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# House of Representatives

The House met at 12:30 p.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 30 minutes, and each Member, except the majority leader, the minority leader or the minority whip, limited to not to exceed 5 minutes.

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

## CURRENT AVIATION SECURITY SCREENING IS WOEFULLY INADEQUATE

Mr. DEFAZIO. Mr. Speaker, the House needs to move forward and quickly with a thoughtful and comprehensive transportation and infrastructure security package. It should not be just limited to aviation. There are other areas of vulnerability that go to other modes of transportation, whether they are transportation moving people or cargo, our pipelines, our dams, generating facilities, nuclear plants, a whole host of things.

For now the major focus is on aviation, and we are coming close to some agreement, but there is one vital issue still in disagreement on this package. There are a number of smaller items, but one in particular, and that is, who should be the front-line providers of aviation security at the airport? There is a whole host of places we need security.

There is what is called the backside or the airside of the airport. Access to the airplanes where people, things, contraband, could be smuggled on board, or weapons, that needs to be tightened up dramatically. Thirty-eight percent of the security breaches registered by the FAA in the last 2 years related to screening at airports.

Now, this is extraordinarily variable across the United States. Some airports, my little airport in Eugene, the screeners there do a very good job. They are very upset with me because of pushing for federalization and standardization of this, but other airports are a disaster, and we cannot allow those disastrous breaches and problems to continue.

With whom do we want to continue the current system of private contracting? We already have, documented for decades, problems with the private contracting firms. Most recently, and outrageously, we have aviation safeguards at Miami International Airport, where the manager was falsifying background checks. The company was fined more than $110,000, put on 5 years probation. The manager was sentenced to 5 years in Federal prison, and guess what, they are still providing the security screening at Miami International Airport.

Then we have Argenbright Security, which does Boston, Newark and Washington. That company paid a $1.2 million fine for doctoring records and allowing convicted felons to work at the Philadelphia airport but Miami international officials said they were satisfied with the company's work.

That is the status quo. Those are the most outrageous examples. Then we have the common examples, the fact that 90 percent of the screening personnel in the United States, unlike at my little home airport, where people stay in their jobs for years, 90 percent have less than 6 months experience because these are at all the major airports, the lowest paid entry level positions into the airport.

We had testimony to that effect almost 2 years ago, when the gentleman from Illinois (Mr. LIPINSKI) and I first proposed making these into Federal law enforcement positions where the people would be well paid, well trained, and we know they would be subjected to a thorough background check by the Federal Government, not by some private firm that sometimes has falsified those documents.

The turnover at Boston Logan Airport among screeners last year, 207 percent; Houston, 237 percent; Atlanta, 375 percent; St. Louis, 416 percent. The screener of the year 2 years ago named by the private security companies came from St. Louis. He came before our committee and said, you know, Congressman, I am really lucky. I love this job and I can afford to do it. I said, well, what do you mean you can afford to do it? He said, well, I do not have to live on the income they pay. Nobody could live on that income. He said, I have got outside sources of income. I own some rental properties and I have got a little bit of other income so I can do the job. But everybody else, they look at it as a way to work up to McDonald's or Burger King, or maybe even really the top of the scale, cleaning the airplanes.

This is not right. These people are the front line. They should be like INS, like Customs, and yes, like agriculture, where they are uniformed Federal law enforcement personnel with the right to question and detain people who might present a threat. We know they are professionally trained, they are paid well and we get rid of this turnover and the problems with the background screening.

This is the major item in contention. We cannot be blinded. I have actually had colleagues say you know what we should do, we should privatize this, and I said guess what, it has been privatized, it has been supervised by the FAA although the new rules for screening companies were delayed for about 6 years. Not because of just bureaucratic intransigence at the FAA,



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but because the security companies, the airlines, the Air Transport Association, and many others designed to delay those rules for years because they knew the new system would be more expensive and would be a little bit better than what we have today, but would still not be as good as a uniform, Federalized system.

That is where we need to go to assure the traveling public, and then we have to look at all the other issues that relate to aviation and other modes of transportation.

## BERLIN CONFERENCE ON TERRORISM

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

Mr. PENCE. Mr. Speaker, I am pleased to come to the floor today to spend a few minutes providing a very preliminary report on the status of our worldwide coalition against terrorism.

Last week, I traveled to Berlin, Germany, to join leaders of our allied nations from around the world for the first international conference on terrorism since the attacks on New York and Washington. The conference included representatives from Great Britain, Germany, France, Belgium, Italy, Korea, Japan, Ireland, Israel, and even Jordan. I was privileged to lead a discussion with His Royal Highness, Prince Hassan of Jordan, and with Nobel Laureate David Trimble of the United Kingdom.

During our meetings with America's strongest allies around the world, I arrived at four basic conclusions about our allied response to these terrorist attacks.

Number one, my colleagues should be aware that all of our friends and partners, particularly the residents of Berlin, grieve with the people of the United States.

From the piles of flowers, cards, and candles stacked waist-high on the barricades just outside the American Embassy to the teary-eyed mayor of a small town who handed a condolence book signed by everyone in his village to our ambassador, the evidence of genuine sorrow for the people of the United States was overwhelming.

On Thursday, I met with my friend, Ambassador Dan Coates, formerly of this body and now our man in Berlin, as he showed me the thousands of drawings, cards, and letters sent to the people of the United States at the embassy, some simply were addressed in crayon to our ''Our Dear Friends.''

As the only American official at this conference, I was inundated with heartfelt expressions of condolence, and I felt the awkward gratitude of a citizen of a nation not accustomed to asking for help.

Secondly, I am pleased to report that our foreign policy initiatives immediately following the attack have been an unqualified success. President Bush has reversed many previous negative impressions of our country's leadership. In comment after comment, representatives from countries that had once ridiculed the United States foreign policy heaped praise on the patience and the strength of our President.

Additionally, Hoosiers can be proud of the great work of our ambassador, Dan Coates. He has been the very personification of grace under pressure. I learned Thursday that he and his wife, Marsha, arrived in Germany only 4 days before the terrorist attacks. Less than 1 week after his arrival, he stood to receive the sympathies of over 200,000 Germans who gathered in a candlelight vigil at the Brandenburg Gate. This is a tribute all Americans should know about.

Thirdly, the European political support for military action is firm but not permanent. Most of the participants of the conference openly spoke of the need for a strong retaliatory strike. As one diplomat said, the terrorists must ''learn that there is a steep price to be paid for such action.''

Most also noted, however, that support for military action might not last long. Representatives from Great Britain and Germany spoke of strong antiwar movements in many NATO countries, and predicted that, after recovering from the initial shock of the attacks, left-of-center governments in these countries would, again, face pressure to withdraw support for U.S. action.

America must act boldly and rapidly in insisting upon a military response before support from our allies dissipates.

Finally, Mr. Speaker, our allies are deeply skeptical about the depth of America's commitment in the Middle East. They must be reassured. Many of our friends in the Middle East told me privately that they believed the United States has been in retreat in the region since the early 1990s. The failure to respond forcefully to terrorist attacks on our North Africa embassies and the USS *Cole*, combined with the last administration's determination to pressure Israel into trading land for peace, has sent the message that U.S. resolve in the region is weakening.

Whatever action we initiate must involve the overwhelming and sustained use of force to demonstrate our unwavering support for stability and democracy in the region. Only this type of response will allay concerns among our friends and provide a clear warning to our enemies that America is in the Middle East to stay.

Mr. Speaker, in closing, I told all of the assembled diplomats and parliamentarians at a banquet on Friday evening that it was altogether fitting that we were holding this conference in the city of Berlin.

When I first visited Berlin as a college student 25 years ago, the city was divided by a wall separating east from west. It was nearly universally accepted that this devastated city would remain divided, but the United States refused it abandon the dream of a reunified Berlin.

From President Kennedy's airlift to President Reagan's challenge that Gorbachev ''tear down this wall,'' America stood for peace and freedom in Berlin. Today our dream of a reunited Germany and a thriving and united Berlin is a reality. If Berlin could rise from the ashes of war and division, surrounded on all sides by hostile powers, perhaps the Middle East, too, can rise from a history of warfare and deep disunity to become a place where peace and freedom prosper.

## OUR HOPE NOT BROKEN

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

Mr. ISRAEL. Mr. Speaker, recently I attended a candlelight vigil at the Deer Park High School on Long Island on behalf of those missing and lost on the attack on the World Trade Center.

Following that ceremony, I have had the privilege of meeting with the Szewczuk family. Jessica Szewczuk gave me a poem she wrote about the Trade Center attack. Her words are particularly poignant because her father is a New York firefighter, one of the countless heroes who has saved lives in the true spirit of America.

On behalf of all of those heroes, I would like to read Jessica's poem to my colleagues. She writes:

When the Twin Towers were hit
Everyone was in shock
People screaming and running
Not believing what was happening to us
We the nation of strength and teams
The nation that gives hope and dreams
The nation that was built with confidence and care.
The nation that will always be there
When this tragedy occurred everyone went mad
The city was in chaos, really bad
People said that everyone would be torn
They were right for we continue to mourn
This tragedy will be hard to mend
But never have we been so close
Everyone is everyone's friend
This terror that happened just brought us tighter
Boosted up our confidence and made our hearts brighter
We are all working as a team, we're all helping out
The city is slowly being fixed and there is less doubt
So there goes to show that whatever may be
Our people will always be confident and free
Nothing can ruin our foundation
No one can take apart this nation
No one can kill America's heart
Nothing can rip our bond apart
Our flesh and blood has built this great nation
Our hearts and mind have created America's foundation
So whatever happens and whatever goes on
America will always continue to be strong
Nothing can make us weak

Only help build our strength to the highest peak
No one can ever put us to defeat
For America's heart will always continue to beat.

I am privileged to represent the Szewczuk family in the United States Congress.

## THE RURAL PROBLEM

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

Mrs. CLAYTON. Mr. Speaker, in 1908, President Roosevelt charged the Country Life Commission with the task of solving the ''rural problem.'' He identified this problem as the fact that the social and economic institutions of this country are not keeping pace with the Nation as a whole.

□ 1245

Uttered almost 100 years ago, those words just as easily describe our situation in America today.

Many people are aware that there is indeed a farm crisis plaguing rural America. However, this crisis does not stop at the farm. Consider the crumbling infrastructure, lack of educational and employment opportunities, out-migration of our youth, inadequate health care facilities, and a growing digital divide. These are just a few of the struggles our rural communities must overcome.

Consider the following sobering statistics: of the 250 poorest counties in America, 244 are rural; 28 percent of the housing stock in rural America is considered physically deficient; rural workers are almost twice as likely to earn the minimum wage than their urban counterparts; 12 percent of rural workers earn the minimum wage, whereas only 7 percent of the urban workers earn the same. Because of this, the face of poverty in rural America is a working family. Two-thirds of the rural poor live in a family where at least one member is working.

These are serious problems that require our attention. In the light of these and other difficulties, it is not surprising that we are witnessing a great hollowing out in rural areas. Consider the recent statistics. The census says that people are leaving in large numbers from rural America. The growing gap between rural and urban America threatens to turn this into an irreversible gulf. We must take steps to close this gap before it is too late.

Tomorrow, I will join with my colleague, the gentleman from Pennsylvania (Mr. PETERSON), to offer an amendment to the farm bill that will seek to provide rural America with additional resources to address these pressing problems. The amendment will increase critical funding to three important areas.

