program.

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

SA 1680. Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, line 9, strike ''(A)'' and all that follows through ''(4)'' on line 25.

On page 271, between lines 8 and 9, insert the following:

(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting '', and whether contract bundling played a role in the failure,'' after ''agency goals''; and

(2) by adding at the end the following:

''(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.''.

(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

''(p) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

''(2) PROVISION OF INFORMATION.—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

''(3) REPORT.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.''.

On page 290, between lines 3 and 4, insert the following:

SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.—

''(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the

United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

''(B) CONCERNS DESCRIBED.—A small business concern is described in this subparagraph if the small business concern—

''(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

''(ii) files reports with the Securities and Exchange Commission as a small business issuer.''.

''(C) NON-CITIZENS.—In this paragraph, the term 'non-citizen' means

''(i) an individual that is not a United States citizen; and

''(ii) any other person that is not organized under the laws of any State or the United States.''.

SA 1681. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by $2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

SA 1682. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . It is the sense of the Senate that adjacent parcels of land at the former Marine Corps Air Station, Tustin, should be transferred to the Santa Ana Unified School District and Rancho Santiago Community College District for educational purposes.

SA 1683. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 23, line 12, increase the amount by $1,000,000.

On page 23, line 11, reduce the amount by $1,000,000.

SA 1684. Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 833. INSENSITIVE MUNITIONS PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

''§ 2405. Insensitive munitions program

''(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and fielding when subjected to unplanned stimuli.

''(b) CONTENT OF PROGRAM.—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

''(c) REPORTING REQUIREMENT.—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

''(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

''(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2404 the following new item:

''2405. Insensitive munitions program.''.

SA 1685. Mr. WARNER (for Mr. HUTCHINSON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105–103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

SA 1686. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM

Subsection (g) of 10 U.S.C. 2667 (section 1061, National Defense Authorization Act, 1998, P.L. 105–85) is amended by adding a new paragraph at the end as follows:

(3) The requirements of paragraphs (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if

(A) use of the ship is restricted to federally supported research programs and non-federal uses under specific conditions with approval by the Secretary of the Navy;

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.

SA 1687. Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XI, add the following:

SEC. 1124. PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 5758. Expenses for credentials

''(a) An agency may use appropriated or other available funds to pay for—

''(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

''(2) examinations to obtain such credentials.

''(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5758. Expenses for credentials.''.

SA 1688. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on that table; as follows:

On page 31, between lines 15 and 16, insert the following:

SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32) is amended by striking ''$10,873,712,000'' and inserting ''$10,874,712,000''.

SA 1689. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, Mr. BINGAMAN, Mr. BIDEN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle C—Coordination of Nonproliferation Programs and Assistance

SEC. 1231. SHORT TITLE.

This title may be cited as the ''Nonproliferation Programs and Assistance Coordination Act of 2001''.

SEC. 1232. FINDINGS.

Congress makes the following findings:

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states.

(2) Although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies.

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

(4) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union require the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on nonproliferation efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

SEC. 1233. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) ESTABLISHMENT.—There is established within the executive branch of the Government an interagency committee known as the ''Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union'' (in this title referred to as the ''Committee'').

(b) MEMBERSHIP.—(1) The Committee shall be composed of 6 members, as follows:

(A) A representative of the Department of State designated by the Secretary of State.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(F) A representative of the Director of Central Intelligence.

(2) The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department's representative an official of that department who is not below the level of an Assistant Secretary of the department.

(b) CHAIR.—The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

SEC. 1234. DUTIES OF COMMITTEE.

(a) IN GENERAL.—The Committee shall have primary continuing responsibility within the executive branch of the Government for—

(1) monitoring United States nonproliferation efforts in the independent states of the former Soviet Union;

(2) coordinating the implementation of United States policy with respect to such efforts; and

(3) recommending to the President, through the National Security Council—

(A) integrated national policies for countering the threats posed by weapons of mass destruction; and

(B) options for integrating the budgets of departments and agencies of the Federal Government for programs and activities to counter such threats.

(b) DUTIES SPECIFIED.—In carrying out the responsibilities described in subsection (a), the Committee shall—

(1) arrange for the preparation of analyses on the issues and problems relating to coordination within and among United States departments and agencies on nonproliferation efforts of the independent states of the former Soviet Union;

(2) arrange for the preparation of analyses on the issues and problems relating to coordination between the United States public and private sectors on nonproliferation efforts in the independent states of the former Soviet Union, including coordination between public and private spending on nonproliferation programs of the independent states of the former Soviet Union and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(3) provide guidance on arrangements that will coordinate, de-conflict, and maximize the utility of United States public spending on nonproliferation programs of the independent states of the former Soviet Union to ensure efficiency and further United States national security interests;

(4) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union to voluntarily report these efforts to the Committee;

(5) arrange for the preparation of analyses on the issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts in the independent states of the former Soviet Union; and

(6) consider, and make recommendations to the President and Congress with respect to, proposals for new legislation or regulations relating to United States nonproliferation efforts in the independent states of the former Soviet Union as may be necessary.

SEC. 1235. COMPREHENSIVE PROGRAM FOR NONPROLIFERATION PROGRAMS AND ACTIVITIES.

(a) PROGRAM REQUIRED.—The President may, acting through the Committee, develop a comprehensive program for the Federal Government for carrying out nonproliferation programs and activities.

(b) PROGRAM ELEMENTS.—The program under subsection (a) shall include plans and proposals as follows:

(1) Plans for countering the proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies of the Federal Government.

(3) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(4) Proposals for establishing in the United States appropriate legal controls and authorities relating to the export of nuclear, radiological, biological, and chemical weapons and related materials and technologies.

(5) Proposals for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(6) Proposals for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(7) Plans for reducing United States and Russian stockpiles of excess plutonium,

which plans shall take into account an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(8) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terrorism or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time the President submits to Congress the budget for fiscal year 2003 pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under this section.

(2) The report shall include the following:

(A) The specific plans and proposals for the program under subsection (b).

(B) Estimates of the funds necessary, by agency or department, for carrying out such plans and proposals in fiscal year 2003 and five succeeding fiscal years.

(3) The report shall be in an unclassified form, but may contain a classified annex.

SEC. 1236. ADMINISTRATIVE SUPPORT.

All departments and agencies of the Federal Government shall provide, to the extent permitted by law, such information and assistance as may be requested by the Committee Chair in carrying out their functions and activities under this title.

SEC. 1237. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted to the Committee or received by the Committee in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this title.

SEC. 1238. STATUTORY CONSTRUCTION.

Nothing in this title—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing department or agency of the Federal Government over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the Committee shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 1239. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this title the term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

SA 1690. Mr. HELMS (for himself, Mr. MILLER, Mr. SHELBY, Mr. BOND, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE XIV—AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2001

SEC. 1401. SHORT TITLE.

This title may be cited as the ''American Servicemembers' Protection Act of 2001''.

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to ''determine the existence of any .... act of aggression'' would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to

actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1404 AND 1406 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections 1404, 1405, 1406, and 1407 shall cease to apply, and the authority of section 1408 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may

be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 1412. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 1413. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at 10 a.m., in open session to consider the nominations of Gen. Peter Pace, USMC, for reappointment in the grade of general and for appointment as the Vice Chairman of the Joint Chiefs of Staff; Gen. John W. Handy, USAF, for reappointment in the grade of general and for appointment as Commander in Chief, United States Transportation Command and Commander, Air Mobility Command; and Adm. James O. Ellis, Jr., USN, for reappointment in the grade of admiral and for appointment as Commander in Chief, United States Strategic Command.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Tuesday, September 25, 2001, at 9:30 a.m., to conduct a business meeting to consider the following nominations: Brigadier General Edwin J. Arnold, Jr. to be a Member and President of the Mississippi River Commission; Nils J. Diaz to be a member of the Nuclear Regulatory Commission; Marianne Lamont Horinko to be Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Patrick Hayes Johnson to be Federal Cochairperson, Delta Regional Authority; Harold Craig Manson to be Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior; Paul Michael Parker to be Assistant Secretary of the Army for Civil Works, Department of Defense; Mary E. Peters to be Administrator of the Federal Highway Administration, Department of Transportation; and Brigadier General Carl A. Strock to be a Member of the Mississippi River Commission.

In addition, the following will be considered: S. 950, Federal Reformulated Fuels Act; S. 1206, to reauthorize the Appalachian Regional Development Act of 1965; S. 1270, to designate the United States courthouse located at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse''; and Several GSA Building and Lease Committee Resolutions.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: Mr. Dennis Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada; Mr. John Danilovich, of California, to be Ambassador to the Republic of Costa Rica; and Mr. Roy Austin, of Pennsylvania, to be Ambassador to Trinidad and Tobago. Additional nominees to be announced.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at approximately 2:30 p.m., to hold a Business Meeting.

Nominees: Ms. Charlotte Beers, of Texas, to be Under Secretary of State for Public Diplomacy; Mr. Ralph Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; Mr. Kenneth Brill, of Maryland, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador; Mr. Kenneth Brill, of Maryland, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador; Mrs. Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs); Mr. Hans Hertell, of Puerto Rico, to be Ambassador to the Dominican Republic; Mr. Robert Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia; Mr. Michael Malinowski, of the District of Columbia, to be Ambassador to the Kingdom of Nepal; Mr. Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; Mr. Kevin McGuire, of Maryland, to be Ambassador to the Republic of Namibia; Mr. Kevin Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador; Mrs. Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Invoire; Ms. Mattie Sharpless, of North Carolina, to be Ambassador to the Central African Republic; Mr. R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; and Mr. John Wolf, of Maryland, to be an Assistant Secretary of State (Non-proliferation). Additional nominees to be announced.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 25, 2001, at 2:30 p.m., for a hearing entitled ''Weak Links: How Should the Federal Government Manage Airline Passenger and Baggage Screening?''

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on ''Homeland Defense'' on Tuesday, September 25, 2001, at 11 a.m., in Dirksen 106.

Witness list: The Honorable John Ashcroft, United States Attorney General.

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

SUBCOMMITTEE ON THE PUBLIC LANDS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 25, at 3:15 p.m., to conduct an oversight hearing. The subcommittee will receive testimony on the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment that was recently agreed to by the Western Governors' Association, Secretary of the Interior Gale Norton and Secretary of Agriculture Ann Veneman.

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

PRIVILEGES OF THE FLOOR

Mr. ALLARD. On behalf of Senator WARNER, I ask unanimous consent David Kirk, a military fellow in his office, be granted floor privileges for the duration of the Senate's debate on Senate bill 1438, the Department of Defense authorization bill for fiscal year 2002.

And also I ask unanimous consent that Lon Pribble, a national defense fellow in my office, have floor privileges during the entire debate of the national defense authorization bill fiscal year 2002.

And on behalf of Senator ENSIGN, I ask unanimous consent to grant floor privileges to his military legislative fellow, Ms. Gemma Meloni, for the duration of debate on the Defense authorization bill.

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

Mr. REID. Mr. President, I ask unanimous consent that Josh Silverman, a fellow in my office, be granted floor privileges during the consideration of S. 1438.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Mr. Andrew Rumbaugh, a fellow in Senator BILL NELSON's office, be granted the privilege of the floor during consideration of this bill.

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

LEE H. HAMILTON FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1583 just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill [H.R. 1583] to designate the Federal Building and United States Courthouse located at 121 West Spring Street in New Albany, Indiana, as the ''Lee Hamilton Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

Madam President, before you rule, this is a courthouse to be named for Lee Hamilton. I had the pleasure of serving with him in the House of Representatives on the Foreign Affairs Committee. He is such a fine man. He served 25 or 28 years in the House. He retired. He is still heavily involved in America's foreign policy. He is one fine person, a great representative of what a person who serves the public should be.

I extend my appreciation to the committees of jurisdiction in the Congress for making this possible for a very fine person, Lee Hamilton.

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

The bill (H.R. 1583) was read the third time and passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 26, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 tomorrow morning, Wednesday, September 26. I further ask that on Wednesday, following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator DASCHLE or designee, 15 minutes; Senator LOTT or designee, 15 minutes.

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

PROGRAM

Mr. REID. So tomorrow the Senate will convene at 9:30 a.m. with morning business until 10 a.m. The majority leader asked me to announce that he expects us to consider the Military Construction Appropriations Act. Both Senators DASCHLE and LOTT believe this bill should move very quickly. We hope that we can complete this bill in a very short period of time. Rollcall votes are possible tomorrow until 2 p.m.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that following the statement by Senator BROWNBACK, the Senate stand in adjournment under the previous order.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1465 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWNBACK. Madam President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:49 p.m., adjourned until Wednesday, September 26, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 2001:

DEPARTMENT OF ENERGY

EVERET BECKNER, OF NEW MEXICO, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE MADELYN R. CREEDON, RESIGNED.

DEPARTMENT OF DEFENSE

MARY L. WALKER, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE JEH CHARLES JOHNSON.

DEPARTMENT OF THE INTERIOR

STEVEN A. WILLIAMS, OF KANSAS, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE JAMIE RAPPAPORT CLARK.

SOCIAL SECURITY ADMINISTRATION

HAROLD DAUB, OF NEBRASKA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 30, 2006, VICE MARK A. WEINBERGER, RESIGNED.

DEPARTMENT OF STATE

WANDA L. NESBITT, OF PENNSYLVANIA, 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 MADAGASCAR.

CHARLES LAWRENCE GREENWOOD, JR., OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR ASIA PACIFIC ECONOMIC COOPERATION (APEC).

STEPHAN MICHAEL MINIKES, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF EDUCATION

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE NORMA V. CANTU, RESIGNED.

DEPARTMENT OF JUSTICE

DREW HOWARD WRIGLEY, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE JOHN THOMAS SCHNEIDER, RESIGNED.

EDWARD F. REILLY, OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

CRANSTON J. MITCHELL, OF MISSOURI, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE TIMOTHY EARL JONES, SR.

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 25, 2001, withdrawing from further Senate consideration the following nomination:

DONALD R. SCHREGARDUS, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 4, 2001.

EXTENSIONS OF REMARKS

EXPRESSING SENSE OF CONGRESS REGARDING ESTABLISHMENT OF NATIONAL CHARACTER COUNTS WEEK

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2001

Mrs. MORELLA. Mr. Speaker, I rise today in support of establishing a National Character Counts week. Developing strong character in our children today ensures the foundation of our Nation for the future.

Today's youth experience events that were unimaginable 40 or 50 years ago. Public scandals, violence by and against youth, and now for the first time in their lives they have seen a hatred for the character of our Nation. This exposure to negative influences threaten their physical and psychological well-being. Recognizing the importance of strength of character through this legislation can help us combat these negative influences.

I support funding character education and I am pleased that the reauthorization of the Elementary and Secondary Education Act included language authorizing the Secretary of Education to make grants for the design and implementation of character education programs. Our youth deserve our support for developing the strength of character necessary to maintain a strong nation.

Maryland has been a shining example of the benefits character education programs bring to schools. Three Maryland schools have been recognized as National Schools of Character under the Character Education Partnership. In fact, these schools reduced the number of discipline referrals and suspensions, within a caring learning environment. Also, as a result of the program, student test scores and parent involvement in student education increased.

Character education programs help students identify and develop character traits that prepare them for life. Through trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty, our children can possess the tools for leadership. In addition, the programs recognize that character development does not necessarily begin at school, but rather at home with parents and family.

It is the responsibility of all adults to demonstrate good character traits to our young people. This includes faith communities, schools, and youth, civic, and human service organizations. All of us are responsible for the character and conduct of our young people because each of us reflects the values of our society.

Therefore, I urge all Members to support this legislation and encourage schools around the Nation to participate in character education programs, and our young people to become responsible citizens for today and tomorrow.

AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Mr. SMITH of Washington. Mr. Speaker, it is with great disappointment that I vote against this legislation before us tonight.

The tragic events of September 11, 2001, have shocked and saddened all of us. In the weeks, months, and even years ahead, they will challenge us to fight for our freedoms and our values, and to figure out precisely how best to do that. As a Member of the U.S. Congress, representing not just the 650,000 people of my district, but the Nation as a whole, I want to do my part to decide what action must be taken and to constantly work with the people I represent so that their views and concerns can be heard, and so that I can keep them informed of the actions our Nation is taking and plans to take.

Last week, I voted to authorize necessary and appropriate force in response to the attacks, and I voted for $40 billion in emergency funding to assist the victims and fund the investigation. I looked forward to supporting a package that would keep America's economy strong, by providing assistance to the American airline industry, helping our workers, and improving safety so that Americans feel confident in our skies again.

I looked forward to doing all of this in a bipartisan way. I know there are many differences of opinion in this body, even in times of great national emergency, regarding corporate liability, job training, federal control of aviation security, and other critically important issues, but I hoped that both sides would be able to give a little and compromise so that we could quickly put forth a package that would help heal the economic wounds that have been inflicted since September 11.

The leadership of both parties in both the House and the Senate and their staffs have worked tirelessly to put together a package that could garner bipartisan support and address all of these issues I've outlined, and I appreciate that. However, I don't believe this package in front of us tonight is nearly well-balanced enough because it doesn't address the worker concerns or safety concerns. I am opposing it because I think we need to go back to the drawing board and fix it. If it takes until tomorrow, or Monday, or Tuesday, we need to get this right.

This legislation provides $5 billion in direct aid to the airlines, $10 billion in loan guarantees to airlines, government aid with insurance for airlines, and caps the airlines' financial liability. I support all of these provisions.

However, I believe it would be irresponsible not to also address safety issues and employee issues. After all, we cannot have a strong and vibrant airline industry in this country without people who want to fly, and that will require both people who have money in their pockets to buy airline tickets, and a dramatic improvement in consumer confidence that will only come with real safety improvements.

This legislation will cost over $15 billion. I find it unbelievable that we could not find one dollar to cushion the blow for the workers who will be affected—by latest estimates, approximately 100,000 workers will be laid off as a direct result of the attacks on September 11. Bolstering the airline industry so that we can minimize these layoffs is imperative, but the sad truth is, even this $15 billion will not save very many of the jobs lost due to the terrorist attacks. Many workers in my district, who work at Boeing's 737 plant in Renton, fear a layoff notice as early as next month. I'm sure the thousands of Alaska Airlines and SeaTac Airport employees in my district are worried too. I have faith that the industry and the economy will recover, but that won't help with these workers' mortgage, electric bill, or car payment.

Right now, if a group of workers can prove that their job was lost due to trade, they are eligible for a series of benefits including job training and income support. Why can't we extend the same benefits for the thousands of workers who will lose their jobs and have trouble finding a new one rlght away? Can't we send just a few dollars to the men and women who will no longer fly the planes, sell the tickets, load the bags, attend to the passengers, or build the planes?

Before he passed away, my father was one of those men. He worked for thirty years as a ramp serviceman for United Airlines at SeaTac Airport, so I know firsthand how important these jobs are to Americans, and I can't imagine what my father would have said if, after this attack, Congress had passed a relief package that gave $15 billion to the airline industry and not a dollar for the thousands of workers who will be impacted within the next weeks.

Let me just say a few words about safety and security issues. I strongly support the U.S. airline industry, and I believe that we should, at this critical moment in history, stand behind them. However, I think we have to fairly and reasonably examine the events of September 11. Our current airport security system allowed four U.S. planes to be hijacked by men with knives, some of whom were on the terrorist watch list. It's safe to say that the airport security system failed us.

If we are passing legislation to improve the condition of the airline industry, shouldn't we also address this issue? Perhaps airport security should truly be a security issue, not merely a business issue that, until last week, was mostly considered in terms of a company's bottom line. Don't get me wrong—the bottom line is important to our capitalist economy, but I have come to the conclusion that airport security should not be subject to those concerns. There are many interesting ideas out there for

how to improve it, but I believe first and foremost we need to make airport security a responsibility of the Federal Government: perhaps under the Department of Transportation, or the Coast Guard.

In conclusion, I want to again express my disappointment at having to oppose this bill. I sincerely hope that the President, Senate leaders, and House leaders will work to address these important concerns before a package is signed into law.

AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Mr. OTTER. Mr. Speaker, I rise today to share with my colleagues and constituents my reasons for voting against H.R. 2926, the Air Transportation Safety and Stabilization Act. I believe it is important for every member to make known their thinking behind such an important vote.

The terrorist attacks on Sep. 11 devastated the American aviation industry. Hundreds of passengers, dozens of airline employees and thousands of innocent people on the ground died in the fiery crashes of the four airliners. America's commercial airlines were grounded for 3 days. Most of general aviation was grounded for more than a week, and some components of the general aviation industry remain grounded today. Insurers of aviation airlines are canceling their policies, and banks are refusing to extend loans to keep the system intact. Under these circumstances some form of assistance to the airline industry is essential for our economy and national security.

H.R. 2926, however, is the wrong form of relief. What should have been immediate relief from the effects of the attacks has become a golden parachute for the aviation industry, indemnifying many airlines from the effects of calamitous business decisions made long before Sep 11. In a time of tragedy for our nation and the world this Congress has failed to closely examine this bill.

The airline industry takes in at most $400 million a day. With a grounding of 3 days, and the continued closure of Reagan National Airport, the direct losses to the industry by government action can be calculated at roughly $2 billion. This act makes available cash in the amount of $4.5 billion for the passenger airlines, more than twice the direct losses of the airlines. Furthermore, this cash will be apportioned among the airlines, not according to how much revenue they lost because of the attacks, but how much capacity they had. This preference for available seat miles over revenue passenger miles can only benefit those carriers whose own bad business decisions before September 11 had left them with too much capacity and too little sales.

H.R. 2926 supposedly contained extra funding for security. The $3 billion authorized for security measures, however, has already been appropriated by Congress from the $40 billion emergency spending package, which I supported. To claim that this bill had any new funding for security is simply not true. Without needed security improvements it is impossible to see how airline traffic can return to normal levels. The bailout legislation should have waited for a security package in order to comprehensively deal with this situation.

H.R. 2926 would have been constitutional if it had been drafted as a focused bill to keep our airlines flying in the wake of the devastating attacks on our country. The creation of an entitlement fund, the overcompensation of the airlines, rewards for inefficient carriers, and lack of new funding for airline security all combined to make this a deeply flawed bill. For all of these reasons and more I voted against H.R. 2926 and urged my colleagues to do the same.

HONORING SERGEANT DANIEL P. O'SHEA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. McINNIS. Mr. Speaker, to place your life in the line of duty day in and day out for the sake of others is an honorable and noble task, yet that is exactly what police officers do regularly. I would like to take the opportunity to recognize Sergeant Daniel P. O'Shea for his outstanding service to his community as a member of the Denver Police Department.

Sergeant Daniel P. O'Shea has been named one of America's finest at the upcoming TOP COPS Awards ceremony. Officer O'Shea is one of only twenty officers to be honored at the ceremony. I'm proud to know that the State of Colorado is so well represented with Sergeant O'Shea being named in the top echelon of police officers across our entire nation.

Mr. Speaker, Sergeant Daniel P. O'Shea has acted with great professionalism in all that he has done. His top priority is the safety and protection of the people in his community. It is my pleasure to acknowledge Sergeant O'Shea's accomplishments. He is a role model for all Colorado law officers and I wish him the warmest regards and best wishes in his continued service to his community.

TO HONOR MR. RICHARD FIMBRES AS A RECIPIENT OF THE 12TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize a special individual who was honored for his leadership qualities and service to his community. On September 5th, Mr. Richard G. Fimbres was honored by his peers at the Annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in it's twelfth year of honoring worthy individuals.

Honored in the category of Exemplary Leadership, Mr. Fimbres, of Tucson, Arizona, was recognized for his work as a community leader. He serves as a board member of Pima Community College, which helped to raise funds for the Hispanic Student Endowment Fund, create the Amigos de Pima, and partnered with the League of United Latin American Citizens (LULAC) to create and fund a year-round program to assist young students with their reading skills. He is dedicated to various organizations such as LULAC, the Metropolitan Education Commission, the Knights of Columbus, and the Tucson Pima Arts Council. He also devotes his time to serving on the State's Behavioral Health Planning Council, Arizona Supreme Courts Juvenile Detention Advisory Committee and the University of Arizona's Diversity Action Council.

Mr. Fimbres' standing as a community leader is evident by his commitment to these organizations and countless hours of volunteer work throughout the community. Mr. Speaker, I ask you to join me in recognizing this outstanding citizen and community leader for his fine work and dedication.

SPEECH BY U.N. SECRETARY GENERAL KOFI ANNAN

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SPRATT. Mr. Speaker, as the Congress continues to move forward following the horrific and tragic events of September 11, 2001, I would like to insert for the RECORD a recent and I think timely speech given by United Nations Secretary General Kofi Annan.

Mr. Annan's speech is about the contributions and vision of former U.N. Secretary-General Dag Hammarskjöld. While the speech was given on September 6th, five days before the attacks, I believe it provides for interesting reading as we examine our notions of international security and multi-lateral cooperation.

DAG HAMMARSKJÖLD AND THE 21ST CENTURY

(By Kofi Annan)

As Secretary-General of the United Nations, I have to give many speeches, and even quite a few lectures. But I can think of no invitation to speak that is a greater honour, or a greater challenge, than this one.

It will not surprise you to hear that Dag Hammarskjöld is a figure of great importance for me—as he must be for any Secretary-General. His life and his death, his words and his action, have done more to shape public expectations of the office, and indeed of the Organisation, than those of any other man or woman in its history.

His wisdom and his modesty, his unimpeachable integrity and single-minded devotion to duty, have set a standard for all servants of the international community—and especially, of course for his successors—which is simply impossible to live up to. There can be no better rule of thumb for a Secretary-General, as he approaches each new challenge or crisis, than to ask himself, ''how would Hammarskjöld have handled this?''

If that is true for any Secretary-General, how much more so for one of my generation, who came of age during the years when Hammarskjöld personified the United Nations, and began my own career in the UN system within a year of his death.

And how much more true, also, for one who has the special relationship that I do with this, his home country!

So you see, it is quite a solemn thing for me to give this lecture, especially so close to the 40th anniversary of Hammarskjöld's death. And I feel all the more solemn about it coming here, as I do, directly from the part of Africa where he met that death—and where, 40 years later, the United Nations is again struggling to help restore unity and peace to the Democratic Republic of Congo.

I can tell you that the Congolese have never forgotten Dag Hammarskjöld. Four days ago, during my visit to the Congo, I met with representatives of the parties involved in the Inter-Congolese Dialogue. Their spokesman began the meeting by telling me how much they appreciated the late Secretary-General's dedication, and the fact that he gave his life for peace in their country. And he asked us to pay tribute to Hammarskjöld's memory by observing a minute of silence. I found it very moving that people could feel like that about him after 40 years.

In Zambia, too—which, as you know, was where he actually died— Hammarskjöld's death is commemorated annually. The Zambian government, together with your own and with the United Nations system, has launched a ''living memorial'', which includes a programme to educate young Africans as ''messengers of peace'', as well as a Centre for Peace, Good Governance and Human Rights. There could be no better way to commemorate him than by promoting these ideals, which he held so dear.