First, it will provide almost $50 million annually for drinking water and wastewater facility infrastructure grants for small towns and rural areas. In a recent survey of its members, the National Association of Counties, which has endorsed this amendment, found that water infrastructure needs was the number one concern of its counties nationwide.

Rural and small non-metropolitan areas face particular needs and challenges in meeting their drinking and wastewater infrastructure needs. Water systems located in communities with less than 10,000 residents account for 94 percent of community water systems in this country. Many of them with low tax bases. The Environmental Protection Agency reported in 1997 that small communities, serving less than 3,300 residents, are in need of $37.2 billion through the year 2014 just to keep up with the current challenges. A sound infrastructure is a prerequisite for both quality of life and for economic development. We must not allow a disproportionate amount of infrastructure dollars to flow simply to urban areas.

Second, this amendment will provide almost $50 million annually to provide rural areas with strategic regional planning and implementation grants. Unlike our urban areas, rural communities often do not have the capacity to inventory their assets and to plan for their collective future. Just as our urban communities require careful planning, strategies and long-term thinking, so do our rural communities.

This important funding would enable rural communities to join together across county lines to have a marketing area where they could be competitive across jurisdictions so they can work together for the good of rural residents throughout the region. We must not consign our rural communities to a slow disappearance by doing nothing. We must help them increase their own capacity and draw upon their natural assets and to develop their future collectively.

Finally, this amendment provides $10 million per year for value-added agricultural development grants. If our agricultural producers are to innovate and survive, we must enable them to capture more of the profit in their own communities.

This amendment does not add new policy to the farm bill as passed out of the committee or change current policy in the bill. It simply seeks to build upon the work that the committee has already done by increasing resources available to the areas that the chairman and the ranking member of the committee have determined appropriate.

I am aware that some will say that I am taking away from farmers, but I submit to my colleagues that rural communities include farmers, their families, their neighbors, and communities. So I urge my colleagues to consider this rural amendment to the farm bill.

## RECESS

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

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

## PRAYER

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

Lord God, source of life and constant guide to Your people, yesterday Members of this House stood at ground zero in New York City. Their stunned silence grieved the loss of over 5,000 lives; and hopefully, brief words of encouragement helped so many workers remove the dreadful consequences of evil which tried to crush the ordinary work-a-day world of America.

With Your power to save, strengthen this Congress and Your people across this Nation that we may realistically embrace both the loss and the mighty task of the future.

Throughout the history of New York and this Nation, You have blessed us, Lord, time and time again.

Whereas evil has no imagination and feeds only on itself, Your blessings of goodness spiral into a dynamic of creativity and help us to see signs of hope born of pain and standing in the midst of suffering.

May the vacuous space left by the World Trade Center open the minds and hearts of peoples of the world to deeper compassion and a new level of human understanding.

Already in the smoking crater of death, we witnessed apostles of self-sacrifice and dedicated service: police, firefighters, FEMA workers, public officials, and volunteers.

From the dust and twisted steel of Ground Zero, may the twin towers of liberty and unity lift all of us to a new dedication to perform our daily tasks well as true believers and builders on Your blessings, both now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. HINOJOSA 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.

## PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

## NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Madam Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Monday, October 1, 2001:

H.R. 2510, to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

## ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 2883, INTELLIGENCE AUTHORIZATION, FISCAL YEAR 2002

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Madam Speaker, last night a Dear Colleague was sent to all Members informing them that the Committee on Rules may meet later this week to grant a rule for the consideration of H.R. 2883, the Intelligence Authorization Act for Fiscal Year 2002.

This letter stated that the committee amendment, including the classified annex, is now available for Members to review on request to the Permanent Select Committee on Intelligence. The committee report was filed last Wednesday, September 26.

In order to have an informed debate, I invite and encourage Members to come to H–405 in the Capitol and review the classified annex and allow committee staff to explain the provisions or answer any questions they may have about the bill. This opportunity is offered to any Member of the House. It does not include staff. Members will be asked to sign the customary non-disclosure agreement prior to access to the classified annex. That is routine. Members may call Mr. Bill McFarland, the committee's director of security if they are so inclined.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor. Amendments should be drafted to the version of the bill reported by the Permanent Select Committee on Intelligence. This is the normal process that has been followed in previous years.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

Given my expectation that H.R. 2883 will reach the floor later this week, I urge any Members who plan to file amendments to do so at their earliest opportunity.

## NORTH KOREAN ATROCITIES

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

Mr. PITTS. Madam Speaker, I rise today to speak of the suffering people of North Korea. I am sending each of my colleagues in the House a copy of the most recent Life and Human Rights in North Korea publication, published by the Citizens Alliance for North Korean Human Rights. I urge Members to read this publication, which includes eyewitness accounts of the horrifying torture inside North Korean prison camps and reports by the United Nations.

Many North Korean's understandably attempt to flee, but some of them are captured. For women, especially those who have been trafficked into China as sex slaves or domestic servants, a return to North Korea is especially difficult.

For example, North Korean women who have dyed their hair or worn earrings undergo painful punishment. Their heads are pounded against the wall; earrings wrenched with pliers from their ears. They said afterwards, after the beatings, starving, and forced labor, they are hard to recognize.

In addition, the reports state that ''North Korea not only conducts terrorist operations, but operates warfare training facilities to train international terrorists and other revolutionaries around the world.''

Madam Speaker, the North Korean people must be helped. I urge all Members to take a good look at this book and do whatever they can for the population of North Korea.

## LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2001

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

Mr. HINOJOSA. Madam Speaker, the people in the Rio Grande Valley of South Texas are facing what looks to be one of the worst drought years of all time. After 6 years of record low rainfall levels this summer, for the first time in recorded history, the once mighty Rio Grande River stopped flowing completely before it reached the Gulf of Mexico. The region's two reservoirs are currently at less than one-third of capacity, with no relief in sight.

Today, several of my South Texas colleagues and I have introduced the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001. Our legislation will help provide badly needed water relief to the farmers, ranchers, and communities of South Texas. This legislation incorporates modern technologies into our water management system to conserve and maximize our limited water resources.

Much remains to be done. However, the legislation that we are introducing today will provide a valuable first step; and I hope that all my colleagues will join me in supporting it.

## REVITALIZING THE TOURISM ECONOMY

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

Mr. GIBBONS. Madam Speaker, since the evil terrorist act of September 11, thousands of Nevadans have been laid off; and they now face an uncertain future, just as other Americans employed in the tourism industry do. Like many tourist destinations, visitors to Las Vegas, Reno, Lake Tahoe, and other Nevada destinations depend heavily upon convenient and safe airline travel.

The administration has gone to great lengths to ensure that airline travel today is safer than ever before, and this Congress has provided over $15 billion in emergency funds to the airline industry. Yet, our tourism economy continues to suffer. I believe that this downturn is temporary; and for the first time since the terrorist attacks, now many hotels are beginning to report more reservations than they are cancellations.

Madam Speaker, supporting our tourism industry is a crucial component of our national well-being, just as is our war against terrorism. We cannot allow terrorists to scare the American public into staying home.

Madam Speaker, I applaud the elected officials who, like myself, have been traveling our Nation's airways. I hope that the American public will follow our example and return to the skies and to the fun and entertaining vacation sites in Nevada and across the United States.

## GENERAL SHELTON CONGRESSIONAL GOLD MEDAL ACT

(Mr. ETHERIDGE asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, yesterday the Nation bid farewell to a true American hero as General Hugh Shelton retired as Commander of the Joint Chiefs of Staff. The General wore our nation's uniform for 38 years, and America owes him a special debt of gratitude for his unsurpassed leadership as our senior military officer.

As America prepares to wage war against terrorism, we should thank General Shelton for his dedication to duty and professionalism. He is a soldier's soldier, an inspiration to U.S. military personnel, and someone who has earned the respect and admiration of all of his fellow Americans.

General Shelton was born in the small town of Speed, North Carolina. He graduated from North Carolina State University in my congressional district and previously commanded the XVIII Airborne Corps at Fort Bragg and the Army's Special Operations Command. He is truly North Carolina's favorite son.

Madam Speaker, to honor General Shelton, I have introduced H.R. 2751, the General Hugh Shelton Congressional Gold Medal Award. This bipartisan bill will bestow a fitting tribute to this superior warrior and great American. I urge all of my colleagues to join me in supporting this important legislation.

## HONORING FALLEN FIREFIGHTERS

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

Mrs. CAPITO. Madam Speaker, I rise today in strong support of H.J. Res. 42, a resolution to honor our fallen firefighters.

The events of September 11 highlighted the hard work and dedication of many emergency personnel. Many of us watched the pictures on the evening news of men and women walking into burning buildings carrying injured people to safety and retrieving bodies beneath the buried rubble.

Today, after those recent terrorist attacks and the rescue efforts that ensued, it seems especially poignant and timely that Congress pass a resolution as a memorial to such acts of heroism.

Firefighters are the first persons to respond to any emergency. They are ambassadors of courage, wisdom, and heroism.

In my home State of West Virginia, there are many dedicated firefighters who put their lives on the line each year. Between 1981 and 1999, West Virginia has lost 25 firefighters in the line of duty. Honored in last year's ceremony was Arch Russell Sligar. This year we will honor Robert Cowey Brannon. Those are just two names of the many men and women who have lost their lives.

Madam Speaker, in light of the recent demonstrations of bravery by the New York and Washington area firefighters, as well as the endless acts of service and sacrifice of all firefighters, I urge passage of the resolution, and that we will be lowering our flags to half-mast every October 7 in their honor.

□ 1415

## SUPPORT THE CENTERS FOR EXCELLENCE PROGRAM

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

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the Centers for Excellence program and other health professions. The President's budget for the year 2002, Madam Speaker, has called for a drastic 60 percent reduction in these Health Resources and Service Administration health programs.

The HERSA agency, in addition, has announced this week that they would be also limited to only $12 million for this program for the year 2002, a significant decrease. According to the Health Education Program Act, the first $12 million is set aside for the Historically Black Colleges and Universities. Thus, in order to continue the Hispanic and native Americans and other programs, we urge an increase in the existing budget for the Center for Health Care Services, which is at $30 million.

The Centers for Excellence programs are essential and still needed to help increase the number of minorities in the health professions throughout the country. The program has a proven track record of producing and graduating more minority students than any other schools. So we encourage and we ask our fellow colleagues to support the $30 million that we have had in the past. Hispanics now represent 12 percent of the population; and we need additional nurses, so we ask for my colleagues' support.

## HONOR FALLEN FIREFIGHTERS BY FLYING FLAGS AT HALF-STAFF

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

Mr. BARTLETT of Maryland. Madam Speaker, I rise today to urge the unanimous support of my colleagues for H.J.Res. 42. This resolution simply requires Federal Government entities to fly the American flag at half staff on Sunday, October 7.

I ask my colleagues and all Americans to extend this extraordinary honor in conjunction with the annual memorial service in honor of fallen firefighters by the National Fallen Firefighters Foundation, which is located in Emmitsburg, Maryland, in the district I have the great privilege to represent in the House of Representatives.

The October 7 service is the highlight of the foundation's annual weekend of events to honor the sacrifice of firefighters who lost their lives in the line of duty. Particularly this year, we honor the hundreds of firefighters in New York City who on September 11, 2001, gave our country what President Abraham Lincoln called the last full measure of devotion to our country. This is the very least that we as individuals and as a government can do to honor and commemorate the selfless call to duty by these brave men and to offer some small measure of comfort to their grieving families, friends, relatives, and coworkers.