If Dag Hammarskjöld were to walk through that door now, and ask me what are the main problems the United Nations is dealing with today, I could easily answer in a way that would make him think nothing much had changed.

I could talk to him not only about the Congo, but about the Middle East, or Cyprus, or the relations between India and Pakistan, and it would all seem very familiar.

But I could also tell him things that he would find very unfamiliar—though some would surprise him less than others, and some would gratify him more than others.

He would probably be relieved, but not surprised, to hear that China is now represented at the United Nations by the government that actually governs the vast majority of Chinese people.

It would surprise him much more to learn that the Soviet Union no longer exists. But he could only be pleased to find that there is no longer an unbridgeable ideological difference between the permanent members of the Security Council.

He might be struck by the number of conflicts the United Nations is dealing with today that are within, rather than between, States—though the experience of the Congo would have prepared him for this—and also by the number of regional organisations that have developed as partners for the UN in different parts of the world.

I feel sure, in any case, that he would be pleased to see the way United Nations peacekeeping has developed, from the model that he and Lester Pearson so brilliantly improvised in 1956 to something much more diverse and complex, which is often more accurately described as ''peace building''.

And I imagine he would be equally impressed by the wide range of issues that the United Nations is now called upon to face outside the traditional security arena—from climate change to HIV/AIDS.

He would be gratified, and perhaps not all that surprised, to hear that human rights and democracy are now generally accepted as world norms—though he might well be distressed to see how far, in many countries, the practice still falls short of the rhetoric.

He would definitely be distressed to learn that, within the last decade, genocide had again disfigured the face of humanity—and that well over a billion people today are living in extreme poverty. I think he would see preventing the recurrence of the former, and putting an end to the latter, as the most urgent tasks confronting us in this new century.

He would no doubt be impressed by the speed and intensity of modem communications, and momentarily confused by talk of faxes and sat-phones—let alone e-mails and the Internet. But I'm sure he would be quick to grasp the advantages and disadvantages of all these innovations, both for civilisation as a whole and for the conduct of diplomacy in particular.

What is clear is that his core ideas remain highly relevant in this new international context. The challenge for us is to see how they can be adapted to take account of it.

One idea which inspired all his words and actions as Secretary-General was his belief that the United Nations had to be a ''dynamic instrument'', through which its Members would collectively ''develop forms of executive action''.

During his time in office he became increasingly sensitive to the fact that some Member States did not share this vision, but regarded the United Nations as only ''a static conference machinery for resolving conflicts of interests and ideologies with a view to peaceful coexistence''.

In the Introduction to his last Annual Report—a magisterial work, which reads almost as if he was consciously writing his political testament—Hammarskjöld argued that those who regarded the Organization in this way were not paying adequate attention to certain essential principles of the Charter.

He showed that the Charter clearly implies the existence of ''an international community, for which the Organization is an instrument and an expression''. The overriding purpose of this community was to save succeeding generations from the scourge of war, and to do this it had to follow certain key principles.

These were:

First, ''equal political rights''—which encompassed both the ''sovereign equality'' of all Member States, in Article 2 of the Charter, and ''respect for human rights and fundamental freedoms'', in Article 1.

Second, ''equal economic opportunities''—spelt out in Article 55 as the promotion of ''higher standards of living, full employment, and conditions of economic and social progress and development'', as well as ''solutions of international economic, social, health, and related problems''.

Third, ''justice''—by which he meant that the international community must be ''based on law . . . with a judicial procedure through which law and justice could be made to apply''.

And finally the prohibition of the use of armed force, ''save in the common interest''.

These principles, Hammarskjöld argued, are incompatible with the idea of the United Nations as merely a conference or debating chamber—as indeed is the authority the Charter gives to its principal organs, and particularly to the Security Council, which clearly has both legislative and executive powers.

The context in which he put forward these arguments was, of course, the Cold War, and particularly the Soviet campaign against him during the Congo crisis of 1960–61.

That campaign is happily long past. But we still face, from time to time, attempts by Member States to reduce the United Nations to a ''conference mechanism''.

Those attempts no longer come systematically from one particular ideological camp. Instead, they tend to vary according to the subject under discussion.

Broadly speaking, industrialised countries remain reluctant to see the United Nations act on Hammarskjöld's second principle—the promotion of ''equal economic opportunities''. And the governments of some other countries are equally loath to see it actively promote ''respect for, and observance of, human rights and fundamental freedoms for all''.

In both cases, I believe the Secretary-General has no choice. He has to follow in the footsteps of Hammarsköld, upholding the right and duty of the United Nations to pursue the aims laid down for it by the Charter.

Of course there is always a need for negotiation and discussion on the appropriate forms of action. But the United Nations will fail in its duty to the world's peoples, who are the ultimate source of its authority, if it allows itself to be reduced to a mere ''static conference'', whether on economic and social rights or on civil and political ones.

The same applies to Hammarskjöld's exalted view of the ''international civil servant'', which he also pursued in that last annual report, and in a lecture given that same summer at Oxford University.

His argument here was that the people charged with carrying out the executive functions of the United Nations could not be neutral in relation to the principles of the Charter. Nor could they be regarded, or allowed to regard themselves, as nominees or representatives of their own nations. They had to represent the international community as a whole.

Here too, Hammarskjöld based his argument on a very careful reading of the Charter itself—in this case Articles 100 and 10 1.

Article 100 forbids the Secretary-General or any of his staff either to seek or to receive instructions from States, And Article 101 prescribes ''the highest standards of efficiency, competence, and integrity'' as ''the paramount consideration in the employment of the staff''.

Once again, Hammarskjöld was arguing in the context of the Cold War, in which first one side and then the other had tried to insist on the right to be represented, within the Secretariat, by people who were loyal to its political or ideological point of view.

Again, the context has changed, and I am glad to say that States today, while extremely keen to see their nationals appointed to senior positions, no longer seek—or at least, not in the same way—to exercise political control over them, once appointed.

But the principle of an independent international civil service, to which Harnmarskjöld was so attached, remains as important as ever. Each successive Secretary-General must be vigilant in defending it, even if, on occasion, changing times require us to depart from the letter of his views, in order to preserve the spirit.

To give just one example: Hammarskjöld insisted that the bulk of United Nations staff should have permanent appointments and expect to spend their whole career with the Organisation.

That may have been appropriate in his time. It is less so now that the role of the United Nations has expanded, and more than half of our employees are serving in missions in the field. This is a development which Hammarskjöld would surely have welcomed, since it reflects a transition from the ''static conference'' model to the ''dynamic instrument'' model which he so strongly believed in.

But what is clear is that his ideal of the United Nations as an expression of the international community, whose staff carry out decisions taken by States collectively rather than bending to the will of any one of them, is just as relevant in our times as in his.

And that, of course, has very important implications for the role of the Secretary-General himself.

Hammarskjöld pointed out that Article 99 of the Charter—which allows the Secretary-General, on his own initiative, to bring matters to the Security Council's attention when in his view they may threaten the maintenance of international peace and security—makes him clearly a political rather than a purely administrative official.

In practice, successive Secretaries-General, including Hammarskjöld, have invoked this article very sparingly. I myself have never yet found it necessary to do so. But the fact that the Secretary-General has this power crucially affects the way he is treated by the Security Council, and by the Member States in general.

Few people now question the responsibility of the Secretary-General to act politically, or to make public pronouncements on political issues.

In fact, the boot today is if anything on the other foot: I find myself called on to make official statements on almost everything that happens in the world, from royal marriages to the possibility of human cloning!

I do my best to satisfy this demand with due respect for the decisions of the Security Council and General Assembly. But those bodies would find it very strange if on each occasion I sought their approval before opening my mouth!

Their members can, and do, take exception to some of my statements—and thank goodness they do. There must be freedom of speech for governments, as well as for international officials! But they do not question my right to make such statements, according to my own understanding of the purposes and principles of the United Nations as set out in the Charter.

No doubt Dag Hammarskjöld would also disagree with some of the specific positions I have taken. But I suspect he would envy me the discretion I enjoy in deciding what to say. And I have no doubt he would strongly endorse the principle that the Secretary-General must strive to make himself an authentic and independent voice of the international community.

What he might not have foreseen is the way our concept of that community has developed in recent years. In his time it was essentially a community of separate nations or peoples, who for all practical purposes were represented by States.

So if we go back to the things about today's world that we would have to explain to him, if he unexpectedly joined us now, probably the most difficult for him to adjust to would be the sheer complexity of a world in which individuals and groups of all kinds are constantly interacting—across frontiers and across oceans, economically, socially and culturally—without expecting or receiving any permission, let alone assistance, from their national governments.

He might well find it difficult to identify the precise role, in such a world, of a body like the United Nations, whose Charter presupposes the division of the world into sovereign and equal States, and in which the peoples of the world are represented essentially by their governments.

He might find that difficult—and if so, he would not be alone! But I am convinced he would relish the challenge. And I am sure he would not stray from his fundamental conviction that the essential task of the United Nations is to protect the weak against the strong.

In the long term, the vitality and viability of the Organization depend on its ability to perform that task, by adapting itself to changing realities. That, I believe, is the biggest test it faces in the new century.

How would Hammarskjöld approach that task?

First of all he would insist, quite correctly, that States are still the main holders of political authority in the world, and are likely to remain so. Indeed, the more democratic they become—the more genuinely representative of, and accountable to, their peoples—the greater also will be their political legitimacy. And therefore it is entirely proper, as well as inevitable, that they will remain the political masters of the United Nations.

He would also insist, I am sure, on the continuing responsibility of States to maintain international order—and, indeed, on their collective responsibility, which their leaders solemnly recognised in last year's Millennium Declaration, ''to uphold the principles of human dignity, equality and equity at the global level''.

And he might well say that, with a few honourable exceptions, the more fortunate countries in this world are not living up to that responsibility, so long as they do not fulfill their longstanding commitments to much higher levels of development assistance, to much more generous debt relief, and to duty- and quota- free access for exports from the least developed countries.

But then he would also see that his own lifetime coincided, in most countries, with the high watermark of State control over the lives of citizens. And he would see that States today generally tax and spend a smaller proportion of their citizens' wealth than they did 40 years ago.

From this he might well conclude that we should not rely exclusively on State action to achieve our objectives on the international level, either.

A great deal, he would think, is likely to depend on non-State actors in the system—private companies, voluntary agencies or pressure groups, philanthropic foundations, universities and think tanks, and, of course, creative individuals.

And that thought would surely feed into his reflection on the role of the United Nations.

Can it confine itself, in the 21st century, to the role of coordinating action by States? Or should it reach out further?

Is it not obliged, in order to fulfill the purposes of the Charter, to form partnerships with all these different actors? To listen to them, to guide them, and to urge them on?

Above all, to provide a framework of shared values and understanding, within which their free and voluntary efforts can interact, and reinforce each other, instead of getting in each other's way?

Perhaps it is presumptuous of me to suggest that this would be part of Hammarskjöld's vision of the role of the United Nations in the 21st century—because it is, of course, my own vision.

No doubt if he were alive today he would offer us something nobler and more profound.

But I like to think, Ladies and Gentlemen, that what I have just described would find some place in it.

Thank you very much.

HONORING MS. GARLAND MILLER

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mrs. MORELLA. Mr. Speaker, I have a longstanding commitment to supporting women who venture out into the professional world. Today, I ask my colleagues to join me in recognizing and honoring a constituent, Ms. Garland Miller, as a woman who has had immense success in founding and running her own company.

Ms. Miller is the President of Schoolfield and Associates, a highly successful bookkeeping and association management firm in my district. I would like to congratulate Ms. Miller, who is celebrating 25 years of business in Chevy Chase and Bethesda, Maryland. A graduate of the University of Maryland, Ms. Miller and her family have lived in my district for generations. She has over 100 clients, and employs several people. Thanks to leaders like Ms. Miller, women entrepreneurs have made great strides in the business world. She serves as a role model for other women in the business community. On behalf of my colleagues, I would like to wish Ms. Garland Miller many more successful years.

PERSONAL EXPLANATION

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. BRYANT. Mr. Speaker, yesterday I was inadvertently delayed getting back to Washington from my district, and as a result missed Rollcall votes 349 and 350. Had I been present, I would have voted ''yea'' on both votes. As an original co-sponsor of H.R. 717, I regret being unable to cast a vote in favor of this important legislation that will have a positive effect on those children who suffer from Duchenne muscular dystrophy.

HONORING HUBERT TABOR FOR HIS DEDICATED SERVICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. McINNIS. Mr. Speaker, to place your life in harms way in order to defend our Nation is indeed a noble and honorable action. Hubert Douglas Tabor dedicated himself by serving in World War II and is certainly worthy of the praise and admiration of this body. During the campaign in Northern Burma, Hubert placed his well-being before all else in order to ensure a victory for the Allies in that war-stricken area.

Hubert was raised on a farm in Colorado. Throughout his time there, he grew tired of horses and wished to escape from the farm life by signing up for the Army. However, after entering the Army, the Army recognized that Hubert possessed superior riding skills and was sent to Ft. Riley, Kansas to be a member of the 124th Cavalry. This unit was the last mounted cavalry in the Army and it was with the 124th that Hubert deservingly received his silver spurs due to his accomplishments in the service. Upon his relocation to Burma, his role was that of a packer.

The 124th Cavalry, teamed with the 56th Cavalry and the 613th Field Artillery Battalion, was charged with the duty of opening the Burma Road that was closed by the Japanese. As the team trekked across the Himalayan landscape, the Japanese enemy was encountered at night. Although Hubert had several close calls during his service, perhaps

none was as serious as one that occurred during this battle. Hubert and a fellow soldier were assigned the duty of attracting the attention of the Japanese to distract them while the rest of his team was able to penetrate the enemy's flank. His friend was killed in the line of duty while Hubert survived, but not without debilitating injuries.

Due to his bravery and courage, Mr. Speaker, Hubert Tabor was awarded the Purple Heart and Bronze Star. This battle was brutal, but Hubert offered his patriotism to our country and fought for its sake in Burma. I would like to take this moment to recognize the incredible sacrifices that Hubert made for our country and thank him for his service to our Flag. Hubert helped to make our country great and I extend my warmest regards and best wishes to Hubert for many years to come.

TO HONOR MS. ELVIRA ORTIZ AS A RECIPIENT OF THE 12TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

MR. PASTOR. Mr. Speaker, I rise before you today to recognize a special individual who was honored for her leadership qualities and service to her community. On September 5th, Ms. Elvira Ortiz was honored by her peers at the Annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in its twelfth year of honoring worthy individuals.

Honored in the category of Exemplary Leadership, Ms. Ortiz, of Phoenix, Arizona, was recognized for her civic activism in raising awareness of the issues that Latinos face today. She has risen to her position as Publisher and Editor-in-Chief at Ashland Media from humble beginnings, immigrating to this country from Mexico nearly twenty years ago, and has played an active role in addressing many civic issues. She was the co-founder of Cambio Magazine, a magazine addressing Latino issues in Arizona, and continues to work with Alma de la Gente's Mexican Independence Day to replicate and promote the traditions and culture of Mexican-Americans.

Mr. Speaker, please join me in honoring Ms. Ortiz, who truly represents the determination of the new immigrant enriching this great country of ours with love and compassion for her family, community and profession.

THE BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT OF 2001 (H.R. 2941)

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, last Friday, I introduced the ''Brownfields Redevelopment Enhancement Act of 2001 (H.R. 2941).''

I would like to thank my colleagues U.S. Representative MALONEY, Chairman MIKE OXLEY and Chairwoman MARGE ROUKEMA for joining me in supporting this important measure.

The biggest barrier that cities and communities face when trying to acquire and redevelop contaminated ''Brownfields'' properties is their lack of access to adequate and affordable capital to carry out critical activities including site assessment, remediation planning, cleanup and initial redevelopment activities.

This legislation is designed to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic development of Brownfields.

For nearly 25 years, HUD's Section 108 Loan Guarantee program has encouraged local economic development by giving cities access to the up-front financing needed for key site preparation and infrastructure projects that make an area ready for revitalization. This bill would, in essence, improve the ability of local governments to use HUD's Section 108 Loan Guarantee program and the Brownfields Economic Development Initiative (BEDI) program to address Brownfields projects by recognizing one of the new realities of the redevelopment process—that environmental evaluation and cleanup activities have become a necessary part of the process for reusing old, often abandoned sites, and that the public sector frequently must jump start that process.

This legislation will modify HUD's existing Section 108 Loan Guarantee program to make it a more flexible and usable tool for Brownfields projects and provide BEDI grant funding in a more flexible form.

First, it authorizes, for the first time ever, appropriations specifically for the BEDI program, to clarify through the conventional authorization and appropriation process that Brownfields redevelopment assistance is a congressional priority. The authorization of such sums as may be necessary is for fiscal years 2002–4. This 3-year authorization would result in need for authorization after 3 years and prompt a timely congressional re-examination of the need for such funding and funding levels.

Second, it establishes the BEDI program as an independent program by separating it from the requirement that local governments obtain Section 108 loan guarantees in order to obtain BEDI grant funding. While Congress has funded the BEDI program at a level of $25 million annually since FY 1998, the program has existed solely as a line item in appropriations. This ''de-linking'' of BEDI funding from the Section 108 program will help to improve its visibility as a key source of Federal funds to trigger Brownfields redevelopment activities. Additionally, it establishes the BEDI program as an independent program by separating it from the section 108 (q) economic development initiative program as a new section 123 of the Housing and Community Development Act of 1974.

Third, it increases the allowable guarantee limit for Section 108-backed loans used in conjunction with Brownfields activities—cities and states could access an additional five times their annual entitlement for Brownfields cleanup and redevelopment. This provision will provide smaller communities with the opportunity to assemble a capital pool of sufficient size to cover the costs of Brownfields site preparation. It also gives cities more practical options to pursue Brownfields reuse strategies—for example, to acquire and clean up sites themselves, and assemble them into tracts that best fit markets and uses they have identified. The increase in the allowable guarantee limit for section 108-backed loans for Brownfields activities applies only prospectively to obligations guaranteed after the date of the enactment of the legislation.

Fourth, it promotes Section 108 Loan Guarantee Brownfields activities by better addressing the developmental realities of this type of real estate development. This will be achieved by clearly identifying Brownfields redevelopment activities as eligible activities under the Section 108 program, thereby enabling the loan funds to be used for a wider range of activities that support Brownfields reuse. It also encourages communities to identify and coordinate other public and private funding sources for Brownfields projects by allowing them to count as leverage in terms of award criteria.

Fifth, it implements HUD's Community Empowerment Fund (CEF) Pilot program. The CEF Pilot is designed to use the Section 108 Loan Guarantee program in combination with the Economic Development Initiative (EDI) grant program. It is noteworthy that several years ago, HUD issued a Notice of Funding Availability (NOFA) and guidelines, but failed to implement the CEF Pilot program. The CEF Pilot is designed to mitigate or even eliminate the risk of loss to a community's CDBG program inherent in making business loans funded by the Section 108 Loan Guarantee program. The CEF Pilot combines modem private sector financial engineering with privatization of much of the administration of business loans. The EDI grants are to provide a pooled cash loan reserve to cushion against losses resulting from defaults on business loans funded through the Section 108 Loan Guarantee program and reducing the risk to the community's CDBG program.

Sixth, and finally, it directs HUD to undertake a comprehensive study of Brownfields redevelopment issues on a nationwide basis. While Brownfields redevelopment has become a critical community and economic development issue over the past five years, it seems that there has not been a thorough Federal effort to collect data and analyze key issues in a manner which would serve as the foundation for Legislative and Executive branch decision-making in this area.

Mr. Speaker, I urge my colleagues to support this legislation which will foster and promote the revitalization of American communities.

PERSONAL EXPLANATION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. TANNER. Mr. Speaker, I would like for the RECORD to indicate that had I been present on Monday, September 24th I would have voted ''yea'' on both rollcall votes 349 and 350, the Duchenne Muscular Dystrophy bill and the continuing resolution. My plane was delayed as a result of inclement weather in the Washington, D.C. area.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, due to tornado warnings, my flight was diverted to Philadelphia, and I was unavoidably detained on September 24, 2001. As a result, I missed Recorded Votes #349 (H.R. 717, Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001), and #350 (H.J. Res. 65, Continuing Appropriations for FY2002).

I ask that the RECORD reflect that, had I been present, I would have voted ''aye'' on all of the above motions on September 24, 2001.

PAYING TRIBUTE TO WILLIAM ADAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor the bravery and military service of William Adams, a great American who currently resides in Montrose, Colorado. William Adams learned very important lessons about life and death when he was faced with the challenges of self-preservation and patriotism in the South Pacific during WWII.

At the young age of nineteen, William Adams, along with the rest of his advance landing unit of the 4th Marines landed on Saipan. There he struggled through one of the bloodiest campaigns his Division had seen and finally took control of the small island. By the end of the battle, 3,400 American soldiers had lost their lives. William managed to survive several other battles including the invasions at Tarawa and Tinian. He finished his tours in the South Pacific having been wounded three times and being awarded the Purple Heart and the Bronze Star. William is a proud servant of his nation, exemplified by several accounts of bravery including putting his own life on the line to rescue a fellow soldier.

William is no longer the young man who landed the many shores of the Pacific Theater to defend freedom and liberty in the United States. Amidst all of the violence and death, William Adams returned to the United States although many of his friends did not. William now lives a peaceful life as a resident of Colorado but the sacrifices he made while serving our nation will never be forgotten. Mr. Adams fought selflessly for the ideals and protection of all Americans. He helped to ensure that our freedoms and way of life would live on. It is my pleasure to honor William Adams for the great sacrifices that he has made and assure him that his countrymen are grateful for his service.

SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM REAUTHORIZATION ACT OF 2001

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2001

Mrs. MORELLA. Mr. Speaker, I rise today in support of reauthorizing the Small Business Technology Transfer (STTR) Program. Continuing this program will encourage the development of small businesses and help strengthen our economy.

I have been a long time supporter of this program. It helps small businesses, including minority and women owned businesses, to participate in the research and development of new technologies. Various businesses in my district have benefitted from the STTR program as they work with the many research institutions and federal agencies located in the Washington region.

The STTR program has been successful since the launch of its pilot program in 1992. This success was recognized as funding for the pilot program was twice reauthorized in 1994 and 1996. Now, we can make this a permanent program and encourage participating agencies to implement outreach programs to small businesses and research institutions that will enhance the STTR program.

The STTR program has helped small businesses benefit the economy by encouraging technology innovations and job creation. This program has been credited for promoting collaborative efforts in research and development. Under this program, small businesses are exposed to the scientific knowledge available at our nation's research institutions. In addition, the STTR program helps move academic theories from research institutes to viable commercial use that benefit our nation and the world.

Furthermore, in a recent GAO report that examined 102 projects under the STTR program, companies and research institutions indicated that they felt both contributed significantly to the research and development of new technologies. Their collaborative effort contributed to the construction and testing of prototypes and in providing equipment and facilities. Most of these projects were successful. For those projects that were discontinued, companies indicated insufficient funding for further technical development as a basis for terminating their projects.

This piece of legislation, encourages the continued viability of the STTR program. The legislation increases the percentage of the extramural budget required to be expended by agencies participating in the program from 0.15 percent to 0.3 percent. The permanent nature of the program is acknowledged by striking the word 'pilot' as previously used to describe the program. Also, the amount a small business can receive under a Phase II award increases from $500,000 to $750,000, in line with the Phase II awards of the Small Business Innovative Research (SBIR) program.

In addition, the legislation requires participating Federal agencies to collect and maintain information. This will allow for a quick oversight of the program's progress. Also, the information would be kept in similar databases that agencies have already created to monitor the SBIR program.

By passing this legislation we will endorse a program that has been successful since 1992. The STTR program will ensure that the partnership between research institutions and small businesses, which adapts research technologies for commercial use, continues till at least 2008.

Therefore, I urge all members to support this legislation that encourages the development of small businesses and the continued cooperation between federal agencies and small businesses in the research and development of new technologies that benefit the nation.

GENE AUTRY DAY FESTIVAL IN TIOGA, TX

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. HALL of Texas. Mr. Speaker, I rise today to announce the first annual Gene Autry Day Festival this weekend, September 28 and 29, 2001, in Tioga, Texas, in the Fourth Congressional District. Tioga is Gene Autry's hometown, and I join all those in Tioga and Grayson County, as well as friends and admirers throughout the Nation, in celebrating the life of this legendary American.

Gene Autry was born on a ranch near Tioga, Texas, on September 29, 1907, to Delbert and Elnora Autry. Gene's grandfather, William T. Autry, was a Baptist preacher who taught Gene to sing when he was five years old. At the age of twelve, Gene bought his first guitar from a Sears and Roebuck catalog for eight dollars. In his autobiography, Back in the Saddle Again, Gene noted that by his fifteenth birthday he was comfortable singing and performing before audiences at school and around his hometown.

At a young age, Gene began working as a telegraph operator at the old Tioga railroad depot, where he reportedly sang and played for local townsfolk and passengers on the railroad. By the late 1920s, Gene was working as a telegrapher for the railroad in Oklahoma. While singing and playing in the office one night, Gene was discovered by the great cowboy humorist, Will Rogers, who recommended that he try performing on the radio. And thus began a career that would span more than 60 years in the entertainment industry and that would bring fame and fortune to this young man from Tioga, Texas.

Gene Autry was successful in radio, recordings, motion pictures, television, rodeo, and live performances. He is the only entertainer to have five stars on Hollywood's Walk of Fame—one each for radio, records, film, television, and live theatrical performance, including rodeo. Gene appeared in 94 feature films and made 635 recordings, over 300 of which he wrote or co-wrote. Some of his best known movies are based on his hit records, including South of the Border and Back in the Saddle. He sold over 60 million records, including more than a dozen gold records and two platinum records, Here Comes Santa Claus and Peter Cottontail. Another record, Rudolph the Red-Nosed Reindeer, remains the second best selling single of all time, with sales totaling more than 30 million. From 1950 to 1955

Gene produced and starred in The Gene Autry Show and produced other popular television series as well.

In addition to his success in the entertainment industry, Gene was successful pursuing another passion—a love of baseball. In 1961 he purchased the American League's California Angels (now the Anaheim Angels) and held the title of Vice President of the American League until his death in 1998.

Gene Autry was always proud of his hometown, Tioga, and he would have been honored by this Festival and by the efforts of local citizens in memory of him. Proceeds from activities associated with the Gene Autry Day Festival will be used to build a Tioga Heritage Museum, featuring Gene Autry, and to benefit Boys & Girls Clubs through United Way of Grayson County. Mr. Speaker, I want to commend the citizens of Tioga for planning this tribute to their hometown hero and to a legendary American whose contributions to our culture will long be remembered and appreciated—the late, great Gene Autry.