Madam Speaker, we owe it to them, ourselves and posterity to ensure that their deaths shall not be in vain.

## URGING SUPPORT FOR MILLER/MILLER AMENDMENT TO H.R. 2646

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

Mr. DAVIS of Illinois. Madam Speaker, tomorrow we will be debating the farm bill; and in that bill is the sugar program, which hurts workers in my district.

Since the sugar program has been in effect, employment in the confectionery industry has fallen 11 percent since 1991. The sugar program has contributed to that fall because candymakers in Chicago, in my district, pay more than twice the world market price for sugar. As long as these supports continue and we pay this inordinate amount, we are going to lose employment and employment opportunities.

Madam Speaker, I urge my colleagues to support the Miller-Miller amendment.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

## NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 169) to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes, as amended.

The Clerk read as follows:

H.R. 169

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Effective date.

TITLE II—FEDERAL EMPLOYEE DISCRIMINATION AND RETALIATION

Sec. 201. Reimbursement requirement.
Sec. 202. Notification requirement.
Sec. 203. Reporting requirement.
Sec. 204. Rules and guidelines.
Sec. 205. Clarification of remedies.
Sec. 206. Study by General Accounting Office regarding exhaustion of administrative remedies.

TITLE III—EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT DATA DISCLOSURE

Sec. 301. Data to be posted by employing Federal agencies.
Sec. 302. Data to be posted by the Equal Employment Opportunity Commission.
Sec. 303. Rules.

## TITLE I—GENERAL PROVISIONS

**SEC. 101. FINDINGS.**

The Congress finds that—

(1) Federal agencies cannot be run effectively if they practice or tolerate discrimination,

(2) the Committee on the Judiciary of the House of Representatives has heard testimony from individuals, including representatives of the National Association for the Advancement of Colored People and the American Federation of Government Employees that point to chronic problems of discrimination and retaliation against Federal employees,

(3) in August 2000, a jury found that the Environmental Protection Agency had discriminated against a senior social scientist, and awarded that scientist $600,000,

(4) in October 2000, an Occupational Safety and Health Administration investigation found that the Environmental Protection Agency had retaliated against a senior scientist for disagreeing with that agency on a matter of science and for helping Congress to carry out its oversight responsibilities,

(5) there have been several recent class action suits based on discrimination brought against Federal agencies, including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, and Firearms, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the United States Marshals Service,

(6) notifying Federal employees of their rights under discrimination and whistleblower laws should increase agency compliance with the law,

(7) requiring annual reports to Congress on the number and severity of discrimination and whistleblower cases brought against each Federal agency should enable Congress to improve its oversight over agencies' compliance with the law, and

(8) penalizing Federal agencies by requiring them to pay for any discrimination or whistleblower judgments, awards, and settlements should improve agency accountability with respect to discrimination and whistleblower laws.

**SEC. 102. DEFINITIONS.**

For purposes of this Act—

(1) the term ''applicant for Federal employment'' means an individual applying for employment in or under a Federal agency,

(2) the term ''basis of alleged discrimination'' shall have the meaning given such term under section 303,

(3) the term ''Federal agency'' means an Executive agency (as defined in section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission,

(4) the term ''Federal employee'' means an individual employed in or under a Federal agency,

(5) the term ''former Federal employee'' means an individual formerly employed in or under a Federal agency, and

(6) the term ''issue of alleged discrimination'' shall have the meaning given such term under section 303.

**SEC. 103. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on the 1st day of the 1st fiscal year beginning more than 180 days after the date of the enactment of this Act.

## TITLE II—FEDERAL EMPLOYEE DISCRIMINATION AND RETALIATION

**SEC. 201. REIMBURSEMENT REQUIREMENT.**

(a) APPLICABILITY.—This section applies with respect to any payment made in accordance with section 2414, 2517, 2672, or 2677 of title 28, United States Code, and under section 1304 of title 31, United States Code (relating to judgments, awards, and compromise settlements) to any Federal employee, former Federal employee, or applicant for Federal employment, in connection with any proceeding brought by or on behalf of such employee, former employee, or applicant under—

(1) any provision of law cited in subsection (c), or

(2) any other provision of law which prohibits any form of discrimination, as identified under rules issued under section 204.

(b) REQUIREMENT.—An amount equal to the amount of each payment described in subsection (a) shall be reimbursed to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, of such fund, or of such account available for the enforcement of any Federal law) available for operating expenses of the Federal agency to which the discriminatory conduct involved is attributable as determined under section 204.

(c) SCOPE.—The provisions of law cited in this subsection are the following:

(1) Section 2302(b) of title 5 of the United States Code, as applied to discriminatory conduct described in paragraphs (1) and (8), or described in paragraph (9) of such section as applied to discriminatory conduct described in paragraphs (1) and (8), of such section.

(2) The provisions of law specified in section 2302(d) of title 5 of the United States Code.

(3) The Whistleblower Protection Act of 1986 and the amendments made by such Act.

**SEC. 202. NOTIFICATION REQUIREMENT.**

(a) IN GENERAL.—Written notification of the rights and protections available to Federal employees, former Federal employees, and applicants for Federal employment (as the case may be) in connection with the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) shall be provided to such employees, former employees, and applicants—

(1) in accordance with otherwise applicable provisions of law, or

(2) if to the extent that no such notification would otherwise be required, in such time, form, and manner as shall under section 204 be required in order to carry out the requirements of this section.

(b) POSTING ON THE INTERNET.—Any written notification under this section shall include, but not be limited to, the posting of the information required under paragraph (1) or (2) (as applicable) of subsection (a) on the Internet site of the Federal agency involved.

(c) EMPLOYEE TRAINING.—Each Federal agency shall provide to the employees of such agency training regarding the rights and remedies applicable to such employees under the laws cited in section 201(c).

**SEC. 203. REPORTING REQUIREMENT.**

(a) ANNUAL REPORT.—Subject to subsection (b), not later than 180 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General an annual report which shall include, with respect to the fiscal year—

(1) the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged,

(2) the status or disposition of cases described in paragraph (1),

(3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any,

(4) the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1),

(5) the final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2)), and

(6) a detailed description of—

(A) the policy implemented by such agency to discipline employees who are determined in any judicial or administrative proceeding to have discriminated against any individual in violation of any of the laws cited in section 201(c), and

(B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

(b) FIRST REPORT.—The 1st report submitted under subsection (a) shall include for each item under subsection (a) data for each of the 5 immediately preceding fiscal years (or, if not available for all 5 fiscal years, for however many of those 5 fiscal years for which data are available).

**SEC. 204. RULES AND GUIDELINES.**

(a) ISSUANCE OF RULES AND GUIDELINES.—The President (or the designee of the President) shall issue—

(1) rules to carry out this title,

(2) rules to require that a comprehensive study be conducted in the Executive Branch to determine the best practices for Federal agencies to take appropriate disciplinary actions against Federal employees who are determined in any judicial or administrative proceeding to have discriminated against any individual in violation of any of the laws cited in section 201(c), and

(3) based on the results of such study, advisory guidelines incorporating best practices that Federal agencies may follow to take such actions against such employees.

(b) AGENCY NOTIFICATION REGARDING IMPLEMENTATION OF GUIDELINES.—Not later than 30 days after the issuance of guidelines

under subsection (a), each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General a written statement specifying in detail—

(1) whether such agency has adopted and will fully follow such guidelines,

(2) if such agency has not adopted such guidelines, the reasons for the failure to adopt such guidelines, and

(3) if such agency will not fully follow such guidelines, the reasons for the decision not to fully follow such guidelines and an explanation of the extent to which such agency will not follow such guidelines.

**SEC. 205. CLARIFICATION OF REMEDIES.**

Consistent with Federal law, nothing in this title shall prevent any Federal employee, former Federal employee, or applicant for Federal employment from exercising any right otherwise available under the laws of the United States.

**SEC. 206. STUDY BY GENERAL ACCOUNTING OFFICE REGARDING EXHAUSTION OF ADMINISTRATIVE REMEDIES.**

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the General Accounting Office shall conduct a study relating to the effects of eliminating the requirement that Federal employees aggrieved by violations of any of the laws specified in paragraphs (7) and (8) of section 201(c) exhaust administrative remedies before filing complaints with the Equal Employment Opportunity Commission. Such study shall include a detailed summary of matters investigated, of information collected, and of conclusions formulated that lead to determinations of how the elimination of such requirement will—

(1) expedite handling of allegations of such violations within Federal agencies and will streamline the complaint-filing process,

(2) affect the workload of the Commission,

(3) affect established alternative dispute resolution procedures in such agencies, and

(4) affect any other matters determined by the General Accounting Office to be appropriate for consideration.

(b) REPORT.—Not later than 90 days after completion of the study required by subsection (a), the General Accounting Office shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General a report containing the information required to be included in such study.

**TITLE III—EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT DATA DISCLOSURE**

**SEC. 301. DATA TO BE POSTED BY EMPLOYING FEDERAL AGENCIES.**

(a) IN GENERAL.—Each Federal agency shall post on its public Web site, in the time, form, and manner prescribed under section 303 (in conformance with the requirements of this section), summary statistical data relating to equal employment opportunity complaints filed with such agency by employees or former employees of, or applicants for employment with, such agency.

(b) CONTENT REQUIREMENTS.—The data posted by a Federal agency under this section shall include, for the then current fiscal year, the following:

(1) The number of complaints filed with such agency in such fiscal year.

(2) The number of individuals filing those complaints (including as the agent of a class).

(3) The number of individuals who filed 2 or more of those complaints.

(4) The number of complaints (described in paragraph (1)) in which each of the various bases of alleged discrimination is alleged.

(5) The number of complaints (described in paragraph (1)) in which each of the various issues of alleged discrimination is alleged.

(6) The average length of time, for each step of the process, it is taking such agency to process complaints (taking into account all complaints pending for any length of time in such fiscal year, whether first filed in such fiscal year or earlier). Average times under this paragraph shall be posted—

(A) for all such complaints,

(B) for all such complaints in which a hearing before an administrative judge of the Equal Employment Opportunity Commission is not requested, and

(C) for all such complaints in which a hearing before an administrative judge of the Equal Employment Opportunity Commission is requested.

(7) The total number of final agency actions rendered in such fiscal year involving a finding of discrimination and, of that number—

(A) the number and percentage that were rendered without a hearing before an administrative judge of the Equal Employment Opportunity Commission, and

(B) the number and percentage that were rendered after a hearing before an administrative judge of the Equal Employment Opportunity Commission.

(8) Of the total number of final agency actions rendered in such fiscal year involving a finding of discrimination—

(A) the number and percentage involving a finding of discrimination based on each of the respective bases of alleged discrimination, and

(B) of the number specified under subparagraph (A) for each of the respective bases of alleged discrimination—

(i) the number and percentage that were rendered without a hearing before an administrative judge of the Equal Employment Opportunity Commission, and

(ii) the number and percentage that were rendered after a hearing before an administrative judge of the Equal Employment Opportunity Commission.

(9) Of the total number of final agency actions rendered in such fiscal year involving a finding of discrimination—

(A) the number and percentage involving a finding of discrimination in connection with each of the respective issues of alleged discrimination, and

(B) of the number specified under subparagraph (A) for each of the respective issues of alleged discrimination—

(i) the number and percentage that were rendered without a hearing before an administrative judge of the Equal Employment Opportunity Commission, and

(ii) the number and percentage that were rendered after a hearing before an administrative judge of the Equal Employment Opportunity Commission.

(10)(A) Of the total number of complaints pending in such fiscal year (as described in the parenthetical matter in paragraph (6)), the number that were first filed before the start of the then current fiscal year.

(B) With respect to those pending complaints that were first filed before the start of the then current fiscal year—

(i) the number of individuals who filed those complaints, and

(ii) the number of those complaints which are at the various steps of the complaint process.

(C) Of the total number of complaints pending in such fiscal year (as described in the parenthetical matter in paragraph (6)), the total number of complaints with respect to which the agency violated the requirements of section 1614.106(e)(2) of title 29 of the Code of Federal Regulations (as in effect on July 1, 2000, and amended from time to time) by failing to conduct within 180 days of the filing of such complaints an impartial and appropriate investigation of such complaints.

(c) TIMING AND OTHER REQUIREMENTS.—

(1) CURRENT YEAR DATA.—Data posted under this section for the then current fiscal year shall include both—

(A) interim year-to-date data, updated quarterly, and

(B) final year-end data.

(2) DATA FOR PRIOR YEARS.—The data posted by a Federal agency under this section for a fiscal year (both interim and final) shall include, for each item under subsection (b), such agency's corresponding year-end data for each of the 5 immediately preceding fiscal years (or, if not available for all 5 fiscal years, for however many of those 5 fiscal years for which data are available).

**SEC. 302. DATA TO BE POSTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.**

(a) IN GENERAL.—The Equal Employment Opportunity Commission shall post on its public Web site, in the time, form, and manner prescribed under section 303 for purposes of this section, summary statistical data relating to—

(1) hearings requested before an administrative judge of the Commission on complaints described in section 301, and

(2) appeals filed with the Commission from final agency actions on complaints described in section 301.

(b) SPECIFIC REQUIREMENTS.—The data posted under this section shall, with respect to the hearings and appeals described in subsection (a), include summary statistical data corresponding to that described in paragraphs (1) through (10) of section 301(b), and shall be subject to the same timing and other requirements as set forth in section 301(c).

(c) COORDINATION.—The data required under this section shall be in addition to the data the Commission is required to post under section 301 as an employing Federal agency.

**SEC. 303. RULES.**

The Equal Employment Opportunity Commission shall issue any rules necessary to carry out this title.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 169, as amended, the bill under consideration.

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

There was no objection.

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

Madam Speaker, today is a historic day for the House, as we are about to consider, and likely pass, what Jack White at Time Magazine called ''the first new civil rights law of the 21st century.''

I, along with the gentlewoman from Texas (Ms. JACKSON-LEE), introduced

H.R. 169, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001, or the No FEAR Act, to address an outrage in the Federal Government. The Federal Government should serve as a model of the best practices for a fair and open work environment. But after a year-long investigation, I was surprised to discover that some Federal agencies appear to be allowing discrimination and retaliation against their own employees.

The General Accounting Office has also investigated discrimination in the Federal workforce and found complaints grew tremendously in the 1990s. In fact, in fiscal year 1999, the number of complaints to the Equal Employment Opportunities Commission was about 120 percent greater than the number of complaints in 1991. The GAO also reported that complaints alleging retaliation against employees who had participated in the complaint process had increased as well.

That very type of retaliation is what has brought us here today. A number of brave EPA employees and scientists came forward to tell the Committee on Science, which I chaired in the last Congress, about a culture of intolerance and hostility at the EPA. By assisting a congressional investigation, those employees risked retaliation, and some experienced it.

In fact, the Labor Department concluded that the EPA had retaliated against a female scientist because the Committee on Science used a memorandum she wrote 10 years prior to one of the hearings on the issue. She did not even know the committee had obtained her memorandum, but she was still punished by the agency.

The problem is threefold: first, many employees and managers are not aware of their rights and responsibilities, due to inadequate notification requirements. Second, Federal agencies in Congress cannot assess the extent of the problem due to inadequate reporting. Third, Federal agencies are not accountable for the misdeeds of their employees, as Federal agencies found guilty of discrimination do not have to pay judgment settlement costs.

The bill is aimed at preventing and reducing discrimination and retaliation in the Federal workforce by requiring better notification, reporting, and accountability from Federal agencies. The No FEAR Act would require agencies to pay for all court settlements or judgments for discrimination and retaliation cases, rather than allowing them to use a government-wide slush fund. This will make the agencies more accountable for their actions.

The bill's notification requirement is aimed at improving workforce relations by increasing managers' and employees' knowledge of their respective rights and responsibilities. The act's reporting requirement will help determine if a pattern of misconduct exists within an agency and, if so, whether an agency is taking appropriate action to address the problem, such as disciplining those employees or managers involved in the misconduct. Tracking this information is critical to understanding whether a problem exists.

Finally, the bill ensures that the Federal agencies abide by the same laws by which private citizens and businesses must operate. Just like private sector employees, Federal employees are protected against discrimination and retaliation. Just like the private sector, Federal agencies must be held accountable.

Madam Speaker, H.R. 169 enjoys a broad show of diverse support. The NAACP has endorsed this bill, as well as the National Taxpayers Union. As the National Taxpayers Union stated in urging Congress to enact the legislation, ''The No FEAR Act promotes the virtues of fiscal responsibility and accountability in government.''

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

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I believe that this is an important day and a historic day, and it is a reflection on the value of persistence and determination.

I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for having both persistence and determination. Both of us served on the House Committee on Science just a session ago when the gentleman chaired that committee and we heard some very disturbing testimony. Out of that testimony before the Committee on Science, together we worked on what is now H.R. 169, the No FEAR Act. I would like to thank him for his work, along with the gentleman from Michigan (Mr. CONYERS), the ranking member, and all of my colleagues from both sides of the aisle, for working with us and supporting this important civil rights legislation. This bill before us today, a substitute to H.R. 169, the No FEAR Act, is a major step in our fight to end the insidious practice of discrimination and retaliation in our Nation's Federal workplace. What better timing than in the contrast of recognizing how important our Federal workers are, how we are unified under one flag, hoping and pushing forward the democracy and principles that we all believe in.

Madam Speaker, in fiscal year 2000, Federal employees filed nearly 25,000 complaints against Federal agencies through the EEOC process. These complaints resulted in over $26 million in discrimination complaint settlements and judgments, with an average process time of 384 days per complaint in 1998, while a case traveling through the entire complaint process from filing through appeal could take up to 38 months. These numbers and process times indicate that discrimination is pervasive in our Federal workplace.

Under the Civil Rights Act of 1964, it is illegal to discriminate against Federal employees on the basis of race, color, sex, religion, national origin, age or disability. These laws have taken us a long way towards ensuring equality, job security, and the rule of law in the Federal workplace by protecting Federal employees from retaliation for filing complaints either against an agency or other employees of the Federal Government who act in supervisory roles. The Federal Government must be the national role model.

Currently, Federal whistleblowers may file reprisal complaints with the Office of Special Counsel, OSC; the Merit Systems Protection Board, MSPB; and the Department of Labor's Occupational Safety and Health Administration, OSHA. Federal whistleblowers are protected under several Federal laws, the primary one being the Whistleblower Protection Act of 1989. But the numbers of actions and extensive process time indicate that further legislation is greatly needed. I believe many agencies and many groups saw fit for such, such as the NAACP.

Since its introduction into the 106th Congress as H.R. 5516, the Notification and Federal Employee Antidiscrimination Retaliation Act of 2000 has stood for the principles that Federal employees should have ''no fear'' in reporting discriminatory behavior by their Federal agency employers. Like its predecessor, the legislation before us today, H.R. 169 demands that agencies be held accountable for their misdeeds; but it expands the accountability throughout the entire Federal Government.

Let me put a face on this problem. On October 2, 2000, 1 year ago to the day, the House Committee on Science held a hearing entitled ''Intolerance at EPA: Harming People, Harming Science?'' Dr. Marsha Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under title VII of the Civil Rights Act of 1964. During that hearing, the gentleman from Wisconsin (Mr. SENSENBRENNER), the then chairman of the Committee on Science, illuminated the dangerous precedent set by the EPA, stating: ''While EPA has a clear policy on dealing with employees who discriminate, harass, and retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet to be disciplined by the EPA.''

I note with concern that an internal EPA memo dated August 2, 2001, praised the managers named in Dr. Coleman-Adebayo's case as environmental leaders without a single mention of their role in violating her civil rights. When coupled with the high-profile nature of the case, I believe these actions send the wrong message to EPA and Federal employees.

One manager was actually transferred from his original office, the Office of International Activities, to Dr. Coleman-Adebayo's present office. He

will now be the counselor to the assistant administrator for Pollution Prevention, Pesticides and Toxic Substances.

I'd like to thank Judiciary chairman JAMES SENSENBRENNER, Ranking Member JOHN CONYERS, and all my colleagues from both sides of the aisle for supporting this important civil rights legislation. This bill before us today, a substitute to H.R. 169 (the No Fear Act), is a major step in our fight to end the insidious practice of discrimination and retaliation in our Nation's Federal workplace.

My friends, in fiscal year 2000, Federal employees filed nearly 25,000 complaints against Federal agencies through the EEOC process. The complaints resulted in over $26 million in discrimination complaint settlements and judgments, with an average process time of 384 days per complaint in 1998, while a case traveling through the entire complaint process from filing through appeal could take up to 38 months. These numbers and process times indicate that discrimination is pervasive in our Federal workplace.

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Currently, Federal whistleblowers may file reprisal complaints with the Office of Special Counsel, (OSC), the Merit Systems Protection Board, (MSPB), and the Department of Labor's Occupational Safety and Health Administration, (OSHA). Federal whistleblowers are protected under several Federal laws, the primary one being the Whistleblower Protection Act of 1989. But the numbers of actions and extensive process times indicate that further legislation is greatly needed.

Since its introduction in the 106th Congress as H.R. 5516, the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2000 (No FEAR Act), has stood for the principle that Federal employees should have ''no fear'' in reporting discriminatory behavior by their federal agency employers. Like its predecessor, the legislation before us today, H.R. 169, demands that agencies be held accountable for their misdeeds, but H.R. 169 expands accountability throughout the entire Federal Government.

Let me put a face on this problem. On October 2, 2000, 1 year ago to the day, the House Science Committee held a hearing entitled ''Intolerance at EPA—Harming People, Harming Science?'' Dr. Marsha Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under title VII of the Civil Rights Act of 1964. During that hearing, then-chairman of the Science Committee SENSENBRENNER illuminated the dangerous precedent set by the EPA, stating, ''While EPA has a clear policy on dealing with employees that discriminate, harass and retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet [sic] to be disciplined by EPA.''

I note with concern that an internal EPA memo dated August 2, 2001, praised the managers named in Dr. Coleman-Adebayo's case as environmental leaders without a single mention of their role in violating her civil rights. When coupled with the high profile nature of the Dr. Coleman-Adebayo's case, I believe these actions send the wrong message to EPA and Federal employees.

One manager was actually transferred from his original office (the Office of International Activities) to Dr. Coleman-Adebayo's present office. He will not be the counselor to the Assistant Administrator for Pollution Prevention, Pesticides and Toxic Substances. This assignment gives the appearance that such harassment and retaliation is tolerated by the EPA, and raises the issue of whether such harassment, intimidation, and violations of civil rights are ongoing.

This assignment gives the appearance that such harassment and retaliation is tolerated by the EPA, and raises the issue of whether such harassment, intimidation, and violation of civil rights is ongoing.