CHILLING INDICATORS OF THE TERRORIST ATTACK

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. STEARNS. Mr. Speaker, in the events that have followed the tragic attack on our Nation, we have seen a flurry of activity in both responding to the attack, and attempting to uncover the network, financing, and planning behind the attack. Though I believe our law enforcement and intelligence agencies understand and are closing the apparent gaps that may have aided the terrorist's ability to launch the attack on September 11, there is a recent piece in the September 21 edition of Washington Times that gave me pause.

The Inside the Beltway column titled ''Signs in Cyberspace'' alleged that indications of the impending attack might have existed in certain registered domain names, recently expired, on the Internet. Some of the domain names quoted in the article were:

worldtradetowerattack.com;
nycterroristrike.com;
pearlharborinmanhattan.com; and
terroristattack2001.

It is indeed chilling that no one appears to have taken notice until it was too late. Mr. Speaker, I am hopeful that our federal agencies, along with Congress, continue to take a hard look at where our intelligence system failed and make the difficult and necessary decisions.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. DEMINT. Mr. Speaker, on September 24, 2001, 1 missed rollcall vote No. 349 and rollcall vote No. 350 due to a delay in my flight. Had I been present, I would have voted ''yes'' on H.R. 717 and ''yes'' on H.J. Res. 65.

IN RECOGNITION OF SISTER JOAN MCKEE FOR HER 50 YEARS OF SERVICE TO THE SISTERS OF CHARITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Sister Joan McKee, who, on Sunday, September 30, 2001, will be honored at a special ceremony for her 50 years of service to the Sisters of Charity organization. The Sisters of Charity organization assists in ensuring adequate access to quality social services and educational opportunities for the poor and disadvantaged. The ceremony honoring Sister McKee will take place at Saint Joseph's Church in Jersey City, New Jersey.

A native of Jersey City, New Jersey, Sister McKee is a graduate of St. Mary's Elementary School and St. Dominic's Academy.

Throughout her career, she has demonstrated a remarkable ability to assist those in need. As a schoolteacher and school administrator for 50 years, she has instructed and counseled thousands of poor and underprivileged students in the Jersey City school system. Countless school children throughout Jersey City have prospered and excelled academically under Sister McKee's guidance and supervision.

Later this year, Sister McKee will officially retire as Principal of Saint Joseph's Elementary School in Jersey City. During her years as Principal of Saint Joseph's, she has implemented and coordinated several education initiatives that have fostered and enhanced the intellectual and learning capabilities of Jersey City students. Sister McKee's 22 years as Principal of Saint Joseph's ranks as one of the longest tenures for a school administrator in Hudson County history.

Outside of her teaching and administration obligations, Sister McKee has served as an essential contributor to the viability and successes of the Jersey City community. She has actively, participated in programs dedicated to assisting disadvantaged women get back on their feet. In addition, she has donated her time to projects dedicated to providing quality social services to the needy.

Today, I ask my colleagues to join me in honoring Sister Joan McKee for her tireless work on behalf of the community of Jersey City, New Jersey.

VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I am asking that these statements be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

REGARDING NAPSTER

(By Hydie Buchanan)

I am here today to talk about whether it is right to shut down Napster over the record companies' feeling it infringes on the copyrights of artists.

This case first started in April 1999 when the recording industry brought a lawsuit against Napster, saying that Napster violated copyrighted material. Since then, just recently, district courts ruled that Napster has to put blocks on copyrighted material, which Napster has complied with.

However, although it is against Napster's file-sharing rules to change file names to get around the copyrighted blocks, people change a song, they add letters or numbers to the file name, and therefore it can pass the block. And although Napster says that they will warn people and then kick them off the Napster community, there is over 500,000 users, so it is kind of hard to keep track of them all.

It's not that many artists are intimated by Napster. Many artists actually support Napster. It is the recording industry that thinks they are losing profits, when, in all reality, profits were up in 1999 because of Napster.

I have a few quotes to share about artists who support Napster. Dave Matthews Band, in July 2000, said: ''There are a lot of bigger problems in the world than whether Napster succeeds or fails. I don't think there is a malice coming out of Napster. We allowed people to tape our concerts from the beginning, and the record company questioned us about allowing that.

My thinking was that it only makes people want to buy more, and increases the devotion of people who are really going to listen to us.'' Which, in this case, shows that he supports Napster because it promotes the music, not takes away profits, but actually increases them.

Another quote: ''We're not afraid of the Internet. We think it is a very cool way to reach our fans. If a band sells 12 million albums, what are we supposed to say? 'Oh, maybe we could have sold 13 million if we had just been Internet Nazis.'

At a certain point you have to say, Let the people have the music.''

Dexter Holland, from Offspring: ''Many of the bands that support Napster are maybe not the manufactured bands created as boy bands, the popular music of today.'' A lot of people think that Napster doesn't infringe on copyrights. And it really doesn't. Napster does not copy the MP3s. The people that are on Napster, they're the ones that create the MP3s, either from the program that they downloaded off the Internet or burning the—ripping the CD onto their hard drive. So, really, it's not Napster. They just created a community where people can swap everything, and that is not necessarily so wrong.

A lot of people that use Napster use it as a way to find out more about an artist. Like, say they hear one song on the radio and they want to hear more about the band before they go out and buy the CD. So that's actually helping the profits, So, really, the recording industry, they shouldn't stop people from doing that, because it is promoting the music.

Also, Napster is not the only company of its sort. There are many other file-sharing companies out there, such as Scour or Livewire, that also have the same sort of system with filesharing. It is also the same thing as, say, burning a CD for your friend, or recording a tape of songs off the radio. It is all the same thing. And, sure, they said

that recording CDs and tapes is illegal, but never really did anything about it.

In order to shut Napster down, I think you would have to stop selling the recordable CDs and recordable tapes, because it is all the same thing. And you would also have to go out onto the Internet and search for every site like Napster in order to shut them all down, because shutting one down out of thousands isn't really fair.

REGARDING ABENAKI AND NATIVE AMERICAN ISSUES

(By Fellicia Gagne)

I am here today to talk about the lack of academic success among minorities, specifically Abenakis. Basically what I'm going to be talking about is from last year's Vermont Framework of Standards, which all schools are supposed to take, show that 19 percent of tenth grade Native Americans met the reading and knowledge interpretation. This means that 81 percent can't read a one- to two-paragraph passage and understand and interpret what they have read.

In mathematical skills, the test shows that American Indians fall 52 percent below standards. Only 14 percent meet the standards, which is really low. The difficulty is with fractions, multiplying, et cetera. What that means is they have difficulty with basics, rather than what normal students would be able to do.

Continuing, I would like to talk about why this is happening. Abenakis are a majority of my school, and like over 50 percent fall below standards. And I don't see why that should be happening. If Abenakis aren't meeting standards now, then how do they expect to go to college, get a degree, and have a good life? That means that my people, Abenakis, would be lower in poverty, wouldn't be able to support their families, and it is just going to keep happening over and over and over again.

This has been happening for years and years, and I feel that it should have been changed long ago. What are the reasons that this is happening? Racism, maybe. It has been in society and schools for years, and probably never will leave. Also, Eugenic Survey. This could also prove what had happened during the 1920s through the '40s.

A professor at UVM thought that he would improve Vermont. He thought that he could cleanse or change genetically inferior people. Because we were different, we had to go through a phase where you had to feel uncomfortable, you couldn't be proud of who you are or what you have been as an individual, and you lost a lot of your dignity, your pride.

And, in 1931, Vermont had a sterilization law, and it remained until 1973. The effects of the survey were loss of pride, dignity, and loss of heritage. Many students today that are Abenaki either don't know it or they don't know about their heritage, because it has been lost, because of the Eugenics Survey. If someone can't be proud of who they are or who they come from, then how do they expect to show proudness in everything that they do?

Another reason why Abenakis lack the academics is because of courses in teaching at my school, students feel separated and intimidated at school. People are put in certain classes and special groups where they feel that they're not intermingled enough. They don't have the right people to be around them, where they will feel that they fit in with all these topics.

I would like to talk about how we can make things better. There will be core-plus classes next year, which means that our school is trying core-plus classes. Whether you are an honor student or an applied student, you are going to be in the same class. That could start issues with honor students being bored or people being rushed into things.

Mr. Barnett, a teacher at my school, he tries to teach reading and writing in all of his classes. He tries to help students improving the skills that they need in everyday life. And he is one of the many at my school that are trying to change. But I think you need the whole school to help make a difference, or it's not going to—it's not going to have an effect.

Another way that you could make things better is through volunteer work. My family and I help out at a learning center. It is the Abenaki Learning Center in Swanton. Four days a week, we help kids with homework, and we try and help them understand the basics of what they need for when they get into high school. We open kids to Native American arts and crafts, and we do cooking with them.

And I feel that, if you are Abenaki or if you are not, you should know a little about the background of the Abenakis, and try and pass it on to more people. Because, as the years go by, more and more people are forgetting, and they're losing everything.

I feel that these things will help the Abenakis, and even other races of our school. Like I said, you need everybody to work together, not just a few here and there.

I want to thank you for inviting me here to speak on a topic that concerns me greatly. And I think that one day the Abenakis will earn their pride back.

HONORING RON BORSKI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the efforts made by Mr. Ron Borski on behalf of all war veterans of the great State of Colorado. Mr. Borski single-handedly started a campaign to create a veterans memorial in Carbondale, Colorado. After fourteen months of maneuvering his way through the state legislature, he has succeeded in his mission.

A resolution was adopted by the state legislature on April 17, 2001 to rename the Highway 133 Bridge in Carbondale. On Memorial Day, it has become tradition that veterans throw a wreath from the bridge in remembrance of soldiers whose lives were lost in battle. This "Veterans Memorial Bridge," seems an appropriate tribute. Due to Mr. Borski's noble efforts there will be a formal dedication ceremony for the renaming of the bridge on November 11, 2001. A monument will also be dedicated at the Scenic Overlook off of Highway 82, which looks out to the bridge.

Mr. Speaker, this project was the vision of one man who worked tirelessly in the name of all veterans. He undertook this mission on his own and saw it through to the end. I would like to recognize Ron Borski for his commitment to such a worthwhile cause. The State of Colorado and veterans across the country appreciate Ron's contribution.

CHILDREN'S VISION AWARENESS DAY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. MATSUI. Mr. Speaker, I rise today, in honor of Children's Vision Awareness Day. Vision Services Plan, which is headquartered in Sacramento, California, has joined forces with several non-profit organizations to develop the Sight for Students program. This charitable program is designed specifically to help children in need of vital eyecare services. I ask my colleagues to join me in support of Vision Services Plan and their tireless work and determination to bring proper vision care to our nation's underprivileged children.

Whereas, our children represent the future of this great nation and deserve every opportunity to succeed in the classroom, at play and life in general;

Whereas according to the United States Center for Health Statistics, only 14 percent of children in the United States under the age of 6 receive an eye exam;

Whereas vision problems affect one in four school-age children, according to Prevent Blindness America;

Whereas untreated eye problems can affect learning ability, adjustment in school, athletic ability and self-esteem;

Whereas Vision Services Plan which has their headquarters in Sacramento, California has a Sight for Student's Program to help low-income, uninsured children obtain the proper vision care that they so greatly need;

Whereas the Sight for Students program covers the cost of an eye examination and glasses or medically necessary contact lenses as well as vision therapy and treatment.

Whereas numerous community agencies, such as America's Promise, Prevent Blindness America, Head Start, the Boys and Girls Clubs of America and Communities in School, have joined forces with Vision Services Plan to address this issue;

Whereas these many partners have come together to hold vision awareness events across the country on September 26, 2001, National Children's Vision Awareness Day.

Since 1997 Vision Services Plan and the Sight for Students program have provided free eye exams and eyewear to nearly 90,000 children across the nation who would not otherwise have access to these services. I applaud their efforts and I am proud to lend my support to this program.

BILL BRACE HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long and dedicated record of public service of Bill Brace, who is retiring after 31 years of working for the people of Wilkes-Barre, Pennsylvania. He has served as city clerk for 29 years and for five of those years, he has also served as city administrator. He will be honored with a retirement dinner on Sept. 28.

Bill graduated from Kingston High School in 1962 and served in the Army from 1963 to 1966. He joined the City of Wilkes-Barre government as a city license clerk in 1970 and within two years, he had moved up to city clerk, the chief administrative officer for the City Council.

It is a testament to Bill's abilities that he has served under seven different mayors. It also speaks very well of him that in 1996, rather than lose Bill's services as city clerk because incoming Mayor Tom McGroarty wanted him to serve as city administrator, the City Council convinced Bill to serve in both positions. This dual role meant that Bill took on the added responsibility of serving as the chief administrative officer of a city government that employs 425 people.

Bill has also made time for extensive community involvement over the years, including his membership at Veterans of Foreign Wars Wilkes-Barre Post 6227, where he served as commander from 1973 to 1976. He is a past exalted ruler of Elks Wyoming Valley Lodge No. 109, where his fellow members recognized his contributions by naming him Elk of the Year in 1993. He is also founder and chairman of the board of governors of the Killer Bees Athletic Club, a life member of AMVETS Post 59 in Hanover Township, and a member of the North End Slovak Citizens Club, the St. Conrad's Society, and the St. David's Society. He has also served as a board member and officer of the Wilkes-Barre City Employees Credit Union for 30 years.

He has also participated in numerous professional organizations, including the International Institute of Municipal Clerks, the International Municipal Clerks' Advanced Education Academy, the Pennsylvania Local Government Secretaries Association, Pennsylvania League of Cities and Municipalities, National League of Cities and Wyoming Valley Municipal Managers Association.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long and dedicated service of Bill Brace to the people of Wilkes-Barre, and I wish him all the best.

CRIMINAL ALIEN VISA DENIAL ACT OF 2001

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SHAYS. Mr. Speaker, today I am introducing the Criminal Alien Visa Denial Act of 2001 to ensure the State Department and Immigration and Naturalization Service (INS) have access to U.S. criminal databases before they let aliens into the country.

The State Department and INS currently lack the ability to access the FBI's National Criminal Information Center's Interstate Identification Index (NCIC–III) database. That means an alien can come into our country, commit a crime, leave, and get a reentry visa from our State Department or cross the border without being stopped.

There is evidence this has already happened. Between 1998 and 1999, serial killer Angel Maturino Resendiz, the ''Texas Railroad Killer,'' a Mexican with a lengthy criminal record in the United States, was allowed to cross the border because the INS didn't know he had a record. And when he got here, he killed at least six people before his capture. And just last week, we heard unconfirmed reports one of the terrorist hijackers may have been allowed to cross the Canadian border even though he too had a criminal record in the United States.

Strengthening national security, particularly border security, against dispersed but deadly criminals and terrorists requires interagency cooperation and coordination on an unprecedented scale. Data matches between federal agencies today are often the product of good luck and the happenstance of personal relationships. The modern threat demands a more systematic collection and dissemination of the information needed to identify suspects or prevent known criminals from entering the United States.

The gap in data-sharing between Departments is no longer simply a matter of bureaucratic inertia, but a threat to national security.

In 1996, the FBI and State Department issued a joint report recommending the State Department receive limited access to the NCIC–III database so the State Department could better identify aliens with a criminal background in our country and prevent their entry. Nevertheless, for four years this report lay dormant while the Departments could not find a mutually agreeable way to institute their recommendations. The language in this bill should meet with the approval of both the Justice and State Departments.

Last year the House Committee on Government Reform's Subcommittee on National Security, Veterans Affairs, and International Relations, began a series of meetings and briefings to discuss data-sharing. On July 24th of this year, the Subcommittee held a hearing on Federal Interagency Data Sharing and National Security. That hearing taught us effective border security begins with our embassies, where U.S. visas are issued.

CELEBRATING THE 250TH ANNIVERSARY OF CANE CREEK FRIENDS MEETING

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. COBLE. Mr. Speaker, on October 7, 2001, the Sixth District of North Carolina will be celebrating with Cane Creek Friends Meeting its 250th anniversary. The Cane Creek Friends Meeting opened its doors for worship for the first time in 1751, when George Washington was just 19 years old.

The Cane Creek Friends Meeting is a Quaker Church that opened to serve 30 families. These families desired a place to worship near to their homes. It was two women, Abigail Pike and Rachel Wright, with some others, who traveled some 200 miles to the governing body of the Friends in Perquimans, North Carolina, to secure permission for the establishment of the Cane Creek Meeting. As you may have realized, this all happened before our great country had a Constitution or even its first President. Cane Creek Friends Meeting has witnessed every event in our proud history.

During the first 13 years of the Meeting's existence, it was located on a parcel of land, which was a part of the original grant of John Stanfield. Since 1764, Cane Creek Friends Meeting has been located on a 26-acre site donated by William Marshall.

The Meeting's Sesquibicentennial Committee, has planned and carried out several projects to celebrate this remarkable anniversary. Some of these projects include the publication of a pictorial history book, the design and stitching of a heritage quilt, and the construction of a memorial garden at the Meetinghouse.

Cane Creek Friends Meeting places a strong emphasis and takes great pride in its belief regarding the equality of women. Over the years there have been several female ministers, beginning with Abigail Pike in 1751. Furthermore, the Meeting prides itself on the fact that it has conducted many educational programs for children in the area.

Through the years, Quakers have had a very important input into the development of this country. Many elected officials have been Quakers. Indeed, despite the fact that I am a Presbyterian, I went to school at Guildford College in North Carolina, which is a Quaker institution, so Quakers have affected my upbringing and education as well.

On behalf of the Sixth District of North Carolina, I would like to wish Cane Creek Friends Meeting our congratulations on reaching this historic and momentous anniversary. Only a very small number of organizations in this country can claim to have been operating for 250 years. It is a truly remarkable achievement.

HONORING THE FRIENDS OF THE OPERA OF MICHIGAN ON THE OCCASION OF THE INAUGURAL OPERA PERFORMANCE AT THE FORD COMMUNITY AND PERFORMING ARTS CENTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. DINGELL. Mr. Speaker, I rise today to congratulate the Friends of the Opera of Michigan as they celebrate the opening of the city of Dearborn's wonderful new Ford Community and Performing Arts Center. The Friends of the Opera will christen this impressive new facility with its first opera on September 22, 2001. A performance of Verdi's Messa da Requiem has been chosen for this inaugural event. An impressive cast of international artists directed by the Friends of the Opera's own Quinto Milito will showcase their talents to an appreciative audience in Dearborn.

Additionally, a statue of Verdi will be unveiled at the opening. Verdi stands as a monumental figure in Italian opera and his compositions are greatly admired by the large Italian-American population in Dearborn, the communities of Downriver and throughout metropolitan Detroit. We are blessed to have such a fine facility and such extraordinary talent available to us here in Dearborn.

I am pleased to extend my best wishes to the Friends of the Opera of Michigan and to the Ford Community and Performing Arts Center for many years of beautiful performances.

SERMON BY PASTOR CAROL CUSTEAD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SHUSTER. Mr. Speaker, I rise today to bring this great chamber's attention to a sermon I recently heard at Zion Lutheran Church in Hollidaysburg, Pennsylvania. I fully believe that there is a message in the sermon for all of us to learn. There are many people across the United States of American who are continuing to deal with the effects of the recent deadly terrorist attack on the World Trade Center and the Pentagon. I believe this sermon may help those people deal with this tragedy.

THINGS TO KEEP IN MIND

(By Pastor Carol Custead)

The scene is etched in our minds. It entered over our television screens in the safety and comfort of our homes, schools, and places of work; and it left us feeling vulnerable and shaken. The scene seemed surreal: a beautiful blue September sky over Manhattan, those magnificent human-made towers of the World Trade Center gleaming in the sunshine, with a jet airliner in the background—and then, suddenly we realized that that airplane was headed right for the towers at full speed. It struck with explosive force which ultimately toppled the tower with its thousands of innocent people in a cloud of dust on the floor of lower Manhattan. At first it looked like Hollywood's special effects at work on our screens. But soon the reality of this horrific scene sunk deeply into the American collective consciousness—indeed into the world's: America was under attack!

Those headlines Tuesday morning were so unbelievable. For those who lived through Pearl Harbor the headlines, and the feelings that accompanied them, brought back memories of December 7, 1941. For those younger who have never experienced an attack on our great and powerful nation, it left us feeling helpless, frightened and confused like never before.

What do we make of these things? So much has been said and written these past few days in an attempt to answer that question. I add my preacher's words in these short minutes to suggest a few spiritual things to keep in mind in the aftermath, and as we bravely face an uncertain future together.

First, God is still good. These terrible acts of terrorism are in no way a part of God's plan. They are not God's will. What we have seen in the acts is that radical evil exists. Let me quote a basic definition of evil, which I have found to be helpful. ''Evil is anything that twists, blurs or destroys the goodness of God in His creation''. I repeat: Evil is anything that twists, blurs or destroys the goodness of God in His creation. God is good, and God's good will is ultimately accomplished, but that does not mean that everything that happens in this world is God's will. Evil runs its course in opposition to God's will.

We can illustrate this in this way. Picture a stream running its course down the mountain and into the ocean. Someone could try to stop that stream from coming down the mountain. They might take some large rocks and build a dam across the course of the stream. But we know what would happen. The water would simply be diverted and find another way down the mountain. It will get to the ocean one way or another. So it is with God's will. We human beings can obstruct God's plan, intentionally or unknowingly, but it will ultimately reach its goal.

We saw the face of evil on Tuesday. There are evil people in this world. The hijackers were trained to be killer pilots and indoctrinated with fanaticism—with an extremely twisted understanding of God's will which made them embrace mass murder and suicide, believing it to be a part of God's plan. Make no mistake: this is not what traditional Islam teaches. The Islamic or Muslim faith does not condone violence or suicide. These Islamic extremists are very sick people who have twisted their religion—we should keep in mind that the strong majority of Muslims are good people who seek to do God's will within a moral code shared by Muslims, Christians, and Jews alike.

Yes, we have seen radical evil at work this week, but goodness exists even more strongly. God is still good, and the goodness of God will ultimately prevail.

Second, God is still in control. Part of what is so frightening in all this is that sense of helplessness, that sense that we have lost control. While evil seems to have struck a huge blow we need to keep in mind that God is at work healing and restoring goodness and order to our world. This can be seen through the many actions of good people following the attacks. Even though the scenes of horror have been etched into our minds, so have the countless scenes of heroism, bravery, mercy, kindness, compassion and goodness as the American people and people across the world have come to the aid of those directly affected. We must keep these scenes before us and remember them. We must dwell on the goodness and not on the evil so that evil will not win the day. Look at all the good things that God is still working even in the midst of this enormous tragedy. The world community is coming together in a common bond against the evil. The people of this huge nation are coming together like a close knit family to face the task of grieving and healing and getting on with our lives, knowing that if we stop living because this happened then we give the terrorists what they wanted. The words of encouragement from the people of Oklahoma City to the people of New York and Washington D.C. were well stated: ''Have hope. Life and goodness will return.'' Yes, God is still in control.

Third, God is still our God. God is not some remote force out there that leaves us on our own in this desperate and broken world. He calls and gathers us into communities of faith where we can seek mutual comfort, assurance, and guidance. This week more than ever we can see why religion is not a private matter. We need these communities of faith. We need each other especially at times like this and God has not left us alone. We have the good resources of our faith—the faith that has been passed down by countless generations that have faced adversity. As the psalmist has written long ago, ''God is our refuge and strength, a very present help in trouble . . . The Lord of hosts is with us, the God of Jacob is our stronghold.'' (Psalm 46)

Finally, let me shift gears to answer a question that has been asked of both Pastor Scott and me this week. ''Would it be the Christian response to retaliate?'' While pacifistic Christians may answer ''no''; our answer is deeply steeped in the theology of Martin Luther—and St. Augustine and others before him. It is the God-given vocation of good government to maintain order, peace, and safety so that civilization can function. Civilized society is based upon the free movement and gathering of people for work, for school, and for the basic production and exchange of goods and services. Terrorism undermines the basic function of civilization—the free and safe movement and gathering of people for these purposes. The nations of this world do need to hold accountable and responsible those governments that allow these terrorists to function.

A look back in history makes this clear. When the Roman Empire fell, and when the Empire was no longer able to provide for the safe movement and gathering of people; the economy, education, and culture collapsed. Then, what we now call the ''Dark Ages'' began—that period when Barbarians ruled the forests and no one was safe to leave their homes.

Another example: What if some one was wandering the streets of this town and randomly shooting and killing innocent people? Would we not need the police to act to put an end to that so that we could safely leave our homes and go about our business again?

The situation we face in our world today is much the same only on a much larger scale. More than ever, today we exist in a global community or a global society. This means that all governments must participate in fulfilling the basic function of government—that is to maintain the peace and order needed for civilization to function for the common good of all people. That is their God-given calling.

The nations of this world will need to come together to take action as best we can against this new illusive enemy of terrorism that has attacked not only America but all of the civilized world. We must act not for the sake of vengeance or retribution, but for the sake of restoring safety, order and peace to our world. The very core of civilization has been threatened this week. The Christian response is not one of vengeance and retribution but one that will best restore order to our world—and that may only be possible in this broken world through military action. It is time for us to band together to pray earnestly for clarity in this matter by our nation's leaders, by all responsible and civilized national leaders of this world, and by the military. God help us! Amen.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2586) 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:

Ms. SANCHEZ. Mr. Chairman, on September 20, 2001, during debate on the Defense Authorization bill for fiscal year 2002, H.R. 2586, I entered into a colloquy with Representative SKELTON regarding the Marine Corps Air Station Tustin. I have attached related correspondence between myself and the Department of the Navy which was inadvertently left out of the RECORD.

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 2001.

Hon. DUNCAN HOLADAY,
Deputy Assistant Secretary, Installations and Facilities, Department of the Navy, Washington, DC.

DEAR SECRETARY HOLADAY: When you met with me and representatives of the Santa Ana Unified School District in my office on

March 20, 2001 to discuss the Base Reuse Plan for Marine Corps Air Station (MCAS) Tustin, we discussed the local resolution of the City of Tustin's failure to include public benefit conveyances to Santa Ana Unified and Rancho Santiago Community College District in its Base Reuse Plan. You assured me then, and in your follow-up letter dated March 26, 2001, that the Department of Navy would not convey MCAS property until the parties concerned come to an agreement on the allocation of land.

We also discussed the possibility that, in implementing any such agreement, the Record of Decision (ROD) for the Base Reuse Plan may be required to be amended, to substitute a public benefit conveyance to the Districts in place of commercial development, or otherwise to accommodate a compromise among the City and the Districts. You stated in our meeting that such an amendment to the ROD would not create a significant problem for the Department of Navy. Furthermore, you stated that such a change may not even require an amendment to the ROD, but that if an amendment were required, that the Department of Navy could approve such an amendment to the ROD expeditiously and without undue delay.

Could you please affirm these statements to me by way of a short confirming letter. I would appreciate hearing from you by August 3rd, 2001. Thank you very much.

Sincerely,

LORETTA SANCHEZ,
Member of Congress.

DEPARTMENT OF THE NAVY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, August 3, 2001.

Hon. LORETTA SANCHEZ,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN SANCHEZ: Thank you for your letter of July 19, 2001, regarding the need for local resolution of the reuse-related issues concerning the conveyance of Marine Corps Air Station Tustin to the Local Reuse Authority, the City of Tustin.

As you requested, I am re-affirming the statement I made to you in my letter of 26 March: The resolution of the issues surrounding conveyance of MCAS Tustin property for educational needs is critical to any conveyance decision. This is why the Navy continues to encourage a local agreement addressing all requests for property for these requirements. The lack of an agreement on educational transfers seriously complicates any Navy decision to convey MCAS Tustin property.

Regarding the Record of Decision (ROD), we continue to believe that the final resolution of the issues between the City of Tustin and the Santa Ana Unified School District can be accommodated within the ROD as presently configured. If the two sides reach a solution that would materially affect the ROD, then Navy would have to reevaluate the issue.

As always, if I can be of any further assistance, please let me know.

Sincerely,

DUNCAN HOLADAY,
Deputy Assistant Secretary,
(Installations and Facilities).

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 7, 2001.

Hon. DUNCAN HOLADAY,
Deputy Assistant Secretary of Defense, Installations and Facilities, Department of the Navy, Washington, DC.

DEAR SECRETARY HOLADAY: Thank you for your letter of 3 August 2001 reaffirming that the Navy will not convey any Tustin MCAS property until the parties concerned come to an agreement on the allocation of land. I appreciate your prompt and helpful response. I write to again seek your assistance on another matter, directly relating to the Record of Decision (ROD).

In our meeting of 20 March 2001, you indicated to me that the following two potential compromise solutions to the impasse between the City of Tustin and the Santa Ana Unified/Rancho Santiago Community College District would not require an amendment to the ROD. Or, if an amendment would be necessary, that it could be approved expeditiously.

(1) A compromise involving swapping the zoning of approximately 40 acres of commercially-designated land within the Districts' boundaries for 40 acres of educationally-designated land within the ''Learning Village.''

(2) The re-designation of approximately 100 acres of commercially-designated property within the Districts' boundaries to educational uses.

Your written confirmation of this would be very helpful relative to negotiations between the parties at this juncture and, for that reason, I ask that you please respond to my inquiry no later than August 14, 2001. Thank you, again, for your continued assistance with this difficult matter, and for your timely attention to this further request.

Sincerely,

LORETTA SANCHEZ,
Member of Congress.

DEPARTMENT OF THE NAVY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, August 14, 2001.

Representative LORETTA SANCHEZ,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SANCHEZ: Thank you for your letter of August 7 inquiring about the Department of the Navy's Record of Decision (ROD) regarding MCAS Tustin.

Let me assure you that the Department's principal interest is that the parties directly involved—the City of Tustin, the Santa Ana Unified School District, and Rancho Santiago Community College—reach an agreement rapidly on how to allocate the land so that we may begin to transfer the property.

The potential effect of an agreement on the ROD should not stand in the way of the negotiations. The Department is prepared to work with you and the parties directly involved if doing so would help answer questions or resolve issues associated with any proposals being considered.

We will review any agreement to determine whether we need to amend the ROD; if that proves necessary, we will do so expeditiously. If I may be of further assistance, please let me know.

DUNCAN HOLADAY,
Deputy Assistant Secretary,
(Installations and Facilities).

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during yesterday's roll call votes on H.R. 717, the Duchenne Muscular Dystrophy CARE Act, and H.J. Res. 65, making continuing appropriations for the 2002 fiscal year.

Had I been present, I would have voted in favor of both H.R. 717 and H.J. Res. 65.

HONORING THE STAFF OF THE OREGON FARM SERVICE AGENCY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize the extraordinary efforts of the Oregon Farm Service Agency staff as they assist the farmers of the Klamath Basin in dealing with the crisis that arose earlier this year from the denial of irrigation water by the federal government.

In April of this year the Bureau of Reclamation announced that, based on biological opinions rendered by the National Marine Fisheries Service and U.S. Fish and Wildlife Service, the farmers of the Klamath Basin would be denied irrigation water for agriculture from Upper Klamath Lake. This decision, coupled with a severe drought in the region, has subjected local farmers to extreme financial hardship. The devastating combination of drought and poor management decisions by the federal government has literally put the future of their way of life in doubt, as farming as it has existed in the Basin for over 100 years has virtually ceased.

Long before the full impact of this decision upon Klamath Basin farmers was understood, the Oregon Farm Service Agency was hard at work in delivering relief, guidance, and information to those affected. State Executive Director Larry Frey was in touch with my office almost immediately. He and his exceptionally competent staff made themselves available at any time, day or night, to keep me informed. They worked tirelessly to identify federal programs to help the farmers survive this season.

Mr. Speaker, on July 20, 2001, the Congress passed a partial relief measure of $20 million to be disbursed to the devastated Klamath Basin farmers. The Klamath County office of the Oregon Farm Service Agency is now in the process of signing up farmers for that relief. Manning their offices in Klamath Falls from before dawn until late into the evening, they are dispatching the requests for relief quickly and efficiently. This is just the latest effort in a long-standing record of outstanding service to farmers by the Klamath Falls office, which is headed by County Executive Director Denise Martin. Denise's unflagging efforts serve as an inspiring example of a federal employee going the extra mile to meet the needs of her clients with compassion and professionalism.

Denise Martin would be the first to tell you that she has not delivered this tremendous service alone. Indeed, she has been assisted by a staff whose effectiveness is matched only by its dedication to the farmers of the Basin. Throughout this crisis she has relied heavily on fellow professionals Harvey Bush, Josh Hanning, and Kristen Bingaman. Additionally, the efforts of Anna Flemming, Linda Watson, Lindsay Miles, Dorothy Scull, and Rowena Chase have been invaluable to the operations of the Klamath Falls Office.

An effort of this magnitude, which has entailed many weeks of 13-hour days, could not proceed as smoothly as it has without the help of Farm Service Agency staff members brought in from all over the State of Oregon. These talented and committed individuals assisting the Klamath Falls office are: Lois Loop,

Janice Knutz, Linda Miller, Kelsey Hanning, Toni Williams, Ilene Berry, Patti Anderson, Charley Newhouse, Alycia McCord, Marty Hamilton, Bret Harris, and Lee Go.

Delivering these urgently needed funds to Klamath Basin farmers in a fair, accurate, and efficient manner is a monumental task. What makes this effort even more remarkable is the fact that the program for disbursing the funds, designed by State Office Specialist Fred Ringer, does not require one dime in administrative fees for the Farm Service Agency.

Mr. Speaker, we should all take pride in this selfless group of federal workers whose tireless efforts have made the difference between despair and hope for so many of the farmers in the Klamath Basin. They truly represent the best of what our government stands for. Their hearts are guided by compassion and they have the personal commitment to do their job to the fullest, regardless of the extreme effort required. I offer them both my praise and my most sincere gratitude for caring for the farmers in the Klamath Basin who have faced such significant trials.

Many hurdles remain in the path of Klamath farmers, and I am delighted that the Oregon Farm Service Agency will be working with us throughout the challenges that lie ahead.

TRIBUTE TO MARTIN STEWART NIEDERER

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Martin Stewart Niederer.

Martin Niederer was young, he was a hard worker, a loyal citizen, and represented the bright, young future of America—the next generation. Martin's life was robbed from him, and from us, by the hand of terrorists—radical extremists, seeking to rule the world by instilling fear and spreading hatred. Henrico, and indeed the entire Richmond area, has experienced a great loss. Our entire community mourn along with Martin Niederer's parents and his loved ones.

On Tuesday, September 11, 2001, a precious life was ripped from our midst. Martin Niederer forged his way as a leader—in his case, a leader in the center of the world's economic capital. Sadly, Martin Niederer reported for work on September 11, as he always did, to Cantor Fitzgerald at the World Trade Center—only on that day, America was to become victim to a set of horrific terrorist atrocities. Martin was conducting the nation's economic business, when he and the World Trade Center were attacked.

Because Mr. Niederer lived as a symbol of American greatness and success, he was attacked. Not because he, as an individual, was hated, but because he stood with his colleagues as a symbol of America's prosperity and our democracy. We owe Martin Niederer for paying our price for freedom. We must forever honor his memory. Mr. Niederer's memory will be honored as America secures its future, fights against a maniacal hatred of freedom and human rights, and continues to demonstrate strength.

AMERICAN HEROES AT PENTAGON FROM BAKERSFIELD AND KERN COUNTY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. THOMAS. Mr. Speaker, I rise to acknowledge the real contributions of many individuals from California's 21st District to the relief effort because of the horrible tragedy on September 11, 2001. I am continually encouraged by the courageous and unselfish acts of our communities.

Yesterday, I visited a group of American heroes at the Pentagon. Over the past two weeks, a tireless and dedicated crew of II firefighters and Forest Service personnel from Bakersfield and Kem County in California has helped with the rescue and cleanup efforts at the Pentagon. Facing, long days of work in a stressful environment, they kept their resolve. The display of internal fortitude by these heroes serves as a great example of generosity and selflessness.

Soon, this talented and brave group returns home, and I would like to express my appreciation to Steve Gage, Kevin Harper, Nick Dunn, Ken Stevens, Bob Klinoff, Bob Lechtreck, Dean Clason, Pat Caprioli, Steve Shoemaker, Jim Scritchfield, and Dan Kleinman for all their hard work in assisting with the rescue and recovery efforts at the Pentagon. I would also like to thank their families for the sacrifices they also endured during these uncertain times.

I am extremely proud of these firefighters and our communities for the compassion shown to the victims of this horrific act of terrorism. The blood, sweat, and tears shed throughout our history in the quest for life, liberty, and pursuit of happiness have never been in vain. That is why I am certain the American people will rise to the occasion and triumph in these most trying of times. Together, there are no difficulties we cannot overcome as the greatest example of freedom and democracy in the world.

THE SAFE SKIES ACT OF 2001

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. CRENSHAW. Mr. Speaker, by now we are all aware of the events that took place on September 11th and the many actions that took place before the tragedy. One circumstance that I found troubling was many of the terrorists at the controls of the commercial airliners used in the attacks received training in our own flight training schools.

The United States attracts men and women from throughout the world looking to acquire the skills needed to pilot an aircraft. There are several factors that make the United States an ideal place to receive flight training: it is inexpensive to rent aircraft, fuel is reasonably priced, landing fees are nonexistent, and it is quick and easy to be accepted for flight training.

We have now witnessed firsthand the destruction that can be wrought when the skills acquired in our flight training schools are used for evil purposes. Currently, The Federal Aviation Administration does not require a background check of any type for individuals seeking civilian instruction to fly an airplane or helicopter in our nations' skies.

In order to close this loophole, I have introduced the Safe Skies Act of 2001, which will require background checks of all those seeking civilian instruction to fly airplanes or helicopters. It is my hope that we can stop international and domestic terrorist groups from using innocent and necessary skills for purposes other than innocence and necessity. Mr. Speaker, I realize not all terrorist organizations are those that infiltrate our borders from the outside, but also threaten us domestically. For that reason, we must ensure that the best information from the FBI and CIA is used to comb all civilian aviation applicants' history for criminal activity, espionage, or links to terrorist organizations.

The skies over this great land belong to its hard-working, law-abiding citizens. Let's help ensure that it stays in their hands.

RECOGNIZING THE CIVILIAN CONSERVATION CORPS AND NATIONAL PUBLIC LANDS DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. GEKAS. Mr. Speaker, I rise today to recognize and honor the Civilian Conservation Corps on the occurrence of their upcoming 60th anniversary. This Saturday, ceremonies around the country will commemorate the work and sacrifice of the members of the Civilian Conservation Corps, these unsung heroes who built over 800 of America's national and state parks. In addition to these ceremonies, volunteers will work to restore original CCC projects. The achievements and contributions of the CCC to our nation are still being realized nearly sixty years after the program ended. I also would like to recognize the efforts of thousands of volunteers who will donate their time on Saturday, September 29, 2001. These volunteers, participating in National Public Lands Day, will put in a day of real work on projects ranging from trail construction and repair to habitat restoration and making public lands more accessible for disabled visitors. In short, the volunteers participating in National Public Lands Day will work on projects much like the projects that the Civilian Conservation Corps completed so many years ago. I express my deep gratitude to the volunteers and to the men who made up the CCC.

Following the stock market crash of 1929, the United States, and the entire world, slid into depression. Banks failed, loans and mortgages were foreclosed, unemployment soared as factories closed their doors, farms were abandoned and bread lines grew in cities. In 1933, to help get men out of bread lines and back to work, newly elected President Franklin D. Roosevelt engineered the passage of legislative measures which created government work programs designed to lift the country out of the Depression. One of these programs was the Civilian Conservation Corps.

The CCC would work in every state as well as in Alaska, Hawaii, Puerto Rico and the Virgin Islands. Although one of the most recognizable and remembered CCC projects is Skyline Drive, in Virginia's Blue Ridge Mountains, the CCC's roots are planted firmly in the Commonwealth of Pennsylvania. The CCC was based on a program that was already put in place by Pennsylvania Governor Gifford Pinchot. Pinchot, a Yale graduate who went to France and became recognized as the first American trained in forestry, served as Governor from 1923 until 1927 and again from 1931 to 1935. The work camps that he created throughout the Commonwealth are credited with building 20,000 miles of paved roads. Governor Pinchot's work camps would become the model for President Roosevelt's CCC. Because of Governor Pinchot's early leadership, Pennsylvania would have 113 CCC camps, second only to California. A total of 194,000 Pennsylvania citizens served in the CCC nationwide. The CCC transformed the forests and natural areas of Pennsylvania and greatly enhanced the Pennsylvania Bureau of State Parks.

The CCC, officially formed in 1933, would instill a unique blend of military-style discipline and social responsibility in every man that served. From 1933 until 1942 millions of men, mostly youths but also World War I veterans and some skilled laborers, gathered to complete civil engineering projects for a mere thirty dollars a month, twenty-five of which was sent back home to their families. This work would not only earn them money to help their families through hard times but would teach them the value of their labor and challenge their minds. Upon introduction to the CCC the men would be given military-style physicals and then transported to Army training camps where they would be subject to a basic training and orientation program conducted by military personnel. From there they would be transported to the CCC district where they were assigned. Aside from the strong military presence there were also civilian teachers and ministers that would teach the men more useful skills that they would use throughout their lives.

Mr. Speaker, it is clear that the CCC had a great impact not only on the lives of its members but on the country as a whole. It was a program that put men to work building roads, walls, bridges, parks and countless other projects at a time when other nations put their populations, equally touched by depression, into work building bombs, planes and tanks. The same bombs, planes and tanks that former CCC men would face in Europe and the Pacific. The CCC worked to pull the nation out of depression but it also unified the country for the trying times to come.

I urge every American to take the opportunity to find out about the CCC. Use the internet to look up the accomplishments of the CCC or take a trip to the Allegheny National Forest, Gifford Pinchot National Forest, Skyline Drive, the Appalachian Trail, the Pacific Crest Trail or any of the thousands of CCC sites to see the results of their commitment. Most importantly, seek out a person who served in the CCC. There are fewer every year and the knowledge and wisdom they posses is invaluable. Mr. Speaker, let us all recognize the CCC and its men for their contributions, and also recognize the volunteers of National Public Lands Day who are working to bring the accomplishments of the CCC to light.

TRIBUTE TO COLONEL EDWARD C. GRUETZEMACHER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SKELTON. Mr. Speaker, let me take this opportunity to speak of the recent retirement of Colonel Ed Gruetzemacher, 1107th Aviation, Classification and Repair Activity Depot commander, Missouri National Guard. Colonel Gruetzemacher retired after over 30 years of service to the United States military. He has distinguished himself, the military and our nation with dedicated service.

Colonel Gruetzemacher began his career in 1967 when he was drafted into the U.S. Army. After basic training, Colonel Gruetzemacher was selected for officer training school and then flight school. Upon completion of flight school, Colonel Gruetzemacher flew COBRA helicopters in the 1st Squadron, 9th Cavalry, the same unit his father served in years earlier. After service in Vietnam, Colonel Gruetzemacher was assigned to Fort Knox, Kentucky, where he deployed an attack helicopter company to Europe for restationing.

In 1974 Colonel Gruetzemacher joined the Missouri National Guard as deputy at the Transportation Aircraft Repair Shop, now known as the 1107th AVCRAD. During his 27 years in the Missouri National Guard Colonel Gruetzemacher has served in the 142nd Transportation Battalion, the 1107th AVCRAD, the 635th Aviation Group and the State Aviation Office.

Mr. Speaker, Colonel Gruetzemacher has dedicated 34 years of his life to the military, serving with honor and distinction. As he prepares to spend more time with his wife Jean and daughter Eve, I know the Members of the House will join me in wishing him all the best in his retirement.

TRIBUTE TO MARGARET ANSLEY OF SAN BERNARDINO, CALIFORNIA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. BACA. Mr. Speaker, it is with great joy and personal pride that I give tribute to a great American, Margaret E. Ansley of San Bernardino, California on the occasion of her 100th birthday.

The history of one person can be a deep sea of history, as is the case with Margaret. Margaret was born in 1901 Norwalk, Connecticut. The daughter of Hungarian immigrants, Margaret grew up in Connecticut and moved to San Bernardino, California in 1926 with her husband Alex. Like many others of that simpler and more dedicated time, she commuted to work from Connecticut to New York City everyday. When she moved to California, Margaret and her sister Anne ran a grocery store in San Bernardino next to the Santa Fe Railroad. Unfortunately, in 1933 her husband Alex passed away from tuberculosis, but she remarried in 1936 to Howard Ansley. Together Margaret and Howard bought some land in Bloomington to grow grapefruits and raise a family. Since then, she has been a loving wife, active member of her parish, and a good citizen. Margaret and I attend Saint Catherine of Sienna Catholic Church on Sundays. I've gotten to know this wonderful lady over the years and I can say without a doubt, Margaret is one of the most decent and fine examples of our community.

Margaret lives in the Inland Empire to this day. She is an active and distinguished California resident that has brought credit and distinction to her family. It is because of her legacy of commitment to our region and the value of hard work that she has demonstrated every day of her life, that I pay homage and tribute to this wonderful woman.

EXPRESSING APPRECIATION TO JONATHAN Y. THOMAS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. HORN. Mr. Speaker, I rise today to pay tribute to Jonathan Y. Thomas, a former member of the Los Angeles Board of Harbor Commissioners and the Alameda Corridor Transportation Authority Governing Board.

Between 1994 and 2001, Mr. Thomas provided seven years of distinguished public service as a Port of Los Angeles representative to the public agency undertaking the Alameda Corridor, a rail cargo expressway critical to speed the movement of goods from the Ports of Los Angeles and Long Beach into the stream of commerce. At the time, the Corridor needed to develop a financing package, and given Mr. Thomas' well-known expertise in public finance, he was appointed to the Governing Board specifically to develop the financing concepts to underpin the Corridor.

Utilizing his expertise, Mr. Thomas has played a vital role in developing a unique financing package for the Alameda Corridor. In fact, this package has become a model for other major public works projects across the country. Mr. Thomas was also instrumental in generating political support for the project when it was little more than a concept.

This body identified the Alameda Corridor as ''a project of national significance'' in 1995. The Ports of Long Beach and Los Angeles comprise our nation's busiest port complex, and cargo volumes are projected to triple by the year 2020. The Alameda Corridor will link the ports to the transcontinental rail yards near downtown Los Angeles, creating a more efficient and timely way to distribute cargo into the stream of commerce, thus allowing our ports and our mainstream economy to maintain competitive advantages.

It is a testament to the distinguished service of Jonathan Y. Thomas that the Alameda Corridor is now in full-scale construction, on budget and on schedule to open in April, 2002.

We owe a debt of gratitude for his dedicated service.

TRIBUTE TO EARL MIDDLETON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Earl Middleton of South

Carolina, who was recently named Orangeburg South Carolina's Citizen of the Year. Mr. Middleton is recognized for his noteworthy contributions to the community as a successful realtor, businessman, political history-maker, and respected citizen of South Carolina.

Along with having served the country during World War II as one of the Tuskegee Airmen, Mr. Middleton has displayed incredible service to his church and college. After returning to his hometown after his service during World War II, Mr. Middleton embarked on a career in business and politics. His hope was that through his career he could overcome the social inequalities that faced him as an African American during that time.

In 1974, he became the first African-American to represent Orangeburg County in the South Carolina State House of Representatives since the Post Reconstruction Era. He would go on to serve in the legislature for 10 years.

Mr. Middleton worked as a barber and an insurance salesperson while contributing his time and effort toward various social causes and political campaigns. Later, his business grew to include real estate sales. In 1985 his real estate business, Middleton Agency, would grow to include a franchise of Coldwell Banker, becoming its first black-owned affiliate. Honorably, Mr. Middleton accepted an invitation to serve on the governing committee of Middleton Place, a plantation near Charleston, South Carolina where his great grandfather had been held in servitude before the Civil War.

Mr. Middleton is a life member of the NAACP. He has served on the trustee board of The Methodist Home, the mayor's and the governor's commission on employment of the handicapped and the Salvation Army board. His many awards include: being named to the Claflin University Hall of Fame and becoming a recipient of the Edisto Award.

Mr. Speaker, I ask you and my colleagues to join me today in honoring my good friend and confidant, Earl Middleton for the dedicated service he has provided to the citizens of South Carolina and the noteworthy contributions he has made in the real estate business. I sincerely thank Mr. Middleton for his service to the country and to the state. I congratulate him on his recent recognition as Orangeburg's Citizen of the Year and truly wish him good luck and Godspeed in all of his future endeavors.

TRIBUTE TO LISTON RAMSEY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to honor the memory of the Honorable Liston B. Ramsey, a resident of the Eleventh Congressional District of North Carolina, who died on September 2, 2001.

Rep. Ramsey served nineteen terms as a Democrat in the North Carolina State House of Representatives, including an unprecedented eight years as Speaker of the House. Liston Ramsey put Western North Carolina on the political map and used his influence in the legislature, for the benefit of his constituents.

Rep. Liston Ramsey was first elected to the legislature from Madison County in 1961. In those days, before the interstate highway system served our region, legislators from Western North Carolina faced an eight-hour drive from the mountains across the state to Raleigh. Liston Ramsey faithfully made that trip for years in order to be a voice and a force for the mountain region.

In rankings by the North Carolina Center for Public Policy Research, Rep. Ramsey consistently ranked as one of the most powerful legislators in the state. Ramsey ranked as the most powerful lawmaker during his four terms as speaker, was eleventh in 1989, twelfth in 1991, ninth in 1993, twenty-third in 1995, and nineteenth in 1997.

Among projects that Rep. Ramsey played a key role in funding for Western North Carolina were: Haywood Community College; Southwestern Community College; Western Carolina University; UNC-Asheville; the North Carolina Arboretum; the Western North Carolina Farmers' Market; and countless roads.

I know all my colleagues join me in expressing condolences to his family members: daughter Martha Louise and her husband, Robert Donald Banks of Marshall; two sisters, Marie Prichard and Grace Castelloe, both of Asheville; one stepsister, Edna Sprinkle of Asheville.

HONORING CALIFORNIA RESTAURANT ASSOCIATION'S 2001 DIAMOND CUISINE AWARD WINNERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor and congratulate Tom and Doris Chester, Lloyd and Leona Beiderwell, and Kenny and Myrna Hook for being the recipients of the Central Valley Chapter of the California Restaurant Association's 2001 Diamond Award.

In 1946, Lloyd and Leona Beiderwell opened a Foster's Freeze restaurant in Visalia, California. Today, 55 years later, the Beiderwells are still serving food at Foster's Freeze to their friends and neighbors in Visalia.

Tom and Doris Chester have owned and operated the Wagon Wheel Steak House in Visalia since 1975. In 1984, the Chesters expanded their business and began growing oranges. Most recently, the Chesters added a pizza operation to their restaurant.

Estrada's Spanish Kitchen was a Visalia landmark from the time it opened, in 1912, until its closing eighty years later, in 1992. Kenny and Myrna Hook were an integral part of Estrada Kitchen's long tradition of service and unique cuisine. The Hooks, along with numerous other members of their extended family, worked at Estrada's Spanish Kitchen for 34 years.

I am pleased to take this opportunity to congratulate Kenny and Myrna Hook, Tom and Doris Chester, and Lloyd and Leona Beiderwell on their receipt of the California Restaurant Association's 2001 Diamond Award. Furthermore, I would like to thank them for their hardwork and dedication to providing quality food and outstanding customer service to the people of California's Central Valley.

CONGRESSMAN KILDEE HONORS LORRAINE STONE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. KILDEE. Mr. Speaker, I rise today and ask my colleagues to join me in honoring a woman who has been a loyal friend and a tireless advocate of America's workers. On September 26, Lorraine Stone will celebrate 33 years and one month with the United Auto Workers. In appreciation for her long dedication, the next day, Ms. Stone will be the guest of honor at a retirement celebration organized by both family and friends.

Lorraine began working for the International Union, UAW Region 1-C Office, on August 26, 1968, in Owosso, Michigan. In 1973, she was transferred to the Lansing Sub Regional Office until 1980, where she then returned to the Flint Regional Office, where she has remained to this day. Over three decades, Lorraine has been a vital component to Region 1-C, helping to establish a solid foundation for the progress of America's labor movement, and a better way of life for autoworkers everywhere. She has worked under several Directors and International Representatives, and has worked as Secretary to the Educational Director and Secretary to the Assistant Director, the position she has held since 1998.

Lorraine's work with the UAW extends outside the office as well. She has been an important part of the Region I-C Bowling Tournament for 29 years, and an organizer of the annual Sit Downers Dinner for 15 years. She has served as Chairperson of the Sam Duncan Scholarship Committee and as a member of the Fred Meyers Scholarship Board of Trustees. Earlier this year, Lorraine was selected as one of Region I-C's three Corporate Women of Achievement.

As a Member of Professional Secretaries International for more than 25 years, Lorraine has helped represent clerical workers throughout the state. She has held several executive positions within the organization, and in 1986 was recognized for her stellar contributions by being selected Secretary of the Year.

Mr. Speaker, we in Genesee County have been extremely fortunate to have someone like Lorraine Stone live in our community. Lorraine believes that the UAW must play a role in the larger communitv and I am appreciative for efforts in making a positive impact in the fields of scholarship and community activism. As we in Michigan are proud of our reputation as the automotive capital of the world, we are as equally proud and grateful for the men and women who day in and day out work to provide these quality products and bolster our pride. Lorraine Stone is one of those people. I ask my colleagues to join me in wishing Lorraine, her husband Harold, and their family, all the best.

A TRIBUTE TO JOHN NEECE

HON. MICHAEL M. HONDA

OF CALIFORNIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

HON. ANNA G. ESHOO

OF CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. HONDA. Mr. Speaker, today I join with my colleagues, Representatives STARK, ESHOO, FARR, and LOFGREN in honoring the retirement of a dedicated public servant, John Neece. John's retirement as Chief Executive Officer of the Santa Clara and San Benito Counties Building and Construction Trades Council ends 21 years of exemplary service to his community.