This is a very serious matter of discrimination, and, I believe, obstruction of justice.

No FEAR contains four major provisions which address this problem.

First, the bill requires accountability throughout our Federal workplace. Disturbingly, under Federal law, Federal agencies are not held liable when they lose judgments, awards, or compromise settlements in whistleblower and discrimination cases.

Second, No FEAR requires Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws, and to report to Congress and the Attorney General on the number of discrimination and whistleblower cases within each agency.

Third, No FEAR recognizes Congress' intent that such legislation is necessary, but should not otherwise limit the ability of Federal employees to exercise other rights under Federal law.

Finally, No FEAR requires each Federal agency to send an annual report to Congress listing, among other things, the number of cases and the disposition of the cases.

I am glad that the manager's amendment corrected the source of funds from which the recovery should come. It excludes all agency enforcement funds from being used to reimburse the general Treasury for discrimination or whistleblower judgments against the agency.

This is a timely piece of legislation. I would like to thank Kweisi Mfume, the President of NAACP, for taking the leadership in helping us to promote this legislation, and for testifying before our respective committees.

Again, let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), and all of our colleagues. I ask that this House unanimously support the No FEAR legislation in this very special time to promote our civil rights and civil liberties.

Madam Speaker, let me simply, again, offer my thanks and appreciation, and on behalf of the other Members, let me just mention that I know that several Members, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. WYNN), will have statements and have offered their support.

Mrs. MORELLA. Madam Speaker, I rise today in strong support of H.R. 169, the NO FEAR legislation. This bill provides essential help to whistleblowers and those that suffer discrimination, and it penalizes agencies that attempt to practice discrimination or punish whistleblowers. Under current law, most judgments or awards against the federal government, including federal agencies, are paid out of a general judgment fund and are not attributed to, or accounted for, by the agency responsible for the claim. This bill requires federal agencies to reimburse the government's judgment fund for amounts paid out in response to a court settlement, award or judgment against an agency in a discrimination or whistleblower protection lawsuit. Hopefully, by making agencies responsible for their actions, we can further decrease the reprehensible practice of discrimination and the needless punishing of whistleblowers.

This bill has several other important provisions which my colleague from Wisconsin has mentioned and so I would just like to take this opportunity to point out and recognize two individuals, who are here in the gallery today, Dr. Marsha Coleman-Adebayo and Mr. Leroy Warren, Jr. Both of these individuals live in my district, Montgomery County, Maryland and played an instrumental role in helping this legislation come to the floor today.

Mr. Warren is Chairman of the NAACP Federal Sector Task Force and was asked to investigate and address the ever-growing number of complaints of discrimination within the federal government. Mr. Warren's task force did an admirable job in bringing to light much of the discrimination that federal employees faced.

Dr. Coleman-Adebayo has become well known for her courageous fight against discrimination by the EPA.

She is someone who suffered terribly from her battle but preserved and won her case against the EPA. She has testified in front of both the Science and Judiciary Committees to alert all of us to the seriousness of what transpired in her case. And now, hopefully, because of the NO FEAR bill, the first civil rights bill of the 21st Century, victims of racial, sexual, and hostile work environments, and whistleblowers, will not have to suffer the pain and abuse that Dr. Coleman-Adebayo endured. Let us hope instead that H.R. 169 will push federal agencies to spend their time devising effective plans to address all forms of discrimination in the workplace.

I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 169, as amended.

The question was taken.

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

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

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

## MEMORIALIZING FALLEN FIREFIGHTERS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 42) memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland, as amended.

The Clerk read as follows:

H.J. RES. 42

Whereas 1,200,000 men and women comprise the American fire and emergency services;

Whereas the fire and emergency services is considered one of the most dangerous jobs in the United States;

Whereas fire and emergency services personnel respond to over 16 million emergency calls annually, without reservation and with little regard for their personal safety;

Whereas fire and emergency services personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident;

Whereas approximately one-third of all active fire and emergency personnel suffer debilitating injuries annually; and

Whereas approximately 100 fire and emergency services personnel die annually in the line of duty: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That each year, the American flags on all Federal office buildings will be lowered to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Joint Resolution 42, the joint resolution under consideration.

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

There was no objection.

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

Madam Speaker, I rise in strong support of House Joint Resolution 42. This joint resolution recognizes the memorial of thousands of Americans who have fallen while serving as fire and emergency personnel throughout the years in America by lowering the American flag to half-staff on the day of the National Fallen Firefighters Memorial Service. This year, this day is Sunday, October 7.

Every year, thousands of Americans attend public and private ceremonies at the campus of the National Fire Academy in Emmitsburg, Maryland, during the National Fallen Firefighters Weekend. While these ceremonies are in remembrance of lost loved ones and close friends who have fallen while serving as fire and emergency personnel, it is also an opportunity to show support for those who continue to put their lives on the line, providing aid and protection for others.

This Memorial Service is conducted by the National Fallen Firefighters Foundation, in partnership with FEMA's United States Fire Administration. It is a national memorial service dedicated to all fallen firefighters and emergency personnel.

House Joint Resolution 42 joins the Federal Government in praise and prayers for our fallen heroes by lowering the American flag to half-staff on the day of this memorial service.

Madam Speaker, every year, many of those actively participating in fire and emergency services in America suffer debilitating injuries. Between 1981 and 1999, Wisconsin lost 35 fire and emergency personnel, including Mr. Dana R. Johnson and Mr. James Is-Berner, who will be honored in 2002 at the National Fallen Firefighters Weekend.

Overall, during the same period of time, the National Fallen Firefighters Foundation reports that America has lost 2,077 fire and emergency personnel in the line of duty.

While the risks and dangers are reflected by the number of Americans that have fallen while serving as fire and emergency personnel, the number of those participating in this essential service to our communities continues to grow. Currently, Madam Speaker, fire and emergency personnel in America are 1.2 million people strong, and they can be found in every community of every State and territory in our Nation, where they respond to over 16 million emergency calls every year.

While we can speculate on how to better fortify our homeland, it is clear that our first line of domestic response is largely comprised of fire and emergency personnel.

Nothing demonstrates the significance of fire and emergency personnel more than their dedication and sacrifice in America's response to the terrorist attacks of September 11. More than 300 fire and emergency personnel died as a result of these attacks, and thousands of other fire and emergency personnel are still digging through the rubble, a dangerous task in and of itself. Of those still at the scene, it is reported that over 1,500 have been injured.

Madam Speaker, the response of our fire and emergency personnel was instantaneously initiated in the face of danger with the hope that lives could be saved. President Bush has said that in the face of terrorism, Americans must decide to live in fear or to live in freedom. Our fire and emergency personnel fearlessly answered that question and sent a clear message to the entire world: America will not be intimidated.

While America has always recognized the emergency service that fire and emergency personnel provide to our communities, on September 11, all Americans joined in their bond. Although fire and emergency personnel participate in career and voluntary positions with a variety of skills that defy virtually every obstacle, each of these individuals share a commonality, unity and brotherhood.

On September 11, we watched in utter disbelief as horrific terrorist acts were committed before our very eyes. Most people did not realize that our fire and emergency personnel had already begun to respond. Shortly thereafter, it was clear that an act of war had been committed against our Nation, and our fire and emergency personnel had begun fearless rescue efforts to save their own and to save others that had become victims of these attacks.

Madam Speaker, there is no siren or warning system for a response of this magnitude. It is a call of nature, it is a call to danger, and it is a way of life for the fire and emergency personnel in the United States of America.

Finally, Madam Speaker, we can join in remembrance of all Americans that have fallen while serving as fire and emergency personnel, and in support of those who continue to serve or who join this noble effort by voting in support of House Joint Resolution 42. I urge all of my colleagues to take the time this weekend, the weekend for this year's National Firefighters Memorial Service, to remember all those that have given their lives serving as fire and emergency personnel, and in support of all those who continue to provide this service.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would like to thank the chairman and I would like to thank the author of this legislation, the gentleman from Delaware (Mr. CASTLE), legislation that was authored prior to September 11, but could not be more fitting and more timely; that is, to memorialize fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

It is worth noting that 1,200,000 men and women comprise the American fire and emergency services. It is particularly worth noting that in this time that we have experienced, beginning

with the morning of September 11, 2001, how many Americans now will turn toward those who have always offered their lives, their hearts, and who have championed the cause of saving others and putting others first before anyone else.

It is worth noting that these losses are faced not only in New York, but also in the bravery of those who went to save lives in Somerset, Pennsylvania, and, as well, those who saved lives and sought to save lives at the Pentagon.

But we might just say that the devastation in New York so poignantly causes us to reaffirm this commitment to the need to acknowledge our firefighters. I believe that there is no more honor or no greater honor than to acknowledge them and associate them with the flag of the United States.

Some people may say that lighting candles and religious services and paying homage to the flags and those we have lost will not allow us to move forward, but I do believe it will give us a sense of unity and it will bind us together, and acknowledge to those families that these are very special people.

Might I cite to the Members a commentary in the New York Times about what the New York firefighters are experiencing:

''The hasty patchwork does little to match the physical and emotional devastation. The New York Fire Department lost 343 people of its 11,400 member force. One out of every 33 people on the force is listed as dead or missing. The remains of 49 have been identified. The toll on the Department is evident on the faces of firefighters throughout the city. They drag themselves to funerals, sit stunned in station houses, absorbing the losses, and pick depressingly through the gigantic debris pile that holds the obliterated remains of their colleagues. But yet, they go on.''

In the state of Texas, from 1981 to 1999, 107 firefighters were lost. In the year 2000, 11 firefighters were lost, and several in the city of Houston. So even before the tragic and horrific terrorist acts of September 11, we knew about the dangerous and lifesaving work that our Nation's firefighters perform every day.

Approximately one-third of all active fire and emergency service personnel suffer debilitating injuries, making it one of the most dangerous jobs in America. Since the attacks on the World Trade Center and the Pentagon, where we watched firefighters risk and sacrifice their own lives so others may live, it has become even more imperative to honor firefighters who have died in the line of duty.

The losses to the New York Fire Department cannot go untold. As I indicated, they lost 343, and one out of every 33 people on the force is listed as dead or missing. Unfortunately, the rescue teams have found the remains of fewer than 50 firefighters, and the losses in New York affected both the rank and file and the elite firefighting units.

Chief Cassano of the Fire Department's Special Operations Commands says his unit was decimated, having lost 95 of its 452 men. They are having to promote individuals who would rather not be promoted to fill in for the losses.

The losses suffered by the New York Fire Department are devastating, to be sure. But even without an extraordinary catastrophe like that which occurred at the World Trade Center, approximately 100 firefighters die in the line of duty each year. Last year alone, 11 firefighters were killed in my home State of Texas.

House Joint Resolution 42 was introduced in March, 2001, long before the recent attacks, but this joint resolution could not be more timely. This resolution would lower the flags on all Federal office buildings each year to coincide with the annual memorial service for fallen firefighters that takes place in the National Firefighters Memorial in Emmitsburg, Maryland. Maybe this year we will see such memorials around the country.

This year's service will take place on October 7 in a nationally-televised ceremony. I can think of no better time to pass this legislation to honor our Nation's fallen firefighters whose bravery and courage saved lives every day.

I am very proud of Texas Task Force 1, a Texas group of firefighters who went to New York to be of assistance, and I am very proud of my community this past weekend at the Heights Fire Station, when we gathered together to raise money for the Red Cross and firefighters, and saw the pictures and recognized the need all over the country for saluting our firefighters and certainly helping those fallen in New York.

Going to ground zero myself this past Friday, I was able to see that there are those who are still working, despite the obstruction, despite the challenge, despite the sadness. Our hats are off to all of them.

I conclude, Madam Speaker, by reciting the fireman's prayer:

''When I'm called to duty, God, wherever flames may be
Give me the strength to save some life, whatever be its age;
Help me embrace a little child before it is too late
Or save an older person from the horror of their fate
Enable me to be alert and hear the weakest shout
And quickly and efficiently to put the fire out.
I want to fill my calling and to give the best in me
To guard my every neighbor and protect their property.
And if according to your will I lose my life
Please bless with protective hand
My children and my wife.''

This bill is a tribute to the fallen firefighters from Texas, from New York, and from around the country who dedicate their lives to saving the lives of others. I urge my colleagues to enthusiastically support House Joint Resolution 42.

Even before the tragic and horrific terrorist attacks of September 11, we knew about the dangerous and life-saving work that our Nation's firefighters perform every day. Approximately one-third of all active fire and emergency services personnel suffer debilitating injuries—making it one of the most dangerous jobs in America.

Since the attacks on the World Trade Center and the Pentagon—where we watched firefighters risk and sacrifice their own lives so that others may live—it has become even more imperative to honor firefighters who have died in the line of duty.

The losses to the New York Fire Department cannot go untold. The NYFD lost 343 people of its 11,400-member force in the September 11 attack. One out of every 33 people on the force is listed as dead or missing. Unfortunately, the rescue teams have found the remains of fewer than 50 firefighters.

And the losses in New York affected both the rank and file and the elite firefighting units. Chief Cassano, of the FDNY's Special Operations Command, said that his unit was ''decimated,'' having lost 95 of its 452 men.

The losses suffered by the New York Fire Department are devastating, to be sure. But even without an extra-ordinary catastrophe, as that which occurred at the World Trade Center, approximately 100 firefighters die in the line of duty each year. Last year alone, 11 firefighters were killed in my home state of Texas.

H.J. Res. 42 was introduced in March 2001—long before the recent attacks. But this Joint Resolution couldn't be more timely. This Resolution would lower the American flags on all federal office buildings each year, to coincide with the annual memorial service for fallen firefighters that takes place at the National Fallen Firefighters' Memorial in Emmitsburg, Maryland. This year's service will take place on October 7th in a nationally televised ceremony.

I can think of no better time to pass this legislation and honor our Nation's fallen firefighters, whose bravery and courage save lives every day.

In closing, I would like to recite the Firemen's Prayer.

When I'm called to duty God wherever flames may be
Give me the strength to save some life whatever be its age
Help me embrace a little child before it is too late
Or save an older person from the horror of that fate
Enable me to be alert and hear the weakest shout
And quickly and efficiently to put the fire out
I want to fill my calling and to give the best in me
To guard my every neighbor and protect their property
And if according to your will I lose my life
Please bless with protective hand
My children and my wife.

This bill is a tribute to the fallen firefighters from Texas, from New York and from around the country who dedicate their life to saving the lives of others.

I urge you to support H.J. Res. 42.

□ 1445

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the principal author of this resolution.

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding me the time, and I also rise today in strong support of the Fallen Firefighters Act of 2001. As the author of the bill, I am proud to be able to help honor our firefighters.

This legislation serves as a remembrance to the heroic men and women who have died in the line of duty by requiring the American flag on all Federal buildings to be lowered half staff one day each year on the observance of the National Fallen Firefighters Memorial Service. This year's service will be held this Sunday, October 7, in Emmitsburg, Maryland, at the National Fallen Firefighters Memorial. President and Mrs. Bush are scheduled to attend the ceremony.

This year's service will be especially emotional in the wake of the terrorist attack on America where hundreds of brave men and women gave their lives to save those of thousands of strangers. I have personally visited the World Trade Center and the Pentagon and continue to be amazed by the work these men and women continue to do on a daily basis and the work they have done that has saved thousands upon thousands of lives.

I continue to be touched as I attend numerous town ceremonies in the wake of the tragedy by the support that both for firefighters in our communities and their unwavering dedication to their communities, fellow firefighters, and our country.

Firefighters provide one of the most valuable services imaginable to this country and its people, that of saving lives and safeguarding our precious lands. With integrity, firefighters preserve the safety in the communities they serve with tireless dedication and commitment. These heroes need to be recognized and thanked by all Americans, not just in the wake of this horrible tragedy but to the nearly 1.2 million men and women who serve our country as fire and emergency services personnel on a daily basis. Firefighters are our first line of defense in both natural and man-made disasters, walking into burning buildings and battling forest fires with determination and defiance.

Approximately one-third of our Nation's finest suffer debilitating injuries each year, making it one of the most dangerous jobs in America. Furthermore, approximately 100 men and women die in the line of duty every year. Many are volunteers. Since 1981, every state in America, as well as the District of Columbia and Puerto Rico, have lost firefighters serving in the line of duty.

Since 1981 the names of 2,077 fallen fire heroes have been added to the Roll of Honor. Ninety-six men and women who lost their lives in 2000 will be honored in October. This year the name of Arnold Blankenship, Jr., of Greenwood, Delaware, will be placed on the 2000 memorial plaque. Sadly, Mr. Blankenship is not the first firefighter in Delaware to be memorialized. He will join H. Thomas Tucker, James Goode, Jr., W. Jack Northam, and Prince A. Mousley, Jr.

Lowering the flag on Federal buildings 1 day a year will remind all Americans of the patriotic service and dedicated efforts of our fire and emergency services personnel. In October 2002, the over 300 firefighters who lost their lives in the attack on America will also be honored at the National Fallen Firefighter Memorial Service, along with 81 of their colleagues who also died in the line of duty during 2001, and sadly, that number may grow by the end of this year.

It is important for this legislation to be in place to honor all of these heroic men and women who have served our community and our Nation. These men and women work tirelessly to protect and preserve the lives and property of their fellow citizens. Through this legislation, we can show our support and respect for America's fire heroes and those who carry on the noble tradition of service.

We must always remember the contributions of all of our public safety officers. In 1961 Congress passed a joint resolution honoring America's police officers who died in the line of duty in recognition of their dedicated service to their communities and amended it in 1994 to lower the flag to half staff. Today, we take the first step in bestowing the same respect on the 1.2 million fire and emergency services personnel who also serve as public safety officers.

I would like to thank all the Members who sponsored this legislation, and I urge my colleagues to support this legislation and recognize these heroic men and women.

Ms. JACKSON-LEE of Texas. Madam Speaker, can the Chair indicate how much time we have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from Texas (Ms. JACKSON-LEE) has 13½ minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10½ minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 7 minutes to the distinguished gentleman from Maryland (Mr. HOYER), someone who has often risen to this floor in support of the outstanding work of our Nation's firefighters.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership on this committee. I thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), for bringing this legislation to the floor, and I want to congratulate my good friend, former governor of Delaware, the gentleman from Delaware (Mr. CASTLE), for authoring this legislation.

I might say that the gentleman from Delaware has the honor of representing probably one of the very best fire departments in America and, indeed, the world. A service that is, I think, without denigrating my Maryland firefighters in any way, without anybody surpassing them in their role they play, not only in their community but in this country.

Madam Speaker, I have the honor of co-chairing the Fire Service Caucus with my good friend, the gentleman from Pennsylvania, Fire Chief Weldon, who temporarily is a Member of Congress for many years, but he was a fire chief. He knows firsthand the dangers that exist. I have the honor of being the honorary chief at Company 26 in Prince George's County, Maryland.

I rise today in support of the gentleman from Delaware's resolution to require the flying of the American flag at half staff to honor not only all fallen firefighters but as well emergency medical response teams who are in lock step with the fire fighters in responding to crises.

The tragic events of the last month have, of course, reminded all of us of the valor and sacrifice of our Nation's first responders. The enormous loss of life would have been much higher if it were not for their bravery, displayed on television just a few days ago.

In New York, as frightened citizens raced down the staircase of the World Trade Center, firefighters raced up the staircases to fight the 2,000 degree fire; going at the fire, not from it. That fire was engulfing the building. Their task was to evacuate the wounded. Sadly, as we know, over 300, 343, as has been mentioned, lost their lives in that fire and in the buildings' collapse.

They are mourned today, along with their colleagues, who died at other fires and other emergencies. This weekend, I and many of my colleagues will go to Emmitsburg, Maryland, to attend the National Fallen Firefighters Memorial annual observance. There we will add the names of 101 firefighters from 38 States who were killed in the line of duty in the year 2000. In one 120-minute period, we lost three and a half times as many firefighters and emergency response personnel and police as we lost in all of 2000. That is the magnitude of what happened on September 11.

Madam Speaker, there was a newspaper ad in today's paper, and it said, ''The True Badges of Courage.'' We have all heard about the Red Badge of Courage. We have all heard it said, ''that is a badge of courage.'' The true badges of courage are those worn by our police personnel, those worn by our fire personnel, and those worn by our emergency medical response teams. These men and women who died last year may not have died in a terrorist incident, but their sacrifice is equally great and equally tragic. This resolution honors them and those that will follow, and I urge all of my colleagues to support the measure.

Now, Madam Speaker, let me add this. The gentleman from New Jersey

(Mr. PASCRELL), the gentleman from Pennsylvania (Mr. WELDON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), myself, and many others, as well as all of the people on the floor here supported the Fire Act, which we passed as a part of the defense authorization bill last year. And in that context, we appropriated $100 million, $100 million for over 32,000 fire companies in America. There have been, I think I am correct, $3.5 billion worth of requests for training, for equipment, and for HAZMAT training, equipment to deal with hazardous materials.

Flying the flag at half-staff is an appropriate thing for us to do; but, my colleagues, as we vote on this resolution, I trust that we will also commit ourselves to, at a minimum, adding $50 million as we consider the VA–HUD appropriations bill. We need not only to add the 50 million additional dollars that were put in the Senate bill to get that fund to $150 million, but we are authorized at $300 million.

The firefighters and emergency responders of America need better training and better equipment. We give billions of dollars to law enforcement throughout this country. It is right and proper that we do so. But we have seen a dramatic example of how critical the fire service and emergency medical response teams are in league with our law enforcement officials. My hope is that as we appropriate funds to ensure that America can respond to terrorism or to other calamities, that we will empower our firefighting personnel and emergency response teams to do so with as much safety to themselves and much effectiveness on behalf of the safety of others as we can possibly do.

And so I rise in strong support of this resolution. And we ought to salute that flag when we see it at half-staff and remember those who have fallen as they responded to the call to save lives, protect property, and make America a safer place. But let us also remember that we need to invest more of our treasure in protecting our firefighters and emergency response teams and giving them better equipment and better training to do their jobs better so that America, our communities, our schools, and our homes will be safer places.

Madam Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership, as well as the gentleman from Wisconsin (Mr. SENSENBRENNER); and, clearly, I thank the gentleman from Delaware (Mr. CASTLE) for honoring the Emmitsburg event, but we need to honor Emmitsburg's 1-day event for the other 364 days of the year as well.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), who was a fire chief before his election to Congress and who, together with me, are the only Members of Congress that own Dalmations, the firefighters' mascot.

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my colleague for yielding me this time and would now tell him that I am the proud owner of my third Dalmation. He has two; I now have three. So we are part of the Dalmation Caucus.