A native of San Jose, California, John Neece attended Lowell Elementary and Roosevelt Junior High, and graduated from San Jose High in 1962. After becoming a member of the Ironworker's Apprenticeship Program, John went on to join the Santa Clara and San Benito Building and Construction Trades Council in 1979. John became the youngest Chief Executive Officer of any council in the State, as well as the youngest delegate from the State of California to the International Iron Workers.

Through John Neece's visionary leadership, the Building and Construction Trades Council became the important organization that it is today: a source of strong advocacy for workers and labor. A former ironworker himself, John utilized his insight, energy and vision to become the Trades business agent. As an organizer and a leader, John has been successful in creating growth in the union movement and cooperation with other local unions and developers. His efforts made the Trades Council a crucial force within the Bay Area.

However, John Neece's service has not been limited to the building and construction industry. John has participated in various community programs in Santa Clara County and volunteered his time on numerous boards throughout Silicon Valley. John is an Executive Board Member and Second Vice President of the South Bay AFL–CIO Labor Council, and serves on the Board of several agencies such as the Valley Medical Center Foundation and the Joint Venture Silicon Valley Board and Visioning Council. John has also served in the past on the Boards of the Red Cross Capital Campaign Committee and the Red Cross Disaster Relief Program.

Mr. Speaker, John Neece leaves behind a life-long legacy of excellence and professionalism. It has been a great pleasure for my fellow Members and I to work with him, and it is an honor to be able to pay tribute to him here. John Neece has been a great friend to us all, and we wish him well.

ON THE INTRODUCTION OF THE RAIL INFRASTRUCTURE DEVELOPMENT AND EXPANSION ACT FOR THE 21st CENTURY (''RIDE–21'')

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. YOUNG of Alaska. Mr. Speaker, Today, I introduce the Rail Infrastructure Development and Expansion Act for the 21st Century. RIDE–21 is the first truly workable proposal for developing high-speed passenger rail infrastructure in the United States.

As Chairman of the Transportation and Infrastructure Committee I have made easing congestion on the ground, in the air and on the water the top priority this Congress. I believe that construction of a true high-speed passenger rail system in the United States is an integral piece of that solution.

The United States needs safe and efficient high-speed rail, whether it is steel wheel or magnetic levitation. It will help reduce congestion on America's highways and air lanes by connecting urban centers. It will also provide the traveling public more options.

The tragedies of September 11, and the resulting short-term cessation of air travel, demonstrated the need for transportation alternatives for passengers. The increase in the amount of time it will now take to clear airport security has added to the time it takes to travel by air, potentially making high-speed rail a competitive alternative in some regional markets. Simply stated, it is time for the United States to make high-speed passenger rail a transportation priority.

RIDE–21 is not the only proposal before Congress that makes federal dollars available for the development of high-speed passenger rail. Other bills, such as H.R. 2329 in the House and S. 250 in the Senate, are well intended and are designed to address high-speed rail infrastructure needs as well; but those bills fall short. There are three significant reasons why other proposals will not get our nation any closer to a comprehensive national system of high-speed passenger rail corridors: (1) They do not provide enough funding, (2) they do not provide sufficient flexibility in the hands of States in making transportation decisions, and (3) what little money is provided comes at too high a cost to the Federal Treasury.

HIGHER INVESTMENT

RIDE–21 generates more than $71 billion for high-speed passenger rail infrastructure through the sale of bonds and the approval of federal loans and loan guarantees. In the hearing held by the Subcommittee on Railroads of the Committee on Transportation and Infrastructure on July 25, we learned that Amtrak estimates that it would cost up to $70 billion to build high-speed rail in the United States. That's what I mean when I say that RIDE–21 is the first truly credible high-speed passenger rail proposal. It gets the job done.

In addition, I am very concerned that states may misunderstand the scope of other bills. Amtrak's Northeast Corridor needs $20 billion to upgrade the southern portion of the Northeast Corridor alone. Meanwhile, on September 12, U.S. Rail News reported that Virginia and North Carolina estimate that it will take more than $2.5 billion just to build high-speed rail infrastructure from Washington, D.C., to Charlotte, North Carolina. Proposals such as these and similar projects in Florida and in the Midwest would far surpass the funding level provided in competing bills.

TOO LITTLE FLEXIBILITY FOR STATES

Under competing proposals, Amtrak has too much control over the approval and funding of high speed systems. Amtrak's financial condition is in serious jeopardy, and I am concerned about its ability to perform the tasks assigned to it under these bills, such as issuing bonds, managing a fund to repay the bonds, managing the proceeds from the bonds, and repaying the bonds. I also have doubts that Amtrak could even raise the intended $12 billion. As the Congressional Budget Office noted in a report on H.R. 2329 issued yesterday, bond buyers would be very reluctant to pay the face value of the bonds in later years because of the high risk that Amtrak could not repay the bonds. Moreover, Amtrak should concentrate on its core business of operating passenger trains and carrying mail and express and premium traffic.

RIDE–21 puts the federal and state governments in control of the development of high-speed passenger rail and balances their roles. On the one hand, it places the federal government, through the Department of Transportation, in control over approving the basic design of the high-speed rail network in the United States. Among its roles, the DOT must determine whether a corridor is a comprehensive and viable high-speed corridor. The DOT must determine whether the proposal makes a significant step toward achieving speeds of at least 125 miles per hour on the corridor. The DOT must determine whether all at-grade rail crossings are eliminated.

On the other hand, RIDE–21 puts states and compacts of states in the conductor's seat by giving them flexibility to address their transportation needs. States are free to develop the high-speed rail proposals that the DOT will review. States can choose which technology to employ and which routes make the most sense. States can take their project proposals directly to the DOT, without having to go through Amtrak as an intermediary. States, not Amtrak, control the bond proceeds, how they are managed, and how they are spent.

RIDE–21 does not leave states holding the bag, though. In fact, the cost of RIDE–21 to the states is about the same as the cost to the states of H.R. 2329. H.R. 2329 requires states to provide Amtrak with a minimum of 20 percent of the project cost. The states' contributions are then intended to grow over time so that Amtrak can use that money to pay off the bonds. If the states use a similar ''sinking-fund structure,'' they will need to put up about the same amount of money so that it will grow into enough to pay off the bonds. Of course, under RIDE–21 states need not use a ''sinking fund,'' because they are given flexibility to determine how to pay off the bonds.

Finally, Amtrak benefits from RIDE–21. As the only operator of high-speed passenger trains in the United States, Amtrak will be a partner with the states in many projects. And, it will have a clear competitive advantage when it comes time to bid on contracts to operate trains on this new rail network. As owner of the Northeast Corridor, Amtrak can also benefit from infrastructure improvements there, financed by the states under this bill. Amtrak

can focus on operating trains more efficiently while the DOT and states worry about the improvement of passenger rail infrastructure. Therefore, if it demonstrates its ability to seriously compete for operation of new high speed corridors, Amtrak will actually benefit under RIDE–21.

MORE BANG FOR THE BUCK

RIDE–21 is fiscally responsible. The $71 billion investment in infrastructure through RIDE–21 will cost the federal government about $6 billion. The other bills, which provide for only a $12 billion investment, will cost the treasury about $7.4 billion, according to CBO. Any taxpayer can tell that RIDE–21 is a better value.

Finally, RIDE–21 creates jobs. $71 billion to construct high-speed passenger rail infrastructure means good jobs for hard-working Americans.

I encourage Members to study RIDE–21 carefully and to become cosponsors of this bill.

TRIBUTE TO CALIFORNIA TASK FORCE 7

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. MATSUI. Mr. Speaker, I rise in tribute to the California Task Force 7, Sacramento Urban Search and Rescue Unit. On September 11, 2001, just hours after the murderous attacks on the World Trade Center and the Pentagon, sixty-four members of the Sacramento Urban Search and Rescue Team departed for New York City to assist with the recovery efforts. As their family and friends gather to welcome them home, I ask all my colleagues to join with me in saluting one of America's finest search and rescue teams.

The California Task Force 7, Sacramento Urban Search and Rescue Team, is comprised of members from Sacramento Metropolitan Fire District, Sacramento Fire Department, West Sacramento Fire, and El Dorado County Fire Protection District.

The Sacramento Urban Search and Rescue Unit is considered a multi-hazard discipline, as it may be needed for a variety of emergencies or disasters, including earthquakes, hurricanes, typhoons, storms, tornadoes, floods, dam failures, technological accidents, terrorist activities, and hazardous material releases.

The California Task Force 7 has always been a leader in supporting rescue efforts throughout the United States. The Unit was one of the first Urban Search and Rescue teams mobilized after the Oklahoma City bombing, arriving thirteen hours after the blast. The Unit also played an instrumental role in the rescue and relief efforts in the 1996 Atlanta Olympics bombing, the 1996 Yosemite Rock Slide, and the 1996/1997 California Floods.

The Sacramento Search and Rescue Unit is comprised of sixty-four highly qualified and dedicated specialists divided into four groups: Search, Rescue, Technical, and Medical. Team members include specialists in structural engineering, hazardous materials, heavy rigging, search and rescue, canine response, logistics, and medical response, which includes four medical specialists and two physicians. By design, there are two personnel assigned to each position for the rotation and relief. This allows for round-the-clock task force operations. A comprehensive equipment cache totaling 60,000 pounds supports the task force.

For ten days, the members of the California Task Force 7 worked tirelessly and selflessly in search of survivors in the rubble of the World Trade Center towers in New York City. These outstanding search and rescue specialists courageously answered our nation's call for their assistance and compassion during this hour of need. Their bravery, valor, and patriotism in the face of such tragic events is inspiring to all Sacramentans and to all Americans, and deserves our most heartfelt gratitude.

Mr. Speaker, as the exceptional people of the Sacramento Urban Search and Rescue Unit return home, we are honored to pay tribute to some of our area's most heroic and dedicated citizens. The California Task Force 7 serves as an invaluable resource to the Sacramento Region, the State of California, and the United States of America. We ask all of our colleagues to join us in thanking the men and women of the Sacramento Urban Search and Rescue Unit for their fearless dedication and service to our country during this national tragedy.

EDITORIAL IN THE JEFFERSON CITY NEWS TRIBUNE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SKELTON. Mr. Speaker, I am proud to share with the Members of the House the excellent editorial in the Jefferson City News Tribune following Tuesday's horrific events. The fine statement is set forth as follows:

AMERICANS UNDER ATTACK

Abject honor does not begin to describe the reaction to this morning's attack on New York City and Washington, D.C.

Much remains unknown.

What is certain, however, is that the attack was an act of war on American people on American soil.

At this juncture, we know that shortly before 9 a.m. EDT today an American Airlines jet hijacked after take-off from Boston, struck one of the twin towers at the World Trade Center in lower Manhattan.

Within minutes, a second airplane, also believed hijacked from American Airlines, struck the trade center's second tower.

Both towers caught fire and subsequently collapsed in a massive implosion of burning debris.

Later this morning a commercial jetliner, also believed to have been hijacked, crashed into the Pentagon in Washington D.C. That was followed by a car bomb exploding outside the State Department.

In addition, another jetliner, possibly hijacked from United Airlines, crashed outside Pittsburgh, PA.

The death toll, although yet unknown, will be staggering. The World Trade Center itself houses an estimated 50,000 employees, exceeding the population of Jefferson City.

Passengers on the hijacked jet and other people on the ground also have perished. In reaction, all flights in the nation have been cancelled, key buildings have been evacuated and the military has been placed on alert.

The miscreants, presumably terrorists, who perpetrated these malevolent attacks also remain unknown.

They must be identified, and they and their ilk must be exterminated like the vermin they have shown themselves to be.

America has been attacked mercilessly. To serve notice that this must never happen again, our response must be equally merciless.

TRIBUTE TO TIM McCALLION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. BACA. Mr. Speaker, it is with great pleasure that I rise to pay tribute to my friend, Tim McCallion, who will be inducted into the Independent Telephone Pioneer Association's Hall of Fame on September 29, 2001 in recognition of his distinguished career with GTE.

Mr. McCallion is an individual of great distinction, and we join with his colleagues, family and friends in honoring his remarkable achievements in the telecommunications industry and his service to his community.

Tim's long career with Verizon, formerly GTE, began in 1976 when he joined the accounting department in Erie, Pennsylvania, as he was finishing up his MBA at Gannon University. Over the next two decades, Tim's career with GTE took him all around the country from Pennsylvania, to Indiana, Connecticut, Hawaii and finally to California.

Though Tim's career began in the accounting field, he quickly moved into public policy. Tim currently serves as the Pacific Regional President responsible for Regulatory, Government Affairs, Public Affairs and corporate interests in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

Tim's colleagues refer to him as the ''go to guy.'' A man who applies initiative and creativity to his service, Tim never fails to take on daunting tasks. When the ITPA needed to have their books audited, and incredibly demanding job with Verizon, Tim volunteered. His colleagues remark that in the fast paced and ever changing telecommunications market it is nice to know that there are people like Tim willing to help.

I personally know this to be true. As a member of the California State Assembly and Senate, I worked closely with Tim over the years on several pieces of telecommunications legislation. I could always count on Tim for his tenacity and his expertise in telecom regulation and policy. He worked to spearhead telecom legislation in California that greatly benefited my constituents and the rest of the state. It was always a pleasure and an honor to work with Tim.

Tim has continued to be a valued informational resource to me here in Congress. America leads the world in the Telecommunications Revolution, but there are still many goals to accomplish. I salute Verizon for its efforts to end the Digital Divide. Verizon has been a key supporter of HR 1542, the Tauzin-Dingell Bill, which will stimulate competition in the high speed internet market, giving consumers more choices, lower prices and more services. Tim's hard work supporting this important legislation has been critical in the two-year struggle that

I have been involved with since I came to Congress to bring this bill to fruition.

Tim is not only being recognized for his career achievements with Verizon. A man committed to his community, Tim serves on the boards of several civic and charitable organizations. He is very involved in his local Catholic Church in Thousand Oaks, California and remains highly dedicated to the United Way of Ventura County having served on the Executive Board as co-chair, vice-chair and campaign chair. He has also acted as Verizon's Executive chair on annual United Way campaigns. Tim has displayed his civic leadership on the boards of the Los Angeles Urban League, the California Telephone Association, Los Angeles Children's Museum, and the Ventura County YMCA, and as a member of the California Chamber of Commerce, and the California Business Roundtable. It is precisely this commitment to his community that makes him such a vital asset in public policy.

I have personally seen how Tim brings community service to Verizon. Tim facilitated Verizon's support of young students from my district who came to the Nation's Capitol to perform Mariachi music during Cinco de Mayo. It is employees like Tim McCallion that make Verizon a leader in community and charitable events.

And so, Mr. Speaker, I join Tim's loving family, wife, Anne, sons, Brian and Keith, and daughter in law, Melinda, numerous friends and colleagues at Verizon in admiration of Tim McCallion's long and distinguished career in telecommunications and public policy, and we express admiration that he has received this wonderful and well-deserved honor from the ITPA.

RECOGNIZING BILL IVEY, CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE ARTS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. HORN. Mr. Speaker, as the chair of the National Endowment for the Arts, Bill Ivey's contribution to the benefit and growth of American culture and arts education is undeniable. Since his chairmanship began in 1998, Bill Ivey's determined outreach has given more people in more places in our country the opportunity to learn about America's arts and cultural heritage. Under his leadership, the National Endowment for the Arts received bipartisan support for the critical need to adequately fund our national cultural agencies. While I am sad to see him leave, I wish Bill well in his future at Vanderbilt University and have no doubt that he will continue to contribute to the arts community and public service as he has for the past 30 years.

TRIBUTE TO OFIELD DUKES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ofield Dukes of Washington, D.C., who is a recent recipient of the Public Relations Society of America's 2001 Gold Anvil Award.

First awarded in 1948, the Gold Anvil Award is the PRSA's most prestigious individual honor and is presented to the public relations professional whose contributions to the field have advanced the profession. Ofield Duke's accomplishments as a journalist, public relations executive, and as a public relations educator speak for his recognition as a reputable leader in his field and in the community.

After receiving three national Newspapers Publishers Association awards for editorial, column and feature writing published in the Michigan Chronicle in Detroit, Mr. Dukes became a member of the Johnson-Humphrey administration in 1964. Later, he would go on to serve an additional 3 years on the staff of Vice President Humphrey.

He opened his first public relations firm in 1969, with Motown as his first client and Lever Brothers as his second. In 1975, he was the recipient of the Silver Anvil Award. As noted by the Washington Post Mr. Dukes is ″one of the top public relations persuaders in the city.″

Mr. Dukes assisted in the organization of the Inaugural Congressional Black Caucus Annual Legislative Conference. He has served on the boards of the Congressional Black Caucus Foundation and the Martin Luther King Jr. Center for Nonviolent Social Change. Mr. Dukes became a communications consultant for the Democratic presidential campaign in 1972 and has been a consultant for every presidential campaign thereafter. He is president and founder of the Black Public Relations Society of Washington, which was established in 1993.

Mr. Dukes has served as an adjunct professor at Howard University for seventeen years and was instrumental in establishing the University's public relations curriculum. For the past eight years, Mr. Dukes has been an adjunct professor in the School of Communications at The American University. He is responsible for inspiring hundreds of students to enter public relations.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Ofield Dukes for the incredible services he has provided to his students and the field of public relations. I sincerely thank Mr. Dukes for his outstanding contributions, congratulate him on becoming a recipient of the 2001 Gold Anvil Award, and wish him well in all of his future endeavors.

TRIBUTE TO JAY HENSLEY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, Jay Hensley, a newspaperman of old-school traditions who spent much of his career with the Asheville Citizen-Times, died Wednesday, September 5, at the age of 75. Hensley was with the Citizen-Times from 1956 until 1997. He covered politics, courts and crime, local government and civil rights, took feature photos and editorialized on local, state and national issues.

It is perhaps Hensley's political coverage that he will be best remembered for. Hensley covered every state legislative session from 1967 until 1979 and was a familiar face around the state capital.

''Jay would ask that second and if necessary that third question to get to the heart of things,'' said former Gov. Bob Scott, who served from 1969–73. ''He asked the tough questions but was always fair. At that time, the capital press corps was a crusty bunch of guys. But when the day was done and they'd filed their stories, it was a professional job.''

Former Citizen-Times executive editor Larry Pope described Hensley as ''an encyclopedia on local and state politics,'' adding ''Jay probably knew more about politics than some of the people who held office.''

Jay Hensley, once a three-pack-a-day smoker, chronicled his battle to quit smoking and his resulting respiratory problems in 1990 article titled ''A Smoker's Last Chance.''

Jay Hensley was a World War II veteran, serving with the 32nd Special Seabees in the South Pacific and China. A Madison County native, he had a degree in journalism from Stetson University in DeLand, FL.

I know all my colleagues join me in expressing our condolences to Jay Hensley's family members: Surviving are his former wife, June Murphy Hensley of Asheville; his son, Dick Hensley of Raleigh; his daughter, Teresa Hensley Wall of Asheville; grandsons, Jeremy Jay Oland and Ryan Lee Wyatt; his sisters, Pansy Watts of Asheville and Mary Sawyer of Cincinnati; and his brother, Jack Hensley of Greer, SC.

HONORING JOHN C. FREMONT HOSPITAL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to John C. Fremont Hospital for 50 years of service to the Mariposa community.

In 1947, the Mariposa county voters overwhelmingly approved the formation of the John C. Fremont Hospital District. Shortly after, the 1st meeting of the Board of Directors was held and they proceeded to purchase 20 acres of land to build a facility. In 1951, the John C. Fremont Hospital opened a 24-bed facility. As the community grew, so did the hospital facilities. A 10-bed skilled nursing facility was created in 1964. Additionally, the Ewing Wing has been added. The Ewing wing is a ''home'' facility that has beds to accommodate 28 residents.

In 1975, a Home Health Agency was established to serve patients with at-home health needs. In 1981, the hospital was designated a primary health service hospital by the state of California and a sole community provider by the Federal Government.

In 1994, the hospital received a complete face-lift. Revenue bonds totaling $5.84 million allowed the hospital to expand their emergency services, build a new clinic, enlarge a heliport pad, reopen surgery capabilities, and add additional facilities. In 1995, a hospice was added to serve the terminally ill and their families.

John C. Fremont is one of the few California hospitals granted the ''Critical Access Hospital'' designation, which allows the health

care district to receive a higher reimbursement for its Medicare patients. The John C. Fremont Health Care District supplies education to the community by conducting CPR courses, Certified Nursing Assistant programs, and Licensed Vocational Nurse prerequisite programs. The health care district is one of the largest employers in the area with 168 employees.

Mr. Speaker, I rise to honor John C. Fremont Hospital for serving the health care needs in Mariposa County for 50 years. I urge my colleagues to join me in wishing John C. Fremont Hospital many more years of continued success.

100TH ANNIVERSARY OF LEXINGTON ELKS LODGE, LEXINGTON, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate my friends at the Lexington Elks Lodge, Lexington, Missouri, who recently celebrated their 100th Anniversary as a lodge.

The Benevolent and Protective Order of Elks Lodge 749 has served a proud role in the city of Lexington since the lodge's chartering in 1901. The Elks have played a vital and active role in the community, sponsoring programs aimed to better the town, the people, and the people's safety.

The Elks organization is primarily involved in two community service programs, drug awareness and veteran services. Lexington Elk's are strong supporters of the D.A.R.E. program in Lexington schools. They have sponsored the purchase of D.A.R.E. signs and drug awareness programs. The Elk's also show support and appreciation to the veterans of our nation.

The Lexington Elk's Lodge has sponsored numerous other community projects. They have distributed fire alarms, hosted community Christmas dinners, donated to organizations such as the Ministerial Alliance and they sponsor a yearly scholarship for graduating high school seniors.

Mr. Speaker, the Lexington Elk's Lodge has contributed to the city for a century. I know that the Members of the House will join me in congratulating them and wishing them continued success.

SALUTE TO AL ROSS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to a man who has served his country bravely and who also serves as a role model in his community.

I speak of Al Ross, one of my constituents and the youngest surviving veteran of the First World War. Al, the son of Russian immigrants, enlisted in the United States Navy in 1917, when he was only 16 years old. He served as a Seaman First Class aboard the U.S.S. Richmond. In fact, Al is the last surviving member of Barracks 507, a West Palm Beach World War One veterans group.

On October 11, 2001, my friend Al Ross turns 100 years old. He is a frequent speaker at veterans', civic, and school events and is best known for his talks about ''Why We Pledge the Flag.'' Mr. Ross gives these talks in his original U.S. Navy uniform, which still fits him perfectly.

Al Ross has been a teacher and organizer for the National Amputee Foundation. He has worked for the Palm Beach Daily News and the Selective Service System. Most recently, Mr. Ross has been an advocate for the voting rights of U.S. military personnel serving overseas. He is also an avid golfer.

Mr. Speaker, please let the RECORD reflect this Congress' appreciation for his efforts.

TRADE PROMOTION AUTHORITY NEEDED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial, entitled President Needs Trade Authority, from the September 5, 2001, edition of the Norfolk Daily News, which emphasizes the need to grant the President ''fast track'' trade negotiating authority.

This Member is a longtime supporter of Trade Promotion Authority (TPA), or ''FastTrack Authority'' (as it was previously called), because TPA is necessary to enable the United States to commence, conclude, and implement trade agreements with foreign nations. Without the enactment of TPA, the United States will continue to fall further behind in expanding its export base, which in turn will cost America thousands of potential jobs. Congressional passage of TPA for the President is absolutely essential for America to live up to its export potential.

Therefore, this Members urges his colleagues not only to carefully read this editorial, but also to support granting trade promotion authority to the President now!

[From the Daily News, September 5, 2001]

PRESIDENT NEEDS TRADE AUTHORITY

FORMER SECRETARIES OF AGRICULTURE OF ONE MIND REGARDING ''FAST TRACK'' ISSUE

Members of Congress ought to be impressed that 10 former secretaries of agriculture, Democrats and Republicans alike, are in agreement on an important matter of trade policy. From Orville Freeman, who served under President Kennedy, to Dan Glickman, who served under President Clinton, all were in agreement that President Bush ought to be granted ''fast track'' trade negotiating authority.

With some exceptions among those in farm organizations who fear only big companies find ways to profit from exports, the agricultural community seems unified regarding benefits of foreign trade. That accounts for broad bipartisan support of measures to promote it.

Presidents had fast-track authority beginning in 1974, and until congressional Republicans failed to renew it for the Clinton administration in 1994. They erred, and that error should not now be compounded. Trade negotiations are already conducted under broad guidelines approved by Congress and the president.

Having arrived at specific trade pacts under such authority, Congress must not pick and choose, second-guess and thereby jeopardize agreements. With the fasttrack arrangements, it can either accept or reject an agreement, not nitpick and rewrite the terms. Thus Congress retains an overall veto; the president retains negotiating power. It is the right balance.

Through the administrations of Presidents Ford, Carter, Reagan, Bush I and early in the first Clinton term, the fast-track authority existed in the White House. The error of failing to restore it after 1994 should not be compounded now by defeat of the proposal.

America's efficiency in all phases of food production means it can compete effectively on a worldwide basis. This advantage cannot be exercised to improve the economic status of agriculture by tying the hands of the one individual who can, with a cooperative Congress, do most to encourage beneficial trading terms to reach consumers in foreign nations.

The letter to current Secretary of Agriculture Ann Veneman, signed by those 10 former secretaries, said, ''American agriculture has much to gain by passage of Trade Promotion Authority and too much to lose if Congress fails to seize this opportunity.''

Re-establishing this authority would do much to assure Americans, and especially those involved in farming and ranching, that their economic opportunities will not be hostage to narrow partisanship.

HONORING 76 YEARS OF THE NEW ENGLAND COUNCIL

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. BASS. Mr. Speaker, I rise today to congratulate the New England Council as they celebrate their 76th Anniversary of being a regional voice for the people of New England.

For over seventy-five years, the New England Council has been instrumental in uniting the region's business and political leaders to discuss and shape public policies and programs that advance the economic well-being of the region. As a non-profit alliance of schools, hospitals, corporations, public agencies and other organizations throughout New England, the Council has worked diligently to promote economic growth and quality of life in the six-state region.

I commend your leadership in looking for regional solutions on issues including energy, workforce development, health care, transportation and privacy. Under the leadership of Jim Brett and the Council's esteemed Board of Directors, the Council has played a significant role in both providing a forum and in advocating an agenda that addresses those issues impacting New Englanders and the regional economy.

I applaud the Council's efforts to promote the economic growth of New England and to improve the quality of life for those who live throughout the region.

I ask my colleagues to join me in honoring the 76th Anniversary of the New England Council and in wishing the Council continued success as it faces the challenges and possibilities of the 21st Century.

''BAND OF BROTHERS'': THE STORY OF EASY COMPANY, 101ST AIRBORNE DIVISION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. GEKAS. Mr. Speaker, it was during the early morning hours prior to the D-Day invasion of June 6, 1944 that the men of Easy Company parachuted into Normandy. Company E, as was their official designation, was part of the 101st Airborne Division that carried out many objectives during World War II. Their acts of heroism begin with their participation in Operation Market Garden and continue on to the climactic Battle of the Bulge. Their service continued through Germany, ending with the capture of ''Eagle's Nest,'' Adolf Hitler's mountain fortress. Their brave deeds, documented in Stephen Ambrose's book, ''Band of Brothers'' is now an HBO television mini-series.

On Monday, September 24, 2001, we had the opportunity to meet many of the great members of Easy Company. They came from far and wide to share, with Members of Congress, their story of defending freedom across Europe. In these trying times, their story is an inspiration to the men and women of the Armed Forces.

Last evening we watched in a special screening of the television mini-series as Easy Company landed behind the German battlements and took out an artillery battery that was firing on the Allied forces at Utah Beach. By destroying four 105mm guns, and killing or running off 60 soldiers, Easy Company significantly contributed to the successful landing of Allied forces on D-Day. Because of the overwhelming success of this mission, Easy Company's maneuvers are still studied at West Point today.

Those Members of Congress who represent the veterans of Easy Company were privileged to speak briefly of these heroes. It is my pleasure to represent Major Dick Winters. He was the commanding officer of Easy Company, and perhaps best represented the heroism of Easy Company through his courage, character, and charisma. Unfortunately, Dick could not make the event from his home in Hershey, Pennsylvania, but he sent me his remarks which I was honored to read.

Here are the kind words written by Major Winters about his fellow soldiers, ''In 1942, I was assigned by Colonel Sink to Company E. Ever since then the men of Company E have been my buddies in combat, my friends, my family—forever. I shall never forget them.''

At the conclusion of the event, everyone in attendance rose in applause for several minutes to praise the heroic efforts of Easy Company. Among Members of Congress, top military personnel and guests alike, dry eyes were few and far between.

The story of Easy Company is testament to the Allied forces' fight for freedom in World War II. Today, we benefit from their sacrifices made nearly sixty years ago, and for that, we are all eternally grateful. I know that the House of Representatives joins me in honoring these brave soldiers. Let us never forget their story.

WISR 680 AM

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. ENGLISH. Mr. Speaker, during the past 60 years, we have gone to war four times, landed on the moon, seen the rise and fall of the Berlin Wall. During the past 60 years, presidents have been shot and assassinated, computers were invented, presidents resigned and were impeached and the pope was shot. During the past 60 years, we've added two states to the union and amended the U.S. Constitution six times.

During the past 60 years, WISR 680 AM has kept residents of Butler County up to date on those events and more, becoming a part of the community in the process. WISR brought visits to Butler County by figures such as First Lady Eleanor Roosevelt and presidential candidate John F. Kennedy into people's homes as well as provided an outlet for opinions by local residents.

WISR was licensed to broadcast by the Federal Communications Commission on Sept. 26, 1941. It was one of the first radio stations in northwestern Pennsylvania to focus on regional, local and community news as well as broadcast local editorials. It was also the first in the area to develop a local talk radio format. Hosts such as Dave Malarkey and before him Larry Berg offered the community a valuable outlet for the views.

The Rosenblum family owned the station for 55 years and the station call letters stand for Isaac Samuel Rosenblum, the father of the station founder, David. As a local, family run station, the station has supported and continues to back countless charity and community events.

I join the Butler area community in congratulating WISR for delivering quality news and talk radio to the area for 60 years. As a radio station, WISR was not only responsible for delivering the news but also took on an important role in shaping our community. I hope that the future allows many, many more generations of Butler area residents to learn to tune into to WISR.

HONORING TWO REMARKABLE INDIVIDUALS DURING HISPANIC HERITAGE WEEK

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Ms. SANCHEZ. Mr. Speaker, a wonderful thing about our country is how we celebrate each other in art, custom, food and friendship.

A ''nation of immigrants'' might have been blighted had Pilgrims not learned from Native Americans. Proof? Check the menu for the first Thanksgiving Dinner.

Now almost everyone samples each other's traditional dishes, catches the color and feeling of each other's special days, senses the human goodness in each heritage and faith. This is how strangers turn into neighbors in so many ways that our ways of getting along have become unique in the world.

It is so American no one else even comes close.

Now we are joyfully in another such season of sharing and appreciation.

On September 17, 1968, the U.S. Senate and House of Representatives adopted House Joint Resolution 1299, creating an Hispanic Heritage Week. Twenty years later, Public Law 90–498 was enacted expanding the Week to a month eventually stretching from September 15 through October 15 each year. The period includes the anniversary of Mexican Independence and ''birthdays'' of many other Latin American countries.

Cultural sharing will take many forms across the United States of America. At heart, it will reveal itself in real people not only glad they are who they are but glad to be here.

LOS AMIGOS OF ORANGE COUNTY, persons who have met weekly for 23 years to talk over community concerns in my district, asked that the two following stories be shared. Millions of people create a blur but sketches of two—a book creator and a bookseller—are offered in the hope they will convey very personal, human glimpses of America's lively, evolving Hispanic Heritage.

[From La Voz, Nov. 16, 2000]

LIFE'S AN OPEN BOOK? CRACK IT

(By Galal Kernahan)

Miami? A big city in Florida? A river in Ohio?

Or is it someplace baked and a little bleached? Is it where the sun is a presence, winds sometimes mutter and deer browse on the other side of the hill? Is it where you could read the day away in an outhouse with no more interruption than a buzzing fly?

Rueben, the first of the five boys and two girls of Cipriano Marfinez and Rometia Rivas de Martinez, was born in Miami, Arizona, in 1940. There he grew to young manhood. His parents were transplanted Chihuahuenses. One took root. The other didn't.

The children attached their mother to that small copper town, but their father blew away on the notes of an alto saxophone. He made it big with Big Bands like the Glenn Miller Orchestra. By the time the road and that life got old and he got old, his boys and girls were men and women who remembered him no more clearly than he did them.

Rueben came to love books during his school years. He took them everywhere. They took him everywhere. All in Miami,

When he was 10, the town, like other Southwestern copper towns, was coming off its World War II-hyped mining high. By the time he graduated from high school, nothing was being hauled to the smelter anymore. At 18, he went to East Los Angeles.

Beside what books taught him, what did Miami teach? What has stayed with him? ''My grade school was segregated to Apaches and Mexicans, but the teachers were good. I loved shop,'' remembers Rueben. ''And Miami? It was so ugly, it was beautiful.''

In California, he worked and read, got married and read, attended East Los Angeles Community College and read, had children and read and got divorced and read. Also, he raised three teenagers and read and lived to tell the tale.

Then he read and read and looked up to see he had nine grandchildren.

Rueben is more than 40 years a barber, more than 25 in Santa Ana. There were places and times in human history when barbers probably ran everything. They certainly knew everything that went on.

If they loved reading, too, they were formidable forces in the life of their communities. Rueben is a formidable force in the Orange County Latino community and far beyond.

Locally? Consider that most Latino candidates for any political office hold fundraisers in his Santa Ana bookstore. And now

with a unique cross-the-alley emporium of children's books he is reaching for youngsters.

Far beyond? Six years ago, he suggested to Community Leader and Actor Edward James Olmos ideas that became the Latino Book and Family Festival. Wherever it goes—Chicago, Los Angeles, Houston, San Jose, San Diego, New York—Rueben's books anchor a ''Book Village'' that contributes directly to the goal of encouraging Latino parents to read to their children and children themselves to read. Families come by the thousands.

Acting on his own advice, he reaches for future generations with a unique emporium of children's books just cross-the-alley from his Santa Ana bookstore. It is full of color and lined with stories in Spanish and English . . . and Vietnamese, Cambodian, Chinese, and . . .

It all makes you wonder. Which is its purpose. Rueben's life is an open book he seems to read like a child. He turns pages, laughs and says, ''What's this?'' Then he tries to tell you he knew it all the time . . . that he planned it.

He is a strong believer we all should write down our goals. He writes his down. No one could have that many! And do credit to them, too.

On a coast-to-coast TV program, he commanded fathers to be perfect husbands: ''Take out the trash and read to your children!'' He, is a sought-after motivational speaker, a consultant to publishers, a friendly prod to writers and artists, an energizer to teachers and a media personality.

The biggest independent bookstore in Orange County, California, began as a few books for customers in a barber shop. Now he carpets the space next door with kids eager to be read to.

Rueben's life is an open book with one new chapter after another. He reads on and says, ''Amazing!'' And then, ''That's me, too!''

VICTOR STRINGS WORDS TO COMPUTE LIFE X 13

(By Galal Kernahan)

As Victor Villasenor emerged from adolescence, his parents sent him to Mexico City. He was overwhelmed by what he saw. The world suddenly opened, widened, deepened.

He became ill. A doctor was summoned. ''You are a doctor?'' ''Yes.'' ''You are a Mexican?'' ''Yes,'' answered the baffled physician. Victor thought that, though all Mexicans might not be farm workers like his friends on his father's place in Oceanside, it was unlikely they would be persons in the professions,

New realities shook him. The discovery of books catapulted him into dawning understanding of human landscapes and feelings, strivings and failures. A conflicted teenage functional illiterate he started down an endless road to finding himself. In writing.

He drove himself for decades ten hours a day, six days a week untying, re-ordering and retying strings of words. Eventually, some books reached print and modest success. Then, in 1981, he wrote the made-for-TV motion picture THE BALLAD OF GREGORIO CORTEZ.

Well-wishers came to the large, old Spanish colonial house on a bluff in Oceanside, California. He paid an emotional tribute to his parents, Salvador and Lupe. He promised he would write their lives. All celebrated the Public Broadcasting System (PBS) telecast. The picture was released to movie houses the next year.

In 1991, ten years later, a more-than-500 page work—parts of it laboriously rewritten more than 40 times—became a milestone in Latino literature. RAIN OF GOLD sold more than 200,000 copies in hardcover. Any given copy may have been read by six-to-ten people.

It recounts the Mexican youth of Lupe and Sal: surviving the Revolution, their separate journeys across the Border, how they met on this side. It ends with their marriage in Santa Ana, but not before sketching the personalities of their mothers, Victor's grandmothers. His father's scandalized the faithful at her church in Corona. Her lively conversations—even arguments—with God and Mary did not go unnoticed.

Now, more than another decade has passed. Victor has gone through multiple rewritings of his latest book. It is about Sal, Lupe and their lives in 1929, 1930 and 1931. It is published by HarperBooks.

Salvador has been dead for years. Lupe passed away in 2000. Both are very alive in pages Victor has filled. So is the cosmically talkative grandmother who, together with Sal, finally makes clear to the author what lies behind all he has been writing.

There have been tumultuous first years of marriage not made any smoother by Sal's profession. He's a bootlegger.

Victor remembers what his father often told him: Casi todos nacen y mueren y nunca abren los ojos. Poca gente abre los ojos porque no usa todo su sentido. (''Almost everyone is born and dies without opening their eyes. Few people open their eyes because they don't try fully to perceive things.'')

What that really might mean became clear in a startling brush with the law. Salvador is driving a truck heavily laden with barrelsful of whiskey in Corona. His well-connected mother is with him. A cop pulls them over.

She begins telling God the officer will not see the barrels and that she needs help for her son and that God owes her one and that she wants it right now! The cop looks in the back of the truck and says, ''Nothing here, but you better get some air at a gas station because your tires are almost flat.''

Crisis over, Sal asks, ''How did you do that?'' ''Easy,'' she says, and explains.

''When people finish this book,'' Victor claims, ''They are going to think magic is possible.'' The title: THIRTEEN SENSES.

TRIBUTE TO JOHN B. GOURLEY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate John B. Gourley the Chairman of the East Norriton Township Board of Supervisors for twenty-four years as a distinguished community leader in this Pennsylvania community.

A forty-year resident of East Norriton, Mr. Gourley has served as vice president and twice as president of the Montgomery County Association of Township Supervisors. He was the founder and first president of the Delaware Valley Association of Township Officials which encompasses the Counties of Bucks, Chester, Delaware and Montgomery. Mr. Gourley also founded and was the first vice president of the League of Municipalities which includes 56 Pennsylvania communities. He founded the first Township newsletter in East Norriton and initiated television coverage of township meetings.

After serving five years in the United States Navy, Mr. Gourley built a professional career as a national and executive sales manager in the chemical field. Mr. Gourley has been a dedicated member of multiple civic organizations including the American Legion Post in Jeffersonville, the Sons of Italy, the East Norriton Republican Committee, and the Boy Scouts of America. He is also a long time member of Visitation B.V.M. Roman Catholic Church.

Mr. Gourley is married to Nancy Pistilli-Gourley and they are the proud parents of John B. Gourley, Jr., Esquire, William Scott Gourley and Ann Marie Gourley. I am pleased to have this opportunity to recognize John Gourley for his outstanding service and commitment.

IN MEMORY OF MR. CHET OBLOCK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Chester A. Oblock, owner of the infamous Pyramid Cafe and beloved friend, for a lifetime of dedicated service to his community.

Mr. Oblock, a Cleveland native, has been a lifelong resident of the city's South Side. He is perhaps best known for the delicious meals he has been serving in the Pyramid Cafe since 1964. Three years later he began sponsoring the Pyramid Cafe slow-pitch softball team. The team grew and with practice became the first Cleveland team to win the Amateur Softball Association's National Men's Open Slow Pitch Tournament in 1975. In 1987, he was inducted into the Greater Cleveland Slow-Pitch Hall of Fame.

Mr. Oblock was known by his friends for his great love and generosity to all his players, friends, and family. When the team traveled out of Cleveland, he took money out of his own pocket to pay for the families of the softball players to stay in hotel rooms. More important than any of his prized softball games was his family.

Before sponsoring his prize-winning softball team, Mr. Oblock served his nation selflessly in military service. During World War II, he served in Europe with the Army's 104th Infantry Division, the ''Timberwolves.''

Mr. Speaker, please join me in honoring the memory of Mr. Chester A. Oblock, a truly great man. Mr. Oblock is a man who truly will be missed in the Cleveland community. His love for not only the game of softball, but for all his community is an inspiration to many. His warm smile and gentle spirit will be remembered by many.

AUTHORIZING THE USE OF UNITED STATES ARMED FORCES AGAINST THOSE RESPONSIBLE FOR THE RECENT ATTACKS LAUNCHED AGAINST THE UNITED STATES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I, like you, have been watching in disbelief and sadness the reports from New York City and Washington, D.C. in the aftermath of the terrible attacks launched against the United States.

Never before in our history have Americans borne witness to such an egregious, savage, violent, and cowardly attack on American soil. The situation defies belief and embodies much of what had once been our greatest fear. I join with every American in support of our great country and am confident that our nation will overcome this challenge just as we have conquered past challenges.

When I swore my oath to preserve, protect, and defend the Constitution of the United States, I never imagined that this country or I would be where we are today. Each member of Congress swears our allegiance to our constituents, to one another and to the country, yet the magnitude of our oath only is truly understood when we face situations like we face today. During trying times such as these, the American Spirit shines most brightly, and we find within ourselves the ability to overcome challenges once thought unthinkable and unimaginable.

Tuesday, September 11, 2001 is a date so packed with tragedy and meaning, we have tremendous difficulty fully understanding the implications of what has been done to our country and our people.

Not since the time of my father Stewart Udall's service in the Cabinets of Presidents Kennedy and Johnson, have we faced such difficult and trying issues. From the fear and terror of the Cuban Missile Crisis to the national horror following the assassination of our President to the anguish of the Vietnam War, our nation was confronted with innumerable and difficult challenges. The strength of citizens overcame all these challenges, and it will once again overcome what lies before us today.

As we see images of the devastation in New York City and at the Pentagon, we are flooded by emotions ranging from profound sorrow to unbridled anger. Yet we are also called upon to defend ourselves from unknown threats and invisible enemies. Ours is a responsibility to put our raw feeling and emotions aside and focus on the grim work at hand of responding to the attacks against us and doing everything in our power to ensure that such attacks will not be perpetrated against us in the future.

The question now arises how we may best fulfill our duty to protect the citizens of the United States and, indeed, the citizens of countries around the globe. The scourge of terrorism affects more than just the United States homeland. For years our friends and allies in Europe, Asia, the Middle East and Africa have suffered the horrors of terrorism. While offering our support and solidarity, we always believed and hoped that America would be spared from the type of tragedy which befell us last Tuesday. We hoped against hope that New York, Washington, or any American city would not be added to the infamous list which includes London, Paris, Belfast, Beirut, Johannesburg, and Tokyo. Now the fight has been brought to us, and we will respond. We must respond.

The question is how we respond. We will be quick to act, or will we be thorough, careful, deliberate, and patient?

We first responded by granting to President Bush the authority needed to prosecute this effort with the strength the task requires. The Congress will appropriate money, grant authority, and rouse popular support for the President as we take each step against terror together and jointly exercise the Constitutional responsibilities invested by our Founders in both branches of the government.

Our efforts require and are receiving the support of the international community of responsible nations. The support is a crucial component of any action which our government may take in defense of the American People. The world must not be seen as tolerant in the least of terrorists or those who support terrorists. The strong backing of our allies is a reassuring sign that our international partners stand beside us as we jointly face this danger.

As we embark, we recognize that the Congress and the President are equal partners in the effort. We are making decisions and taking action only after tremendous consideration and deliberation. We have a profound understanding of the gravity of the situation which lies before us. We understand that the Constitutional principles upon which this great country is founded must be respected at every turn. As we defend the safety of Americans, we must also defend their liberties. To defeat terror in a way that robs us of our most cherished freedoms must be avoided. I believe that it is possible for America to be safe and free. As we continue to contemplate further actions and investigate those that have taken place, we must be vigilant in the defense of both our safety and our freedom.

As we respond to the attacks, Americans will continue to unite as we have over the past several days and in ways that we have not seen for years. We draw strength from our tremendous diversity as a nation and from our myriad experiences and abilities. We defeat terror by embracing each other in the face of those who would terrorize us and rising above the petty differences that might once have separated us. Our unity will be our strength as we confront this new challenge. The American House in which we all live will not, as President Lincoln said, be divided against itself. We will continue on, stronger and more united than ever.

The United States will meet this challenge as we have met previous challenges before. Our great nation will unite more strongly than ever, and we will prevail. My faith in our country is exceeded only by my admiration for those who place their own safety in jeopardy so that others will be free. America is great. God bless America.

HONORING PAUL F. MARKS ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. DINGELL. Mr. Speaker, I rise today to recognize, honor and salute my dear friend Paul F. Marks on the occasion of his retirement from Michigan State University Agricultural Extension, and for his many years of dedicated service to our community.

Paul began his career with Extension more than 27 years ago. Since that time, Paul has received numerous awards and citations, including the National Distinguished Service Award from the National Association of County Agricultural Agents.

At heart, Paul is a teacher. He is recognized throughout the state for his expertise and skill in the areas of vegetable crops, fruit crops and beekeeping. In his professional capacity, he has developed and implemented a large number of award-winning educational programs in such areas as cider safety, agriculture employer seminars and pesticide certification.

Paul's passion for teaching extends well beyond Extension. When working with kids in 4–H or the Junior Livestock Association, one can see Paul's gift truly shine. Paul's exemplary teaching efforts were again recognized when he received the Monroe County 4–H Alumni Award. Paul's leadership has also been outstanding in directing Monroe County's Ag Awareness Day that annually gives more than 1,300 county elementary students a better understanding and appreciation of agriculture. And when the County Fair rolls around each summer, you can be sure Paul will be there making sure that every kid has their animal ready for show.

When Monroe County was added to my District in 1982, 1 gained a special knowledge of Paul's ability to educate. Knowing little about farming, I paid a visit to the Extension office and met a young Extension Agent by the name of Paul Marks. I asked him to do the impossible—teach a Polish lawyer from Detroit about farming. To his great credit, Paul was up to the task.

Since then, I have come to rely greatly on Paul's advice and counsel on agricultural matters. More importantly, Paul has become a great friend. His expertise and knowledge will be greatly missed by all of us.

Mr. Speaker, as Paul leaves behind a long and rich history as an Extension Agricultural and Natural Resources Agent to spend time with his beautiful wife Jeannine and his family, I would ask that all of my colleagues salute Paul, his excellent service to his community, his wonderful sense of humor and above all his earnest good will and compassion for his fellow man.

TRIBUTE TO FRANCESC DE PAULA SOLER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SERRANO. Mr. Speaker, it is with great pride that I rise to pay tribute to Mr. Francesc de Paula Soler, a gifted and prolific musician. This world-renowned instrumentalist will grace the Library of Congress on October 2, 2001, and fill it with his music. This concert will feature music to soothe and lift our spirits during this difficult time in the wake of the national tragedy.

Francesc de Paula Soler was bom in 1949 to a celebrated Catalan family of artists. He began studying music at age 6 and was dedicated to his guitar by age 11. As a young adult, he became an astute and devout student of the great Andrés Segovia, known as the father of the classical guitar. He also studied under the great Narciso Yepes for a number of years. From these musical founders, Soler was taught the classical guitar in its pure form. His music has an original, raw quality that makes it distinct and loved by many.

Although the guitar's ancestor probably originated in ancient Egypt, the version that we use today came from Spain in the early

16th century and became popular throughout Europe later in the century. Soler's first mentor, Andrés Segovia, is credited with legitimizing and revolutionizing the traditionally-regarded ''Instrument of peasants'' in the late 1800s. Spanish culture embraced the guitar and, as a result, the majority of music throughout Latin America is flavored with the instrument. Whether listening to Argentinian chacareras, Ecuadorian danzantes, Panamanian murgas, Mexican rancheras, a Cuban mambo, Puerto Rican salsa, or Dominican merengue, one can hear the prolific influence of the guitar. It is indeed a fundamental element of Spanish and Latin culture, which Soler has mastered and re-defined.

Mr. Speaker, Francesc de Paula Soler is routinely referred to as ''The Poet of the Guitar'' throughout the world, based on the way he conveys raw emotion and tells complex tales with only his fingers and the strings of a guitar. He has mesmerized audiences at the Levine School of Music and the Achison Auditorium in the U.S. State Department, and has entertained a myriad of cultural societies throughout the United States. Thousands have filled the auditoriums of colleges and universities from coast to coast to hear Francesc de Paula Soler's guitar. Beyond these American performances, Soler has engaged audiences around the world.

In commemoration of Hispanic Heritage Month and the ways that Hispanic Americans have served our country throughout history, I encourage all of my colleagues to attend the concert and enjoy an hour of exquisite music.

Mr. Speaker, I ask my colleagues to join me in thanking Francesc de Paula Soler for his contributions to the world of music and for honoring us with his art.

PRO BONO PROJECT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Ms. LOFGREN. Mr. Speaker, I rise to recognize the dedicated volunteers of the Pro Bono Project of Santa Clara County. The Pro Bono Project uses volunteer attorneys, judges and other legal professionals to represent low income and indigent clients in Santa Clara County in family law cases, including divorce, custody, child/spousal support, and domestic violence issues. Often, the Pro Bono Project is the last chance its clients have at securing representation.

The success of the Pro Bono Project is a direct result of 150 volunteers, through whose efforts the Project offered over 200 clients per year over $958,000 in volunteer services. Thanks to these volunteers, the Pro Bono Project was able to staff several clinics, including a Bankruptcy clinic and a Paternity clinic. Pro Bono Project attorneys staff the Domestic Violence Collaboration in conjunction with Bay Area Legal Aid, Battered Women's Support Network, Next Door and South County Alternatives. The Domestic Violence Collaboration provides divorce, support and custody services to victims of domestic violence. The Project's Family Law Mentor Program provides a volunteer mentor attorney in the office every Wednesday to provide family law advice and help to attorneys.

With very little funding, the Pro Bono Project does an amazing amount of work. I commend the Project's founders and volunteers. On behalf of Santa Clara County, I thank these remarkable volunteers for all of their hard work.

TRIBUTE TO DAN TRANT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. MCGOVERN. Mr. Speaker, sadly today many American families continue to mourn the loss of their loved ones during the senseless tragedies at the World Trade Center and the Pentagon. As each day passes, their stories are being heard by a growing number of Americans who are becoming intimately affected by these devastating losses.

I have spoken of several of these Americans here on the floor. I am also drawn to the story of Dan Trant, a former basketball legend at Clark University in Worcester, MA, and the older brother of a friend. Dan was a successful bond trader with the firm Cantor Fitzgerald at the World Trade Center.

Recently, the Boston Herald described Dan as an icon in New England college basketball who was drafted by the Boston Celtics in 1984 and went on to play professional basketball in Ireland, his family's ancestral home. Dan later played for the Springfield Fame during the inaugural season of the U.S. Basketball League, assisting his team in the first-ever league championship.

Off the court, Dan was even more inspiring. He was a father and neighbor who used his great successes in sports and in the business world to inspire hundreds of children in his church congregation, local school district and a nearby university near his home in Northport, LI. Many of the local children he helped attended his memorial service in New York, where they had an opportunity to express their love and say goodbye.

Mr. Speaker, our thoughts and prayers are with Dan's wife Kathy, his children Jessica, Daniel, and Alex, and all of those who loved him.

TO HONOR THE REVEREND CLARENCE D. ROBINSON

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, I am honored to recognize the work of the Reverend Clarence D. Robinson as he leaves St. Mark African Episcopal Church in Milwaukee after more than a decade of service. Rev. Robinson is moving to Chicago where he has been appointed presiding elder for 23 congregations in the city and it's surrounding communities.

Following his ordination as an Elder in the African Methodist Episcopal Church in 1959, Rev. Robinson's career took him to churches throughout the Midwest. He came to St. Mark's in August, 1991 from Ebenezer A.M.E. in Detroit, Michigan, and truly left his mark as a leader in our community.

In addition to giving his time as a board member of several Milwaukee organizations, Rev. Robinson has also served our young people as a tireless advocate and role model. St. Mark's offers the Men to Boys mentoring program, and opens it's recreation center doors on Friday nights for Word Up—a night of Bible Study, basketball, board games and other activities. Rev. Robinson has helped provide productive and non-violent options for young people, linking them with positive role models and encouraging them to lead a life free of drugs and violence.

Rev. Robinson's legacy will surely be felt at St. Mark A.M.E. Church for years to come. Last September the church opened it's second senior citizen housing facility. The congregation named this 25 unit building the C.G. Robinson Terrace in honor of their leader.

During his 10 years in Milwaukee, Rev. Robinson has impacted our community in many ways, and he will be sorely missed. I am proud to join the members of St. Mark A.M.E. Church in thanking him for his service to the people of Milwaukee, Wisconsin and wishing him the best of luck in his new position.

VOLUNTARY SEPARATION INCENTIVE PAYMENTS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Ms. HOOLEY of Oregon. Mr. Speaker, as part of an effort to reduce the federal work force within the United States Forest Service, Forest Service employees were offered the opportunity to participate in a ''voluntary separation incentive payments'' program a few years ago. This program was included in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1997 (P.L. 104–180). As part of the agreement, employees were paid $20,000; in exchange, they agreed to retire and not be employed by any federal agency for at least five years; if they were re-employed by the federal government they would have to forfeit all or part of the money from said agreement.