I rise in strong support of this legislation, Madam Speaker. We have to ask the basic question: Who are the firefighters? We think they are the people that put out the fires. They are older than the country is itself. The first fire department was formed 250 years ago. They are in every community, 32,000 departments. But they do not just fight the fires. They are the first in on the floods, the hurricanes, the tornadoes, and the earthquakes. They rescue the cats in the trees. They pump the cellars out when they are flooded. When a child is lost, they are the first ones to organize a search party.

□ 1500

The places where they work are where the Boy Scout troops meet and the Girl Scout troops meet. It is where you vote on election day. They organize the parades, the July 4 celebrations. They are the heart and soul of America. There is no single group of people in this country, none, that does what our firefighters do.

Eighty-five percent of them are volunteers. Imagine, Madam Speaker, having our police department hold a chicken dinner to raise the money to buy a police car. Imagine asking our highway department to have a tag day to buy the garbage truck. Yet, all across America, fire departments, many of them volunteer, go out and scrape to raise the dollars to protect their towns.

They are now being asked to deal with unbelievable disasters. The World Trade Center is the epitome of what can occur, but they were there. I was on the scene Friday when it happened. I was talking to the head of the local union, Kevin Gallaher, and to the national president, Harold Schaitberger. They said firefighters have made it to the 80th floor to rescue people coming down.

The least we can do is to have our country pay tribute to them. The least we can do is do what my colleague said and start to fund them at somewhere near the level that our military and police officers get. Our military gets $300 billion a year. Our police officers get $4 billion a year from the Federal Government. The amount of money our fire and emergency service workers get is $100 million for the first time this year. We can do better.

I support this legislation. I congratulate my good friend and colleague and my other good friend and colleague and the chairman of the committee. I ask my colleagues to vote for the flag but vote for the support of our America's heroes, our fire and EMS personnel.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the gentleman, for yielding me time. I thank the gentleman for bringing this bill to the floor. Madam Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership.

I certainly want to rise in strong support of memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland.

Madam Speaker, I would like to commend the gentleman from Delaware (Mr. CASTLE) for introducing this legislation, which I hope will have unanimous support of this House. These brave men and women have given the ultimate sacrifice in answering the call to help.

Yesterday, with some other Members of the House, I visited New York City and saw ground zero for the first time. It is indeed ground hero. The devastation was more than ever could have been envisioned, and I know I will never forget what I saw there.

What is even more indelibly stamped in my mind is the obvious evidence of heroism that has taken place at that site. We all know of the heroic actions made by firefighters and rescue workers in the moments after the planes first struck the towers. But they have continued to compromise their safety since September 11 while searching the World Trade Center for survivors and in aiding in the monumental clean-up efforts.

Words cannot express our gratitude for their hard work and their sacrifice during these difficult times. As a matter of fact, 343 of these firefighters became victims themselves.

The bravery that New York has demonstrated during these times is also occurring here in the Washington, D.C. area. Firefighters, police, and other search and rescue workers have been working at the Pentagon to support our Nation's recovery efforts. I visited with rescue workers there shortly after the terrible tragic event occurred and noted their search for potential survivors of the terrorist attacks. The courageous workers at the Pentagon, and I want to single out the Montgomery County, Maryland, Urban Search and Rescue Team, 70 strong, like the rescue workers in New York, demonstrated selfless acts of heroism as they searched for survivors of the tragedy.

All of these rescue workers during this tragedy, like all firefighters and rescue workers before and since, endure the shock, sadness and loss that we all feel from witnessing horrific events. However, they preserve, through the experience, working hard to meet the needs of our neighbors and friends who have been personally impacted by devastating events, such as the attacks on September 11. They persevere. We should certainly give them credit.

This gesture of memorializing fallen firefighters by lowering the American

flag to half-staff is an important way of honoring those individuals who have valiantly given the ultimate sacrifice to protect their neighbors. Therefore, I do urge all Members to support this legislation, to help to remember our fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Fighters Memorial Service in Emittsburg, Maryland, and to remember them in our prayers.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), the ranking member of the Subcommittee on Civil Service and Agency Organization of the Committee on Government Reform.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman for yielding me time.

I want to associate myself with the very passionate, pointed and eloquent remarks of all of those who have spoken.

It occurs to me, as it does all of us, that during and since September 11 when the terrorist attack took place, we have seen many indications of heroics. We have seen many people rise to the occasion. But, of course, firefighters rise to the occasion each and every day of their lives, whether there is a national crisis or not. They wake up in the morning, knowing that they are going to an uncertain future. I commend all of those who would pause, stop for a moment, and pay tribute to these men and women. It seems to me there is nothing less we could do than to make sure that there is adequate compensation and appropriated resources for their needs.

Finally, I remember a poem that I grew up listening to, ''The Charge of the Light Brigade.'' It seems to me that the words of that poem suggested that ''Their's not to reason why, their's but to do and die . . . into the jaws of Death . . . they rode.

Madam Speaker, these men and women ride or walk each and every day into an uncertain future. They are to be commended, and I commend the author of this legislation.

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

Madam Speaker, I thank the gentleman for his eloquent support of this legislation; and finally say, firefighters appeared on September 11 at the World Trade Centers, Pentagon, and Somerset, Pennsylvania, as they appear in our neighborhoods around the Nation.

I thank the gentleman from Delaware (Mr. CASTLE) and his cosponsors for this legislation and associate myself with the remarks of the distinguished gentleman from Pennsylvania (Mr. WELDON) and the distinguished gentleman from Maryland (Mr. HOYER) and advocate for greater funding for the fire act. We must do no less, for when I went home, my firefighters asked me about greater funding. I believe the tragic events of September 11, along with this very important legislation, refocuses on these valiant heroes who offer their lives every day. We must fund them at the maximum amount. I ask support for H.J. Res. 42.

Mr. SMITH of Michigan. Madam Speaker, I rise in strong support of H.J. Res. 42, which would require American flags on all federal office buildings to be lowered to half-staff in honor of the annual National Fallen Firefighters Memorial Service in Emittsburg, Maryland.

H.J. Res. 42 recognizes the over 300 New York firefighters who gave their lives to save others during the terrorist attack on the World Trade Center. According to the International Association of Fire Fighters, more public safety officers were lost in the terrorist attack on the United States than any other single event in modern history.

What happened at the World Trade Center will live in our memories forever. We can be proud that at a time of great peril, New York's firefighters answered the call. They conducted themselves with a selflessness and dedication that does credit to themselves, their city, and their country.

This resolution also recognizes the heroic firefighters in every small town and suburb and big city across America who gave their lives. Last year in Michigan alone, four firefighters died in duty-related incidents. Each of these deaths is a tragedy for family, friends, and community.

I will not forget their sacrifice, and neither will America. This resolution honors all those who gave their lives to protect their communities. I urge my colleagues to support it.

Mr. GILMAN. Madam Speaker, I rise in strong support of H.J. Res. 42, resolving that each year the American flags on U.S. Federal buildings will fly at half staff in memory of our Nation's fallen firefighters.

As our Nation moves forward with steadfast resolve in the wake of the recent terrorist attacks, we remember the bravery and selfless sacrifices of all the men and women in uniform who rushed in to save their fellow citizens in emergency situations throughout the history of our great Nation. On average, our Nation loses over 100 firefighters in the line of duty each year. This sad statistic will regrettably increase at least threefold this year.

In my own district we lost over 35 firefighters and police officers in the barbaric September 11th attacks on New York. That is more firefighters in one day from one congressional district than the entire state of New York lost between 1998 and 2000. The grief and anger which we share with the families of our firefighters, police officers, and fellow citizens strengthens our collective resolve. We are comforted by the undaunted courage of our fallen firefighters and the love and dedication they had for their chosen profession.

Many more will follow proudly and courageously in this uncommon profession. Many more may have to pay the ultimate sacrifice. It is a small but proper tribute to these brave men and women that we ask our nation to remember their sacrifices by lowering our nation's flag in their memory. Accordingly, I urge my colleagues to fully support this important, timely bill.

Mrs. CHRISTENSEN. Madam Speaker, certainly, nothing will memorialize the courageous and outstanding firefighters of this nation, more than the vivid pictures of them responding so selflessly, endangering and too often sacrificing their own lives to save those placed in peril by the terrorists actions of September 11th. Their heroism continues even today, and will be evident far into the future in their addressing of this tragedy as it is in the everyday lives of all Americans.

I am proud of the work of our Virgin Island firefighters, who have worked tirelessly and with inadequate and substandard equipment to protect the property and the lives of my constituents. That is why our offices worked so hard to bring them badly needed equipment dollars. I thank FEMA for hearing our pleas, and providing close to $1 million to provide the tools they need to do the job they have committed themselves to.

We are deeply and forever indebted to the over 300 firefighters who did not make it out of the World Trade building and eventual debris alive. We are also indebted to their families. I also thank the VI firefighters for their raising funds for their families and traveling to New York City to offer support and help. We also today and this week remember all of our nation's firemen and women who have fallen in the line of duty.

As ranking member of the Subcommittee on Parks Recreation, and Public Lands I want to especially remember those who have given their lives in fighting fires in our nations parks and public lands, and in protecting them and neighboring properties.

So I gladly join my colleagues in support of H.J. Res. 42 memorializing fallen firefighters by lowering the American flag to half staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg Maryland.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the joint resolution, H.J.Res. 42, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## HONORING CAL RIPKEN, JR.

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the resolution (H.Res. 247) honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation.

The Clerk read as follows:

H. RES. 247

Whereas Cal Ripken, Jr., played in 2,632 consecutive Major League Baseball games

and holds the all-time record for consecutive games played by a Major League player, shattering Lou Gehrig's record of 2,130;

Whereas Ripken has over 3,000 career hits and ranks 14th on the all-time hit list;

Whereas Ripken is 1 of only 7 players to have 400 home runs and 3,000 hits in a career;

Whereas Ripken was an All-Star 19 times in his Major League career, twice winning Most Valuable Player of the All-Star Game;

Whereas Ripken was named to Major League Baseball's All-Century Team;

Whereas Ripken has won 2 Golden Gloves and 2 Most Valuable Player awards;

Whereas Ripken played all 21 of his Major League seasons with the Baltimore Orioles, choosing to stay with his team in an era dominated by free agency;

Whereas at one point during his career with the Orioles, Ripken's brother Bill Ripken was also playing for the team, and his father, Cal Ripken, Sr., was managing;

Whereas Ripken has been a model citizen for Harford County, Maryland, and the Baltimore City metropolitan area while contributing millions of dollars and countless hours to community projects;

Whereas Ripken and his wife Kelly have led their community in projects ranging from battling illiteracy to helping inner-city youth through various foundations, including the Kelly and Cal Ripken, Jr., Foundation, the Baltimore Reads Ripken Learning Center, and the Reading, Runs, and Ripken program; and

Whereas Ripken has pledged $9,000,000 for the construction of a baseball facility in Harford County, Maryland, which includes 6 baseball fields, recreational facilities, and dormitories: Now, therefore, be it

*Resolved*, That the House of Representatives honors Cal Ripken, Jr., for an outstanding career, congratulates him on his retirement, and thanks him for his contributions to baseball, to the State of Maryland, and to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 247.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to speak on House Resolution 247, a resolution introduced by the distinguished gentleman from Maryland (Mr. EHRLICH). This legislation is cosponsored by all Members of the House delegation from the State of Maryland and others.