However, there has been a severe shortage of qualified firefighters to combat the extraordinary number of forest fires throughout the country over the past several years, specifically in the West. Many retired Forest Service employees have been asked to help fight many of these blazes, unfortunately many of them cannot without risk of forfeiting the payments they received through the buyout program.

My bill will amend Public Law 104–180 to allow former Federal employees who received voluntary separation incentive payments under the Department of Agriculture program to accept employment with the Federal Government once again, without loss of their payments, as long as their employment is directly related to fighting forest fires.

At a time when we need qualified, willing, well-trained individuals to fight these fires more than ever before, it's egregious if we do not change this law to allow these brave men and women to fight the fires that threaten our forests, wildlife, and our homes without having

to worry about forfeiting past reparations they've received from the government.

INTRODUCTION OF THE TERRORIST DISASTER RELIEF FOR SMALL BUSINESSES ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. LAFALCE. Mr. Speaker, the tragic events of September 11, 2001, have caused a massive disruption of businesses all over the country. The most visible of the economic scars can be found in lower Manhattan, which some 15,000 businesses called home, and in the air transport industry, which the government was forced to close. But, the economic hardships caused by the September 11th terrorist attacks reach far beyond the areas immediately impacted by the attacks and involve all types of businesses.

In order to overcome their current difficulties, businesses who have suffered substantial hardship because of the September 11th terrorist attacks will need access to low-cost credit to cover their uninsured losses and to provide needed operating cash while they regain their footing. Congress has provided financial assistance to the airline industry. And, thankfully, many small businesses in the New York City area will qualify for economic injury disaster loans from the Small Business Administration. However, there are many more innocent small businesses who need the Government's help to overcome the economic difficulties caused by the terrorist attacks and the resulting turmoil in the air transportation industry.

Among the small businesses that have been injured are those that sell goods and services to the airports, airlines and airline passengers. The current crisis has also taken a heavy toll on the entire tourist industry, particularly, the many small businesses that are integral to that industry. The closing of commercial air traffic during the week of September 11th had a severe impact on many businesses that depend on the airlines and air cargo industry for the delivery of items crucial to the conduct of their enterprise. While we cannot yet measure the economic impact of the attacks on the small business community, many small businesses all over the country are clearly suffering.

The SBA has received requests for disaster assistance from small businesses all over the United States, including small businesses in the Dallas-Fort Worth area and California, and small businesses from as far away from New York City as Hawaii. But, under the current restrictions that apply to the SBA disaster loan program, the SBA cannot provide disaster assistance to businesses outside of a declared disaster area and contiguous communities.

My bill, the Terrorist Disaster Relief for Small Businesses Act, would provide needed disaster assistance to businesses all over this Nation. First, the bill gives the Small Business Administration the authority to provide economic injury disaster loans to a small business located anywhere in the United States that can demonstrate it experienced a substantial economic injury because of the terrorist attacks, including injuries caused by actions taken by the government in response to attack. Additionally, the bill would permit the Administrator of the SBA to relax, as he deems necessary and appropriate, the "small business" size standards for an injured business that, as a technical matter, does not meet the size standards. These exceptions to the normal SBA criteria would only apply to businesses that have been injured by the September 11th attack.

These are extraordinary times that call for extraordinary solutions to overcome the Nation's current crisis. I believe altering the criteria for SBA disaster loans will help the Nation's small businesses to begin to recover from the economic hardships caused by the September 11th attack. I urge my colleagues to support this important legislation.

TRIBUTE TO GORDON GALVAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. STARK. Mr. Speaker, I would like to pay tribute to Gordon Galvan's many years of dedicated service on the San Leandro City Council.

A lifelong San Leandro resident, Gordon is a third generation San Leandran and grandson of Spanish immigrants. He is a graduate of St. Leander's School and San Leandro High School.

Gordon began his service to the local community in 1992 as co-founder and President of the Bancroft Area Neighborhood Association. He went on to be elected in 1994 to the San Leandro City council, representing District One and was re-elected by a mandate in 1998.

During his two terms on the Council, Galvan was recognized as a champion of small and large businesses and a passionate advocate for revitalization of Downtown San Leandro. He led the way for public/private partner investments in the area resulting in over $2.5 million of improvements to downtown San Leandro.

Local and regional civic and community leaders recognized Gordon's leadership on the Council. His colleagues on the San Leandro City Council elected Galvan for an unprecedented two terms as Vice Mayor.

He served as vice chair of the City of San Leandro's Disaster Preparedness Council, and worked on San Leandro's FEMA award-winning Disaster Preparedness Campaign.

After seven years of service to the city of San Leandro, Gordon has stepped aside to devote more time to his business. Still devoted to serving his community, he is overseeing the management of the San Leandro Shuttle Program and the San Leandro Industrial Industrial Roundtable.

The Mayor, the San Leandro City Council and the Chamber are hosting a tribute to Gordon on September 27. I join in expressing appreciation for his many years of dedicated service on the San Leandro City Council.

PRESERVE U.S. JOBS IN THE PASSENGER VESSEL INDUSTRY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. BORSKI. Mr. Speaker, I rise today to express my opposition to a proposal to amend the 1886 Passenger Vessel Services Act (PVSA) by designating Panama as a distant foreign port of call. Such designation would allow foreign-flag vessels to carry passengers from one U.S. port to another U.S. port, provided only that the vessels stop in Panama en route.

Under the existing PVSA, vessels making U.S. point-to-point services must be owned, built, flagged and manned in the U.S. This statute has served our country well for over a century, ensuring a vibrant domestic passenger vessel industry that creates and preserves jobs in the U.S. Designating Panama as a distant foreign port would create no U.S. jobs, generate no economic benefits for the U.S., and result in no new business for U.S.-flag cruise vessels. Only foreign-flag—which pay no U.S. corporate income taxes, operate largely outside of U.S. laws, and employ foreign labor—would benefit from this misguided proposal.

The PVSA authorizes the U.S. Customs Service to provide the flexibility needed to meet the needs of the cruise industry public while at the same time preserving important national interests. By arbitrarily designating Panama as a distant foreign port, Congress would supersede the regulatory authority of Customs and contravene the longstanding purposes of the PVSA to bar foreign vessels from engaging in domestic transportation. Such an act would also create a dangerous precedent that could have even graver implications for U.S. cargo transportation governed by the Jones Act.

Mr. Speaker, the proponents of the Panama proposal hope to include it as an amendment to the Coast Guard Authorization bill. I urge my colleagues to strongly oppose this misguided attempt to undermine one of our nation's most important maritime laws.

TRIBUTE TO PAUL W. IVORY, ADMINISTRATOR OF CHESTERWOOD

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. OLVER. Mr. Speaker, it gives me great pleasure to commend Paul W. Ivory, who as of September 30 will retire as the Administrator of Chesterwood, the former country home and studio of sculptor Daniel Chester French in Stockbridge, Massachusetts. French was the creator of two of America's most powerful symbols: The Minute Man (1875) in Concord, Massachusetts and Abraham Lincoln (1922) for the Lincoln Memorial in Washington, DC.

At Chesterwood, which was designed by noted architect Henry Bacon, French executed many commissions, and he also designed the gardens and woodland walks around the grounds. French is considered to be one of

the most important artists of the late 19th century and early 20th century when our country was undergoing enormous change as an emerging world power. Playing a large role in a national movement to commemorate its heroes, French created more than 100 works of public sculpture.

In 1969, Chesterwood was donated to the National Trust for Historic Preservation by French's daughter, Margaret French Cresson. Shortly thereafter, Paul Ivory took over as Administrator of the museum and residence, and he has been its guiding force for the past 30 years. Mr. Ivory employed unparalleled dedication, expertise and commitment to excellence in overseeing the facilities and programming at Chesterwood during a time when it evolved into one of the most outstanding artistic and cultural attractions in the region, and indeed in the country.

Today, Chesterwood holds nearly 500 pieces of sculpture by Daniel Chester French, including molds, casts and studies—making it one of the largest collections of fine art devoted to a single American sculptor. Visitors to Chesterwood can enjoy a number of activities, including the studio where French worked and a residence that demonstrates the architectural elements of the Italian Villa and Colonial Revival styles. They can also walk through the studio garden with its flowered borders, sculptures and vistas of the Berkshire Hills. And they can view exhibits at the new Barn Gallery that bring the career and classical work of French to life even more. Among the other programs and exhibitions that have come to life under Mr. Ivory's charge are the Contemporary Sculpture at Chesterwood Series (22 years running), which allows visitors to compare diverse artistic styles and materials from both the past and the present, and the Sculpture in Residence, where visitors can become engaged in the art through a series of exhibitions and demonstrations, along with the Walking Tours of Contemporary Sculpture and the Annual Antique Car Show.

Mr. Speaker, Paul Ivory has demonstrated by his many accomplishments at Chesterwood that he is a man of outstanding ability and professionalism. At the same time, he has always exhibited deep respect for all of his associates and everyone connected with Chesterwood. Under his management, patronage at Chesterwood has grown to several thousand visitors every year, who come to be informed, entertained and edified. I also think it is appropriate to note that Mr. Ivory is a decorated Viet Nam veteran who earned the Army Commendation Medal, the National Defense Service Medal, the Viet Nam Service Medal, and the Republic of Viet Nam Campaign Ribbon with Device. I am proud to honor Mr. Ivory today and to express appreciation on behalf of myself and the western Massachusetts community in recognizing his accomplishments as Administrator of Chesterwood.

THE DISPLACED WORKERS ASSISTANCE ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. RAHALL. Mr. Speaker, I am pleased to be an original co-sponsor of the ''Displaced Workers Assistance Act'' introduced today by Mr. Gephardt. This bill will provide job training skills, health care benefits and extension of income support to employees of the airlines, and related industries, who lost their jobs as a result of the terrorist attacks on September 11, 2001.

I am especially pleased that the bill has been introduced just days after the House passed the ''Air Transportation Safety and System Stabilization Act'' last Friday.

I have always supported legislation to improve the quality of life for the American Worker. Last week, when the House passed the ''Air Transportation Safety and System Stabilization Act,'' I joined in the concern expressed by several unions that the bill did not contain provisions for displaced workers.

During floor debate on the airline stabilization bill, Speaker Hastert and Democratic Leader Gephardt pledged to address the needs of displaced workers in separate legislation as soon as possible. I voted for the ''Air Transportation Safety and System Stabilization Act'' last Friday because we were given these assurances.

I am pleased that the bill we introduce today has solid provisions to provide relief and security to displaced workers. I will work as hard as I can to help to get the bill passed and enacted into law expeditiously.

Regarding job training, workers who are not expected to return to their jobs within the airline industry will be eligible for retraining benefits for other types of work.

Workers who are not expected to return to their present jobs, but who may find some alternative job within the airline industry, will be eligible for upgrade training.

Regarding health care benefits, the federal government will fully reimburse eligible workers for their COBRA premiums.

Workers who do not qualify for COBRA and are otherwise uninsured will be eligible for Medicaid. The federal government will cover 100 percent of the premiums. These health care benefits will last for a maximum of 18 months.

Regarding income support, workers who exhaust their 26-week eligibility for state unemployment insurance will be eligible for an additional 52 weeks of cash payments funded entirely by the federal government.

Workers who do not meet their states' requirements for unemployment insurance will receive 26 weeks of federally financed unemployment insurance.

Workers who are eligible for the benefits provided in this bill are employees of airlines, commercial airline manufacturers, suppliers to airlines, and airports.

Only those workers who lost their jobs as a direct result of the terrorist attacks of September 11 or security measures taken in response to the attacks, are covered under this bill.

All Americans, and all people in the civilized world, were horrified at the events of September 11, 2001. But for those workers in the airlines and related industries, the pain was even more severe because of the loss of their livelihood, through no fault of their own, but through the fault of the terrorists' heinous crimes.

It is my fervent hope that the provisions of this bill will help the fine people who lost their jobs to rebuild their financial security.

By providing these displaced workers with job training, extended health care coverage and extended unemployment benefits, we are giving them the tools to get a new job, while receiving compensation and continued health care coverage during the process.

These benefits will provide the displaced workers with peace of mind as they rebuild their lives and financial security. They deserve our help, and we must pass the ''Displaced Workers Assistance Act'' expeditiously.

Thank you, Mr. Speaker.

RETIREMENT OF CHIEF FRANK J. COX WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. HOLT. Mr. Speaker, I rise to recognize retiring Police Chief Frank J. Cox of West Windsor Township, New Jersey and of his thirty-nine year long commitment to serving the people of New Jersey as a distinguished law enforcement officer.

A native of Princeton, New Jersey, Frank Cox first served on the Princeton Township Police Department from 1962 to 1968 before joining Chief Frank Maquire to create the West Windsor Township Police Department in 1968, becoming Chief in January 1980.

During his tenure with West Windsor Township's police department, Chief Cox was nominated and attended the 109th Session of the FBI National Academy and then served as the President of the New Jersey Chapter of the FBI National Academy. Additionally, he served as President of the Mercer County Chiefs of Police Association as well as serving on the executive board for the past fifteen years.

Because of his tremendous abilities, Chief Cox was even called upon to serve as the Interim Business Administrator of West Windsor Township from June 2000 to September 2001. Chief Cox's stalwart leadership for the past half century serves as an enduring example of unending commitment and selfless public service. It has been a pleasure working with him in recent years.

Mr. Speaker, I applaud Chief Frank Cox on his many years of service to the people of West Windsor Township and ask my colleagues to join me in recognizing his invaluable contributions to our community and New Jersey.

IN RECOGNITION OF THE CITY OF LA CAÑADA FLINTRIDGE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Southern California community of La Cañada Flintridge. On December 8, the city will celebrate its 25th year of cityhood.

In 1843, in the wake of the Mexican Revolution, Ignacio Coronel, a Mexican schoolteacher from Los Angeles, was granted a valley named ''Rancho La Cañada.'' Later, U.S. Senator Frank Flint divided 1,700 acres south of modern-day Foothill Boulevard into large lots and called his subdivision ''Flintridge.''

Eventually, the valley came to be known as ''La Cañada Flintridge,'' as it is called today.

La Cañada Flintridge experienced its most rapid growth during the 20th Century. A diverse and resourceful collection of farmers, professionals, intellectuals, and ranchers toiled to develop a prosperous city. To this day La Cañada Flintridge reflects their hard work. It is a city with extensive cultural resources and an educated population that has never abandoned the vision of its founders of successful small-town life.

La Cañada Flintridge is a bustling suburb with several important landmarks. The most recognizable institution in La Cañada Flintridge is the Jet Propulsion Laboratory, the world's leading center for robotic exploration of the solar system, which is managed for NASA by the California Institute of Technology. La Cañada Flintridge is also home to Descanso Gardens, a 165-acre botanical garden famous throughout the nation. The city also provides its citizens a full range of vital services and an excellent education in an independent school district.

On this 25th anniversary of the incorporation of La Cañada Flintridge, I offer my sincere congratulations to the city and its residents. La Cañada Flintridge exemplifies the American dream of a diverse coalition of individuals and families working together to secure business success, a high quality of life, and the friendliness and cooperation that is a hallmark of America's small-town suburbs.

FOR ALAN BEAVAN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SHAW. Mr. Speaker, many have discussed the national honors and medals that we should confer upon those brave souls who sacrificed themselves September 11 to bring down United Airlines flight 93 before it could reach Washington, DC, and perhaps this very Capitol building. I would like to submit the following piece for the record to highlight the actions and the life of one of those on board the flight, who was known to the family of one of my staff members. The following was written by my legislative director's brother-in-law, Michael A. Edwards, who is a director at the Ford Foundation in Manhattan:

ALAN BEAVAN, OCTOBER 15, 1952–SEPTEMBER 11, 2001

''Fear—who cares?'' reads a sign on Alan Beavan's desk. Alan was my friend, and he died defending the same principles for which he lived: love, self-sacrifice, and the rule of law over the rule of violence.

Alan was a passenger on United Airlines Flight 93 that crashed in Pennsylvania on September 11th, just after 10 o'clock in the morning. Just before 10, two members of his family, separated by thousands of miles in California and Boston, had the exact same vision flash across their consciousness: Alan, with his arm around the throat of an unknown assailant, locked in a life-or-death struggle, and singing at the top of his lungs as the plane went down.

Now, of course, the world knows that this vision was reality. Alan and his fellow bravehearts overpowered their hijackers and forced flight 93 away from its intended target in Washington, DC, sacrificing themselves in the process. His wife Kimi will be at the White House on Wednesday, September 26th, to collect the Congressional Medal of Honor from President Bush on Alan's behalf.

Alan died the day after his eighth wedding anniversary, returning to California to prosecute his latest case against pollution in the South Fork of the American River. After a lifetime spent teaching and practicing public interest law in New Zealand, London, New York and San Francisco, Alan had risen to become the finest environmental lawyer on the West Coast. His specialty was the defense of the natural world against corporate interests, though he lost more cases than he won, especially against the oil and logging companies. Nevertheless, the evidence he presented, and the arguments he made, have helped to strengthen corporate responsibility in the public eye.

Alan leaves behind a large and loving extended family, including John and Chris, his two sons by his first wife Liz, and the exquisite Dahlia Sonali, his 5-year old daughter by his second wife, Kimi Kaipaka.

''Where is Alan?'' a friend asked Sonali last week, worried that she might not understand the reality of her father's death.

''He's in court'', she said, understanding perfectly well, ''defending the angels.''

I love that, not just because it sums up Alan exactly, but also because it reminds us to hold onto the highest as we stumble forward in the weeks and months ahead. War, even death, would be no defeat for Bin Laden and his kind. This is what they want. Only the triumph of non-violence, secured through just laws justly applied, will bring the terrorists down.

Alan's family and friends said goodbye to him yesterday, Sunday, September 23rd. We swapped our favorite stories, sang to his memory, and saw photos of the heart of flowers, rice and sesame seeds that Sonali had made and left at the crash site, amid the hills and forests of Somerset County.

''Have I told you lately that I love you?
Have I told you there's no one else above you?
Fill my heart with gladness, take away my sadness,
Ease my troubles, that's what you do.''

Alan was a great soul, and he enriched the lives of everyone who knew him.

He was love in action.

Fearless, even in the darkest of circumstances.

And always on the side of the angels.

IN MEMORY OF STAN MATLOCK

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. PORTMAN. Mr. Speaker, I rise to honor the memory of Stan Matlock, a friend and Cincinnati broadcasting legend, who passed away on September 16, 2001.

Stan's WKRC–AM morning radio program, ''Magazine of the Air,'' was a Cincinnati area institution for 27 years. It was a simple concept—he would tell human interest stories, then play a record, then tell another vignette—but he did it better than anyone. The popularity of his program was extraordinary; at times fully 50 percent of radio listeners in the Cincinnati area tuned in to Stan Matlock's Magazine of the Air.

And he was more than a great storyteller. He loved research and writing and always considered himself first a writer. It's not surprising that his poignant stories were commentaries on our times. Impeccably organized, it was said that he had his vignettes cross-filed by subject and appropriateness for a particular time of day or national holiday or event. He was said to have over 30,000 ''Magazine of the Air'' scripts on file. Thankfully, some of his stories can still be heard on Saturday mornings in Cincinnati on WVXU–FM.

Stan grew up in Pleasant Ridge in Cincinnati, was a graduate of Withrow High School, and began his career as a newswriter in 1945 at WKRC–FM while a student at the University of Cincinnati. He switched to WKRC–AM in 1946. He retired from WKRC–AM 29 years later in 1975, but returned to broadcasting with stints at WLQA–AM (now WRRM–AM) in 1976, and again with WKRC–AM in 1993.

Stan's influence on broadcasting in Cincinnati was summed up by John Soller Sr., former general manager of WKRC–AM, who said, ''He set the standard for excellence in radio here.''

Stan was devoted to his family, and is survived by his wife, Louise, and daughter, Anna. All of us in Cincinnati have suffered a great loss with Stan's passing, just as we so benefitted from his full life.

ECONOMIC REVIVAL PLAN FOR AMERICA

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. RYAN of Wisconsin. Mr. Speaker, I submit for the RECORD a letter to the President of the United States from a large number of reputable economists and public policy advocates who have identified a pro-growth pro-jobs strategy to revive the U.S. economy.

DEAR MR. PRESIDENT. We, the undersigned, believe that quick and decisive action is needed to rebuild the nation's capital stock and restore economic growth. The economic slowdown that began in the middle of last year was perilously close to becoming a recession. But, because of what happened on September 11, what was a cause for concern is now a threat to national security.

The terrorist attacks destroyed a significant amount of wealth and damaged the short-term capability of key sectors of America's economy. Recovering from these despicable assaults will be a tremendous ordeal, but dealing with this challenge is only part of the problem. Equally important is the need to restore the economy's overall performance. If America is to successfully wage war on terrorism, we will need the resources that only can be generated by an economy firing on all cylinders.

This means substantial tax reform and significant tax rate reductions. We believe the core elements of an Economic Rebuilding and Recovery Package are:

A shift toward ''expensing'' of business investment. It is counterproductive not to allow companies to fully deduct the expense of investments in new factories, machines, structures, and technology. Replacing the current ''depreciation'' rules with immediate expensing—or at least a significant shift in that direction as contemplated in the High-Productivity Investment Act introduced in the US House of Representatives—will boost capital formation and help rebuild the wealth destroyed by terrorists.

Accelerated implementation of the income tax rate reductions. The tax rate reductions enacted earlier this year constitute sound long-term tax policy, but many of the pro-growth elements do not take effect until 2004, 2006, and 2010. This means the additional growth will not take effect until that time. The rate reductions, IRA expansions, and death tax repeal should be made effective as of September 11, 2001.

Capital gains tax rate reduction. The capital gains tax is a form of double taxation that penalizes risk-taking and entrepreneurship. This tax should not exist, and it certainly imposes significant economic damage in today's uncertain environment. A large—and permanent—reduction in the capital gains tax will stimulate new investment and more productive use of capital.

We look forward to working with you to rebuild America and restore economic growth. Thank you for your attention to this critical issue.

Sincerely,

Paul Beckner, President, Citizens for a Sound Economy; John Berthoud, President, National Taxpayers Union; David Burton, Senior Fellow, Prosperity Institute; Steve Entin, President and Executive Director, Institute for Research on the Economics of Taxation; Robert Funk, Executive Director, American Shareholders Alliance; James Gattuso, Vice-President for Policy, Competitive Enterprise Institute; Tom Giovanetti, President, Institute for Policy Innovation; Lawrence Hunter, Chief Economist, Empower America; Charles W. Jarvis, Chairman and CEO, United Seniors Association; Dave Keene, Chairman, American Conservative Union; Karen Kerrigan, Chairman, Small Business Survival Committee; Jim Martin, President, 60 Plus Association.

Dan Mitchell, McKenna Senior Fellow in Political Economy, Heritage Foundation; Steve Moore, President, Club for Growth; Grover Norquist, President, Americans for Tax Reform; Duane Parde, Executive Director, American Legislative Exchange Council; Andrew F. Quinlan, President and CEO, Center for Freedom and Prosperity; Richard Rahn, Senior Fellow, Discovery Institute; Gary Robbins, President, Fiscal Associates; Paul Craig Roberts, former Assistant Secretary of Treasury for Economic Policy; Terrence Scanlon, President, Capitol Research Center; Tom Schatz, President, Citizens Against Government Waste; Lew Uhler, President, National Tax Limitation Committee.

*Organizational affiliations are included for identification purposes only.

Identical letters were sent to the following: Speaker of the House Dennis Hastert, House Minority Leader Richard Gephardt, Senate Majority Leader Thomas Daschle, and Senate Minority Leader Trent Lott.

PERSONAL EXPLANATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. TURNER. Mr. Speaker, on Friday, September 21, I was unavoidably detained and missed rollcall vote 344. Had I been present, I would have voted ''aye.''

THE HOME EQUITY LOSS PREVENTION AND ECONOMIC RECOVERY ACT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Ms. WATERS. Mr. Speaker, I rise to introduce legislation which I believe is critically necessary at this time. My bill, the ''Home Equity Loss Prevention and Economic Recovery Act'' or HELPER, will restore the tax deduction for personal interest, such as that on automobile loans and credit card debt. It will also eliminate the limitations on the deduction of student loan interest.

This legislation will help prevent the reprehensible practice of stripping home equity to pay nondeductible debt. I have been working on ways to stem predatory lending for years. These practices often end in families losing their homes. I decided to turn to the tax code to eviscerate this problem of predatory lending, known as home equity stripping.

Home equity loans have historically been the privilege of the middle class and wealthy, who generally have high credit ratings, income, and home equity. However, beginning in the 1980s, non-depository finance companies—lending institutions other than commercial banks, thrifts, and credit unions—began to provide home equity loans to lower-income communities, which were not served by mainstream lenders.

Persons in low-income communities typically have little disposable income, but may have substantial home equity as a result of paying down their mortgages or through the appreciation of their property values. This equity can secure sizable loans. While offering loans to low-income and minority communities can benefit these communities, predatory lending practices, which oftentimes use the borrowers' home as collateral, have milked the last drops of wealth from many of these neighborhoods, leading to increased poverty and public dependence.

When vulnerable persons incur substantial medical costs, suffer sudden loss of income, require credit consolidation, or need funds to maintain their homes, predatory lenders step in, offering loans secured by the borrower's equity. Unfortunately, predatory home equity lenders target the most vulnerable homeowners—the elderly and people in financial or personal crisis.

The primary selling tools of these loans is the need to consolidate debt on which the interest is not deductible into a home equity loan, so that the interest can be deducted. Individuals with car loans, credit card debt and certain student loans cannot deduct the interest paid on these loans from their taxes. Often, these individuals will strip equity from their homes and pay high fees in an effort to consolidate this debt into one loan on which the interest is deductible. Frequently, these transactions involve high fees which offset any tax benefit that may be realized. Furthermore, after a loan consolidation, many consumers will accrue additional credit card debt.

My bill will remove the greatest incentive for equity stripping by making the interest on personal loans deductible, meaning that people with car loans, credit card debt and student loans that fall outside of current parameters, will now be able to deduct the interest they pay for these loans. The deductibility of the interest will lower the cost of borrowing for individuals and will prevent many individuals from overextending themselves in an effort to reap tax benefits.

I have been working on this legislation for several months, but decided that now is the appropriate time, because it has the potential to provide much needed economic stimulus. People will keep more of their money with these deductions, and will not be encouraged to pay high fees and risk losing their homes. I think that the time is right to restore the deductibility of personal interest and I would urge my colleagues to support this legislation.

AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION BILL

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Ms. DELAURO. Mr. Speaker, today I rise with troubled conscience, to vote for the Air Transportation Safety and System Stabilization Bill. The events of September 11, 2001 marked one of the darkest moments in our country's history. On that day, terrorists struck at the heart of our social and economic fabric and the ripple effects of this tragedy are still being felt. In particular, the airline industry was severely impacted, resulting in tremendous economic hardship for the carriers, the people who work for them and the travel industry as a whole. This bill will allow the airlines to continue flying; provide for the security of our airports and airways; and grant critical compensation to the families of victims of last week's heinous and barbaric attack. For these reasons, I hesitate to vote no.

Nonetheless, the bill does little for more than a hundred-thousand workers laid off as a result of this tragedy, nor does it help the employees in associated industries, such as engine and parts manufacturers, hotels, restaurants, travel agencies, limousines and rental car services, and all the others now facing lay-offs. I have serious reservations that if these concerns are not addressed in concert with this legislation, millions of laid-off workers and their families will be left behind with no guarantee that they will retain their unemployment benefits, health care benefits or receive any re-training opportunities.

The security provisions in this bill do not go far enough. The airline industry has repeatedly fought the government tooth and nail over increased airline and airport security measures and efforts to improve customer service. We cannot afford for them to fail, but they deserve a stern warning, not just a check.

I had sincerely hoped that last week's tragic events would have brought this Congress together in a bipartisan fashion to help everyone facing economic hardship. I look forward to legislation next week that brings relief and protection to those already unemployed and to the thousands of additional workers whose jobs are in jeopardy.

AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Ms. SCHAKOWSKY. Mr. Speaker, every single member of this body and every person in this country understand fully that a functioning airline industry is vital to the functioning of our country. Yet I stand in opposition to this legislation. Why?

Because, remarkably, this bill completely ignores the heroes in the airlines industry who were and are most deeply and personally affected by the September 11 atrocities. I am speaking of the pilots who fly the airplanes, the flight attendants, the baggage handlers, the mechanics, the ticket agents—the workers who are now losing their jobs as a result of the September 11 attacks.

You can look through every line of every page of this bill and you won't find a single mention of them. But those airline executives who earn over $300,000 will find a whole section of this bill devoted to them. It says that they can continue earning the same amount they did in year 2000, compensation amounting to $35 million for one CEO, $16 million for another, and $12 million for a third. And if those CEO's decide they've had enough, this bill says their golden parachute can be twice their salary.

But not a word about the up to 100,000 airline industry workers who will lose their jobs even if we pass this bill. An angry and hurt Association of Flight Attendants says, ''It's sad how quickly those who sacrifice to make our great country work, even in these times of tragedy, get left out when corporations go asking for taxpayer money.'' These workers are going to lose their jobs, and this bill says nothing about their loss of income, their loss of health insurance, nothing about job retaining.

Some other people are missing from this bill—passengers. Without them, no amount of money will save the airline industry. Yet nothing in this bill addresses the reason why airports are quiet and airplanes are nearly empty, why business travelers, vacationers, families, conventioneers are changing their plans and staying home or driving. That reason is simple: Fear of flying. In this entire bill there are only two sentences that refer to airline safety and then only in passing. If passengers are looking for a list of measures that will be implemented to make airplanes and airports more secure, they better not look in this bill. If they are looking for a security timetable, they won't find it here.

I stand here tonight ready to help the airline industry—but not just a part of it. Those who say they will help the workers next week or next month must be asked, Why not tonight? To those who tell consumers to wait for airline safety measures, I ask, Why can't they be part of this package? Are they less deserving, less important, less needy? We can go back and within hours add them. Then I would gladly and proudly vote yes.

Daily Digest

HIGHLIGHTS

Senate passed Continuing Appropriations Resolution.

The House passed H.R. 2586, National Defense Authorization Act for Fiscal Year 2002.

The House passed H.R. 2944, District of Columbia Appropriations for Fiscal Year 2002.

Senate

Chamber Action

Routine Proceedings, pages S9763–S9821

Measures Introduced: Seven bills were introduced, as follows: S. 1459–1465. **Page S9807**

Measures Reported:

Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002". (S. Rept. No. 107–67)

S. 1460, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002. (S. Rept. No. 107–68)

S. 1270, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse". **Pages S9804–95**

Measure Passed:

Continuing Appropriations: Senate passed H.J. Res. 65, making continuing appropriations for the fiscal year 2002. **Page S9780**

Lee H. Hamilton Federal Building and United States Courthouse: Senate passed H.R. 1583, to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse", clearing the measure for the President. **Page S9820**

Department of Defense Authorization: Senate continued consideration of S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendment proposed thereto: **Pages S9763–S9800**

Adopted:

Inhofe Modified Amendment No. 1594, to authorize the Secretary of Defense to waive a limitation on performance of depot-level maintenance by non-Federal Government personnel. **Pages S9763, S9768–69**

Domenici Amendment No. 1672, to provide permanent appropriations with fiscal year limits to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act. **Pages S9781–82**

Levin (for Cleland) Amendment No. 1677, to authorize the Secretary of Defense to exempt certain health care professionals from examination for appointment in the competitive civil service. **Page S9791**

Warner (for Collins/Landrieu) Amendment No. 1678, to authorize waivers of a prohibition of requirement for a nonavailability of health care statement or a preauthorization of health care, and to make other modifications regarding the prohibition. **Page S9792**

Levin (for Feingold) Amendment No. 1679, to require a report on the V–22 Osprey aircraft before a decision to resume flight testing. **Pages S9792–93, S9794**

Warner (for Santorum) Amendment No. 1683, to add $1,000,000 for the Air Force for research, development, test, and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative (PE 604617), and to offset the increase by reducing by $1,000,000 the amount provided for the Navy for research, development, test and evaluation for Modular Helmet Development (PE 604264N); Aircrew Systems Development. **Page S9794**

Levin (for Mikulski) Amendment No. 1684, to amend title 10, United States Code, to provide for an insensitive munitions program. **Pages S9794–95**

Warner (for Hutchinson) Amendment No. 1685, to provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension. **Page S9795**

Levin (for Kennedy) Amendment No. 1686, to revise requirements which allow the Navy to renew long-term leasing of ships for the University National Oceanographic Laboratory System. **Page S9795**

Warner (for Voinovich) Amendment No. 1687, to authorize agencies to use appropriated or other available funds to pay the cost of credentials and related examinations for Federal employees. **Page S9795**

Rejected:

Bunning Amendment No. 1622, to strike title XXIX, relating to defense base closure and realignment. (By 53 yeas to 47 nays (Vote No. 286), Senate tabled the amendment.) **Pages S9763–68**

Warner Amendment No. 1674, to strike section 821 of the bill, which would revise requirements relating to the purchase of Federal Prison Industries products by the Department of Defense. (By 74 yeas to 24 nays (Vote No. 287), Senate tabled the amendment.) **Pages S9769–80**

Withdrawn:

Inhofe Amendment No. 1595, to revise requirements relating to closure of Vieques Naval Training Range. **Pages S9763, S9790–91**

Nominations Received: Senate received the following nominations:

Everet Beckner, of New Mexico, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Mary L. Walker, of California, to be General Counsel of the Department of the Air Force.

Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service.

Harold Daub, of Nebraska, to be a Member of the Social Security Advisory Board for the remainder of the term expiring September 30, 2006.

Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Madagascar.

Charles Lawrence Greenwood, Jr., of Florida, Charles Lawrence Greenwood, Jr., of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Coordinator for Asia Pacific Economic Cooperation (APEC).

Stephan Michael Minikes, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Gerald Reynolds, of Missouri, to be Assistant Secretary for Civil Rights, Department of Education.

Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years. (Reappointment)

Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a term of six years. **Pages S9820–21**

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

Donald R. Schregardus, of Ohio, to be an Assistant Administrator of the Environmental Protection Agency, which was sent to the Senate on September 4, 2001. **Page S9821**

Messages From the House: **Page S9803**

Measures Referred: **Pages S9803–04**

Measures Placed on Calendar: **Page S9804**

Executive Communications: **Page S9804**

Executive Reports of Committees: **Pages S9805–07**

Additional Cosponsors: **Pages S9807–09**

Statements on Introduced Bills/Resolutions: **Pages S9809–11**

Additional Statements: **Pages S9802–03**

Amendments Submitted: **Pages S9811–19**

Authority for Committees to Meet: **Pages S9819–20**

Privilege of the Floor: **Page S9820**

Record Votes: Two record votes were taken today. (Total—287) **Pages S9768, S9780**

Adjournment: Senate met at 9:30 a.m. and adjourned at 7:49 p.m., until 9:30 a.m., on Wednesday, September 26, 2001. (For Senate's program, see

the remarks of the Acting Majority Leader in today's Record on page S9820.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—MILITARY CONSTRUCTION

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 1460) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Gen. Peter Pace, USMC, for reappointment in the grade of general and for appointment as the Vice Chairman of the Joint Chiefs of Staff; Gen. John W. Handy, USAF, for reappointment in the grade of general and for appointment as Commander in Chief, United States Transportation Command and Commander, Air Mobility Command; and Adm. James O. Ellis, Jr., USN, for reappointment in the grade of admiral and for appointment as Commander in Chief, United States Strategic Command, after the nominees testified and answered questions in their own behalf. General Pace was introduced by Senator Bill Nelson.

NATIONAL FIRE PLAN

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded hearings to examine the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment, after receiving testimony from Lyle Laverty, Associate Deputy Chief, State and Private Forestry and National Fire Plan Coordinator, Forest Service, Department of Agriculture; Tim Hartzell, Director, Office of Wildland Fire Coordination, Department of the Interior; Colorado State Forester James E. Hubbard, Denver, on behalf of the Western Governors' Association; Nathaniel Lawrence, Natural Resources Defense Council, Olympia, Washington; Tom Nelson, Sierra Pacific Industries, Redding, California; Trent Woods, Save Elk City, Elk City, Idaho; and Rick DeIaco, Ruidoso, New Mexico.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following items:

S. 950, to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether;

S. 1206, to reauthorize the Appalachian Regional Development Act of 1965, with an amendment in the nature of a substitute;

S. 1270, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse"; and

The nominations of Brigadier General Edwin J. Arnold, Jr., United States Army, to be a Member and President, and Brigadier General Carl A. Strock, United States Army, to be a Member, both of the Mississippi River Commission, Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission, Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, P. H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority, Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, Michael Parker, of Mississippi, to be Assistant Secretary of the Army for Civil Works, and Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration, Department of Transportation.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Roy L. Austin, of Pennsylvania, to be Ambassador to Trinidad and Tobago; Charlotte L. Beers, of Texas, to be Under Secretary of State for Public Diplomacy; Clifford G. Bond, of New Jersey, to be Ambassador to Bosnia and Herzegovina; Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; Kenneth C. Brill, of Maryland, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, and to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador; John J. Danilovich, of California, to be Ambassador to the Republic of Costa Rica; Patricia de Stacy Harrison, of Virginia, to be Assistant Secretary of State for Educational and Cultural Affairs; Hans H. Hertell, of Puerto Rico, to be Ambassador to the Dominican Republic; Franklin Pierce Huddle, Jr., of California,

to be Ambassador to the Republic of Tajikistan; Michael E. Malinowski, of the District of Columbia, to be Ambassador to the Kingdom of Nepal; Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; Kevin Joseph McGuire, of Maryland, to be Ambassador to the Republic of Namibia; Kevin E. Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador; Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire; Rockwell A. Schnabel, of California, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador; Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada; Mattie R. Sharpless, of North Carolina, to be Ambassador to the Central African Republic; Pamela Hyde Smith, of Washington, to be Ambassador to the Republic of Moldova; R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; and John Stern Wolf, of Maryland, to be Assistant Secretary of State for Non-proliferation.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada; John J. Danilovich, of California, to be Ambassador to the Republic of Costa Rica; Roy L. Austin, of Pennsylvania, to be Ambassador to Trinidad and Tobago; Franklin Pierce Huddle, Jr., of California, to be Ambassador to the Republic of Tajikistan; Pamela Hyde Smith, of Washington, to be Ambassador to the Republic of Moldova; Rockwell A. Schnabel, of California, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador; and Clifford G. Bond, of New Jersey, to be Ambassador to Bosnia and Herzegovina, after the nominees testified and answered questions in their own behalf.

AVIATION SECURITY

Committee on Governmental Affairs: Committee concluded joint hearings with their Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia to examine enhanced airport security measures that the Federal Aviation Administration has adopted in the aftermath of the recent terrorist attacks, focusing on airport access controls, passenger and carry-on baggage screening, and alternatives to current screening practices, after receiving testimony from Monte R. Belger, Acting Deputy Administrator, Federal Aviation Administration, and Kenneth M. Mead, Inspector General, both of the Department of Transportation; Gerald L. Dillingham, Director, Physical Infrastructure Issues, General Accounting Office; Robert W. Baker, American Airlines, Fort Worth, Texas; Rear Adm. Paul E. Busick, USCG (Ret.), North Carolina Global TransPark Authority, Kinston; Leonard L. Griggs, Jr., City of St. Louis Airport Authority, St. Louis, Missouri; Aubrey W. Harvey, Jr., Argenbright Security, Chicago, Illinois, and Michael B. La Pier, Central Illinois Regional Airport, Bloomington.

HOMELAND DEFENSE

Committee on the Judiciary: Committee held hearings to examine the status of Federal investigations regarding the recent terrorist attacks and on proposals to improve law enforcement tools in the fight against terrorism, focusing on authorizing use of ''roving'' or ''multi-point'' wiretaps in intelligence investigations, updating money laundering, RICO, and wiretap laws, to make terrorism offenses predicates for exercising the authorities under those laws, supporting the families of the police, firefighters, and other law enforcement and public safety personnel, reviewing the penalty structure for terrorism crimes, reviewing and improving immigration authorities, increasing federal agents and capabilities along the Northern Border, authorizing hiring of necessary translators at the FBI, and condemning hate crimes and ethnic and religious discrimination, receiving testimony from John Ashcroft, Attorney General, Department of Justice.

Hearings continue on Tuesday, October 2.

House of Representatives

Chamber Action

Measures Introduced: 23 public bills, H.R. 2948–2970, and 1 private bill, H.R. 2971, were introduced. **Pages H6055–56**

Reports Filed: Reports were filed today as follows: (H. Rept. 107–219).

Guest Chaplain: Rev. Walter L. Solomon, Mt. Moriah Missionary Baptist Church of North Pratt, Birmingham, Alabama. **Page H5979**

Recess: The House recessed at 9:18 a.m. and reconvened at 10 a.m. **Page H5979**

District of Columbia Appropriations: The House passed H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002 by a yea-and-nay vote of 327 yeas to 88 nays with 1 voting ''present'', Roll No. 355. **Pages H5984–H6011**

Pursuant to the rule the amendments printed in Part A of House Report 107–217 were considered as adopted. **Page H5994**

Agreed To:

Traficant amendment that prohibits funding to any person or entity that violates the Buy American Act; and **Pages H6008–09**

Hostettler amendment No. 1 printed in the Congressional Record of Sept. 24 that prohibits any funding to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights related to docket numbers 93–030–(PA) and 93–031–(PA) concerning the Boy Scouts (agreed to by a recorded vote of 262 ayes to 152 noes, Roll No. 354. **Pages H6007–08, H6009–10**

Rejected:

Weldon of Florida amendment that sought to prohibit all funds from being used for implementation of the District of Columbia domestic partnership act (rejected by a recorded vote of 194 ayes to 226 noes, Roll No. 352); and **Pages H6002–05**

Norton amendment that sought to amend the Hostettler amendment that prohibits funding to enforce orders against the Boy Scouts by the District of Columbia Commission on Human Rights (rejected by a recorded vote of 173 ayes to 243 noes, Roll No. 353). **Pages H6007–08, H6009**

Withdrawn:

Hastings of Florida amendment was offered and subsequently withdrawn that sought to increase funding for implementation of the security plan by the Metropolitan Police Department and the Fire Department of the District of Columbia by $5 million; and **Page H5999**

Norton amendment No. 3 printed in the Congressional Record of Sept. 24 was offered and subsequently withdrawn that sought to strike Sections 102, 104, 105, 106, 107, 108, 109, 111, 113, 114, 116, 117, 118, 120, 121, 122, 123, 124, 125, and 127 through 134. **Page H6000**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H6011**

Earlier, H. Res. 245, the rule that provided for consideration of the bill, was agreed to by a yea-and-nay vote of 236 yeas to 183 nays, Roll No. 351. **Pages H5980–83**

Extension of Defense Production Act: The House agreed to the Senate amendment to H.R. 2510, to extend the expiration date of the Defense Production Act of 1950, with an amendment. **Pages H6011–12**

Permanent Select Committee on Intelligence—Late Report: The House Permanent Select Committee on Intelligence received permission to have until midnight on Wednesday, Sept. 26 to file a report on H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. **Page H6011**

District of Columbia Police Coordination Amendment—Suspension: The House agreed to suspend the rules and pass H.R. 2199, to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia. **Pages H6012–13**

Recess: The House recessed at 2:57 a.m. and reconvened at 5:46 p.m. **Page H6015**

National Defense Authorization Act for Fiscal Year 2002: The House passed H.R. 2586, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy and to prescribe military personnel strengths for such fiscal year for the Armed Forces by a recorded vote of 398 ayes to 17 noes, Roll No. 359. Agreed to amend the title. The House also considered the bill on Sept. 20.

Pages H6015–43

Rejected the Bonior motion to recommit the bill to the Committee on Armed Services with instructions to report it back to the House forthwith with amendments that strike section 331 dealing with FY 2002 limitations on workforce reviews and insert the text of subtitle G on Service Contracting Reform at the end of title III by a recorded vote of 197 ayes to 221 noes, Roll No. 358. **Page H6040–41**

Agreed To:

Stump managers amendment No. 1 printed in House Report 107–218 that makes various changes including a funding increase for F–22 testing, allowing the use of DOD resources for public safety and security at the 2002 Winter Olympics in Salt Lake City, and permitting the Secretary of Defense to accept monetary contributions for the purpose of reconstructing the Pentagon; **Pages H6016–19**

Stump amendment No. 2 printed in House Report 107–218 that commends the DOD decision to establish the Defense of Freedom medal to recognize the sacrifices of civilian personnel who are killed or wounded as a result of hostile action; **Pages H6019–20**

Traficant amendment No. 3 printed in House Report 107–218 that permits the assignment of military personnel to border patrol duties at the request of the Attorney General and Secretary of the Treasury (agreed to by a recorded vote of 242 ayes to 173 noes, Roll No. 356); and **Pages H6020–22, H6032**

Stump amendment No. 5 printed in House Report 107–218 that increases funding for activities to combat terrorism by $400 million. **Pages H6025–32**

Rejected:

Sanchez amendment No. 4 printed in House Report 107–218 that sought to allow abortions to be performed in overseas military hospitals (rejected by a recorded vote of 199 ayes to 217 noes, Roll No. 357). **Pages H6022–25, H6032–33**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H6043**

Agreed to H. Res. 246, the rule that providing for consideration of the bill by voice vote.

Pages H6013–15

Meeting Hour—Friday, September 28: Agreed that when the House adjourns on Wednesday, September 26, it adjourn to meet at 10 a.m. on Friday, September 28. **Page H6043**

Meeting Hour—Tuesday, October 2: Agreed that when the House adjourns on Friday, September 28, it adjourn to meet at 12:30 p.m. on Tuesday, October 2, for morning hour debate. **Page H6043**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, October 3. **Page H6043**

Senate Message: Messages received from the Senate today appears on page H6015.

Quorum Calls—Votes: Two yea-and-nay votes and seven recorded votes developed during the proceedings of the House today and appear on pages H5983, H6004–05, H6009, H6009–10, H6010–11, H6032, H6033, H6041–42, and H6042–43. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:22 p.m.

Committee Meetings

NURSING SHORTAGE

Committee on Education and the Workforce: Held a hearing on "The Nursing Shortage: Causes, Impact and Innovate Remedies." Testimony was heard from Representatives Kelly, and McCarthy of New York; and public witnesses.

U.S. POLICY TOWARDS THE PALESTINIANS

Committee on International Relations: Subcommittee on the Middle East and South Asia continued hearings on U.S. Policy Towards the Palestinians, Part II. Testimony was heard from public witnesses.

OVERSIGHT—FOREST SERVICE RECREATION FEE DEMONSTRATION PROGRAM EXTENSION

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Permanent Extension of the Forest Service Recreation Fee Demonstration Program. Testimony was heard from

Denny Bschor, Acting Associate Deputy Chief, Forest Service, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands approved for full Committee action, as amended, the following bills: H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System; and H.R. 1776, Buffalo Bayou National Heritage Area Study Act.

NSF SPONSORED AGRICULTURAL BIOTECHNOLOGY RESEARCH

Committee on Science: Subcommittee on Research held a hearing on Strengthening NSF Sponsored Agricultural Biotechnology Research, focusing on the following bills: H.R. 2051, to provide for the establishment of regional plant genome and gene expression research and development centers; and H.R. 2912, to authorize the National Science Foundation to establish a grant program for partnerships between United States research organizations and those in developing countries for research on plant biotechnology. Testimony was heard from Mary E. Clutter, Assistant Director, Biological Sciences Directorate, NSF; and public witnesses.

DEPARTMENT OF LABOR'S APPRENTICESHIP APPROVAL PROCESS—REMOVING RED TAPE

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing titled "Removing Red Tape from the Department of Labor's Apprenticeship Approval Process." Testimony was heard from Representative Wicker; and public witnesses.

AVIATION SECURITY—FUTURE OF AVIATION INDUSTRY

Committee on Transportation and Infrastructure: Subcommittee on Aviation continued hearings on Aviation Security and the Future of the Aviation Industry. Testimony was heard from public witnesses.

MEDICARE REGULATORY AND CONTRACTING REFORM ACT

Committee on Ways and Means: Subcommittee on Health held a hearing on H.R. 2768, Medicare Regulatory and Contracting Reform Act of 2001. Testimony was heard from Thomas Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Leslie Aronovitz, Director, Healthcare Program Administration and Integrity Issues, GAO; and public witnesses.

PROMOTING SAFE AND STABLE FAMILIES AMENDMENTS

Committee on Ways and Means: Subcommittee on Human Resources approved for full Committee action, as amended, H.R. 2873, Promoting Safe and Stable Families Amendments of 2001.

Joint Meetings

ELEMENTARY AND SECONDARY EDUCATION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, but did not complete action thereon, and recessed subject to call.

MOLDOVA

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine the situation in Moldova, focusing on developments in the Transdniestria region and the promised withdrawal of Russian military forces as well as armaments and ammunition from Moldova, after receiving testimony from Steven Pifer, Deputy Assistant Secretary of State for European and Eurasian Affairs; Ceslav Ciobanu, Ambassador of the Republic of Moldova to the United States, and Charles King, Georgetown University Department of Government, both of Washington, D.C.; Kimmo Kiljunen, Parliament of Finland and Organization for Security and Co-operation in Europe Parliamentary Assembly's Working Group on Moldova, Helsinki, Finland; and William Hill, Organization for Security and Co-operation in Europe Mission to Moldova, Chisinau.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 26, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine Administration's perspective with regard to the new federal farm bill; immediately following, a hearing on the nominations of Elsa A. Murano, of Texas, to be Under Secretary for Food Safety, and Edward

R. McPherson, of Texas, to be Chief Financial Officer, both of Department of Agriculture, 9 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine the Administration's national money laundering strategy for 2001, 9 a.m., SD–538.

Committee on Energy and Natural Resources: to hold closed hearings to examine critical energy infrastructure security and the energy industry's response to the events of September 11, 2001, 9:30 a.m., SD–366.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine psychological trauma and terrorism, focusing on assurance that Americans receive the support they need, 10 a.m., SD–430.

House

Committee on Financial Services, hearing entitled ''America's Insurance Industry: Keeping the Promise,'' 9:30 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on ''Information Technology-Essential Yet Vulnerable: How Prepared Are We for Attack?'' 10 a.m., 2154 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Improving the Delivery of Transit Services by Easing Regulatory Burdens, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, hearing on terrorism, 10 a.m., 2123 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 26

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10:00 a.m.), Senate expects to begin consideration of S. 1460, Military Construction Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 26

House Chamber

Program for Wednesday: Pro Forma Session.

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E1727, E1730
Barrett, Thomas M., Wisc., E1736
Bass, Charles F., N.H., E1732
Bereuter, Doug, Nebr., E1732
Borski, Robert A., Pa., E1737
Bryant, Ed, Tenn., E1718
Cantor, Eric, Va., E1726
Clyburn, James E., S.C., E1727, E1731
Coble, Howard, N.C., E1723
Crenshaw, Ander, Fla., E1726
DeLauro, Rosa L., Conn., E1740
DeMint, Jim, S.C., E1721
Dingell, John D., Mich., E1723, E1735
English, Phil, Pa., E1733
Eshoo, Anna G., Calif., E1729
Farr, Sam, Calif., E1729
Foley, Mark, Fla., E1732
Gekas, George W., Pa., E1726, E1733
Hall, Ralph M., Tex., E1720
Hoeffel, Joseph M., Pa., E1734
Holt, Rush D., N.J., E1738
Honda, Michael M., Calif., E1729
Hooley, Darlene, Ore., E1736
Horn, Stephen, Calif., E1727, E1731
Kanjorski, Paul E., Pa., E1722
Kildee, Dale E., Mich., E1728
Kucinich, Dennis J., Ohio, E1734
LaFalce, John J., N.Y., E1737
Lofgren, Zoe, Calif., E1729, E1736
McGovern, James P., Mass., E1736
McInnis, Scott, Colo., E1716, E1718, E1720, E1722
Matsui, Robert T., Calif., E1722, E1730
Menendez, Robert, N.J., E1721
Miller, Gary G., Calif., E1719
Morella, Constance A., Md., E1715, E1718, E1720
Olver, John W., Mass., E1737
Otter, C.L. ''Butch'', Idaho, E1716
Oxley, Michael G., Ohio, E1725
Pastor, Ed, Ariz., E1716, E1719
Portman, Rob, Ohio, E1739
Radanovich, George, Calif., E1728, E1731
Rahall, Nick J., II, W.Va., E1738
Ryan, Paul, Wisc., E1739
Sanchez, Loretta, Calif., E1724, E1733
Sanders, Bernard, Vt., E1721
Schakowsky, Janice D., Ill., E1741
Schiff, Adam B., Calif., E1738
Serrano, José E., N.Y., E1735
Shaw, E. Clay, Jr., Fla., E1739
Shays, Christopher, Conn., E1723
Shuster, Bill, Pa., E1724
Skelton, Ike, Mo., E1727, E1730, E1732
Smith, Adam, Wash., E1715
Spratt, John M., Jr., S.C., E1716
Stark, Fortney Pete, Calif., E1729, E1737
Stearns, Cliff, Fla., E1721
Tanner, John S., Tenn., E1719
Taylor, Charles H., N.C., E1728, E1731
Thomas, William M., Calif., E1726
Turner, Jim, Tex., E1740
Udall, Tom, N.M., E1734
Walden, Greg, Ore., E1725
Waters, Maxine, Calif., E1740
Watts, J.C., Jr., Okla., E1720
Young, Don, Alaska, E1729

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $197.00 for six months, $393.00 per year, or purchased for $4.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.