I am proud to be personally associated with this resolution, and I rise in strong support of it, congratulating Cal Ripken, Jr., baseball's true ironman, on a 20-year career full of great achievements and dramatic moments. He is a hero to Marylanders and to all Americans.

During his 2 decades as a Baltimore Oriole, Cal Ripken embodies what it means to love the game of baseball. His grace, talent, determination, and strength of character have been obvious both on and off the field. Cal will retire this week as one of only seven players in the history of baseball to collect more than 3,000 hits and 400 home runs in a career. The other six are in the Hall of Fame, and we look forward to the summer day in 2006 when Cal will join them.

His place in baseball history has long been secure. Cal set a Major League record with 345 home runs as a shortstop, won the Rookie of the Year and two American League Most Valued Players awards, earned two Gold Glove awards, and led the Orioles to their last World Series triumph in 1983.

Cal Ripken is the consummate professional. All he wanted to do was come to the park every day, work harder than anyone else, and play the game. And from May 30, 1982 until September 19, 1998, Cal did just that, for every single game. He shattered what was thought to be an unbreakable record, Lou Gehrig's streak of playing in 2,130 consecutive games. When Cal decided to voluntarily end ''the streak,'' he had bested Gehrig's mark by more than three full seasons. It is unimaginable that his record of 2,632 games will ever be approached.

And what is amazing about Cal Ripken, Jr., is that he has had as many triumphs off the field as on it. He and his wife long ago founded the Kelly and Cal Ripken, Jr., Foundation, which primarily supports adult and family literacy, youth recreation, and health-related programs in the Baltimore, Maryland area. He is active in medical research, supporting the performing arts and other civic activities. It speaks for itself that just last year the Babe Ruth Baseball League chose to name its youth division, which teaches baseball to children between 5 and 12 years of age, after Baltimore's own ironman.

For 20 years, Cal Ripken, Jr., wore number 8 on the back of his jersey, but he was always number one in our hearts. Thanks for the memories, Cal.

Madam Speaker, I want to commend the gentleman from Maryland (Mr. EHRLICH) for introducing H.Res. 247, and to all of the cosponsors of the resolution. I also want to thank the gentleman from Indiana (Mr. BURTON) of the Committee on Government Reform; the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. WELDON); the gentleman from California (Mr. WAXMAN); and the gentleman from Illinois (Mr. DAVIS), the ranking members respectively on the Committee on Government Reform and the Subcommittee on Civil Service for expediting consideration of this measure.

Madam Speaker, I urge all Members to support House Resolution 247.

Madam Speaker, I reserve the balance of my time.

□ 1515

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am sure that there are those who would want to ask the question, given the circumstances of our time and our being, why are we taking time to honor athletes? Why are we taking time to tell people about individuals who have hero status that are not necessarily related to September 11?

Then there are those who understand that the individuals we honor, such as Cal Ripken, represent the essence of what is good and wholesome in our Nation, represent the essence of courage, of endurance, of skill, the kind of courage, endurance and skill that can serve us well in any endeavor.

Cal Ripken holds the major league record for the most consecutive games played. On September 6, 1995, in the 14th season of his streak, Ripken surpassed the previous record of 2,130 consecutive games played which had been set by Lou Gehrig in 1939, and which, for many years, had been considered unbreakable. Ripken's streak of 2,632 consecutive games over nearly 17 seasons ended on September 20, 1998, when he asked to be taken out of the starting line-up. His durability, attitude and mastery of the fundamental skills of baseball made him one of the sport's most respected performers of the late 20th century.

Calvin Edwin Ripken, Jr. was born in Maryland and grew up in Maryland. He was signed by the Baltimore Orioles after he graduated from high school in 1978, and he debuted in the major leagues for the Orioles in 1981. By 1983, he was considered one of the best shortstops in the major leagues, leading the American League that year in hits, doubles, runs and assists.

Ripken's play in 1983 earned him the American League's Most Valuable Player award. Ripken's baseball accomplishments are numerous. In 1984, he established an American League fielding record with 583 assists. Six years later, he set a single season record for fielding percentage by a shortstop when he registered a .996 mark in 1990, committing only three errors in 680 chances.

In 1991, when Ripken won the American League Most Valuable Player award for the second time, he had a .323 batting average with 34 home runs and 114 runs batted in during the season. That same year, he was also the Most Valuable Player of the All-Star game and the American League Gold Glove winner for fielding at shortstop.

In 1997, Ripken moved from shortstop to third base. The change of position did not affect his streak. In 1998, Ripken continued at third base and led American league third basemen with a .979 fielding average. He was also voted to the All-Star game for the 16th consecutive time.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Maryland (Mr. EHRLICH), the sponsor of this legislation.

Mr. EHRLICH. Madam Speaker, I would like to thank the gentlewoman, my friend from Montgomery County, and thank her for the time.

We all just heard the records. It probably should be repeated: 2,632 consecutive games; Most Valuable Player awards, two; 19 All-Star games; 3,000 hits; 14th all time in hits; one of seven players to have 400 home runs and 3,000 hits in a career; American League Rookie of the Year in 1982; born, raised, bred and lives in the Second Congressional District. I know the gentlewoman from Maryland is proud of that, and the Third right next door, we have been joined by the gentleman from Maryland (Mr. CARDIN) who shares our pride in Cal's accomplishments. He is the best shortstop I have ever seen and a great athlete. Three errors in one season and all those chances, a .996 fielding percentage speaks for itself, an incredible athletic feat.

But I would like just a minute or two to talk about something outside the numbers, the statistics, the records, the legend, and, that is, what a role model is. It is an often overused and abused term these days in this country, even prior to the events of 2 weeks ago. It is overused and abused because it is not correct in many contexts.

With regard to this man and this family and what they have meant to Aberdeen and Harford County and the metropolitan area and the State and the country and the national pastime, it is appropriate. He lives it every day. It is the way he conducts himself, like a pro, with the children and understanding the importance of giving back, as a professional athlete, the wealth of fame he has. Many do not give back. He does. Cal does. It is why he is the most popular athlete in America today.

He gives back in so many ways. He gives back with respect to literacy programs, in helping kids, and $9 million for little leaguers to learn the game, learn it the right way, learn it the Ripken way, giving back to us, to make us better, giving back to our kids to make their lives better. That is what a real pro is about. That is what an American hero is truly all about.

I am really happy to join my colleagues today in honoring our friend and national hero, Cal Ripken.

Mr. DAVIS of Illinois. Madam Speaker, it gives me great pleasure to yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, let me thank my friend for yielding me this time. I just want to follow up on some of the comments that the gentleman from Maryland (Mr. EHRLICH) made. It is true that he grew up in the Second Congressional District, he lives and played most of his career in the Third Congressional District, but he is truly the pride of all of Maryland. He is what we think a sports figure should be, a role model should be, and a person that gives back so much to his community beyond just playing baseball. We have heard these numbers. As the gentleman from Maryland (Mr. EHRLICH) said, they are worth repeating.

Americans across the Nation have taken joy in the many successes of Cal's remarkable career, from his 2,632 consecutive major league games, to his 3,000 career hits and 400 home runs and his 19 All-Star appearances. He redefined our notion of what a shortstop should be, paving the way for a new generation of stars, including Alex Rodriguez and Derek Jeter. He represents all that is right with sports and competition in America.

Madam Speaker, over a long career that has been defined by consistent excellence, Cal has also demonstrated an ability to rise to the occasion and perform best when the spotlight was brightest. His career batting average in the postseason is a remarkable .328. I think none of us will forget that when he tied Lou Gehrig's record and then when he went on to beat Lou Gehrig's record for the most consecutive games, in both of those games, with everyone in the Nation focused on Camden Yards, he hit home runs. And the second home run, the President of the United States was actually in the press gallery calling the game, calling the home run.

During that time, he met the Nation's attention with humor and good will, frequently staying on the field long after the end of a ball game to sign autographs for thousands of fans. His performance, both on the field and off, coming at a time when baseball had been rocked by the cancellation of the World Series, led many sportswriters to declare that Cal had ''saved baseball.'' In the process, we can say that he showed us the essence of grace under pressure.

Of course, we in Maryland take special pleasure and celebrate Cal as one of our own. Number 8 has played all 21 years of his major league career as a Baltimore Oriole. While that is rare enough in major league sports, at one point Cal's brother Bill was playing for the Orioles as well as his father, Cal Sr., was managing the team. The Ripken family has played an extraordinary role in the Baltimore community for a generation.

As the people of Maryland have enjoyed Cal's career and shown him unending support, Cal has been a strong community leader. As my colleague from Baltimore County pointed out, he and his family have given generously to many worthy projects and have led on many more, including the Baltimore Reads Ripken Learning Center and the Reading, Runs and Ripken program. He has truly given back so much to our community in addition to what he does on the field.

With Cal's retirement from major league baseball, we look forward to his continued role as a leader in our community. Among other efforts, Ripken is building a major, new baseball facility in his hometown of Aberdeen, just north of Baltimore.

Madam Speaker, at a time when the sports news is often dominated by reports of labor unrest or athletes involved in unsavory behavior or owners running their team with no apparent regard for the feelings of loyal fans, Cal Ripken, Jr. has stood has a symbol of all that is good and right about baseball. For Cal, it has always been the game that matters the most. His dedication to the rhythms and rituals of the game, his commitment to doing a job he loved as well as he could, day in and day out, has stood as an example to millions of Americans, and especially America's children, that we can admire and aspire to what he has done.

Madam Speaker, this weekend will be the end of an extraordinary career by Cal Ripken as he plays his last game at Camden Yards. His legacy will live on. He will serve as a model for future generations. I urge my colleagues to join me in celebrating the outstanding career of Cal Ripken, Jr.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

After listening to all of the accomplishments of Cal Ripken, there is no wonder that we would take time to congratulate and honor him on his retirement.

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

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman for his comments and those that have been offered by all of those who have spoken on this particular issue. It is true that Cal Ripken wore the number 8 on his back but is number 1 in our hearts. We are very proud in Maryland of the record that he has set, of him as a role model, and we are very proud of him as Americans.

Mr. BEREUTER. Madam Speaker, this Member rises in support of H. Res. 247, to honor, congratulate, and thank Cal Ripken.

In less than a week, Cal Ripken will conclude his remarkable baseball career and it's certainly appropriate to take this opportunity to recognize his contributions both on and off the field. Throughout his 21 years in the majors, Cal exemplified the highest possible level of sportsmanship. His constant dedication and unmatched work ethic earned him the respect and admiration of teammates, opponents, and millions of fans.

Quite simply, Cal knew the right formula for success. He combined a serious approach to the game's fundamentals with an infectious enthusiasm and sense of fun each time he went on the field. Cal's determination as well as his love of the game were obvious for all to see.

Cal clearly put up some of the most impressive numbers in baseball history during his Hall of Fame career. He also set a new standard for shortstops with his power hitting and nearly flawless fielding. He is one of only seven players with at least 400 home runs and 3,000 hits.

However, the most amazing number in Cal's illustrious career is certainly 2,632, the number

of consecutive games he played. It's a record that virtually everyone agrees will never be matched and it symbolizes an unequaled commitment to doing a job and doing it right.

Many of Cal's accomplishments can be quantified, but these numbers offer only a glimpse of his profound influence throughout baseball and society. He became a role model for children and adults alike who saw what can be done through preparation, hard work, and perseverance.

Cal's unique style of play appealed to fans on many different levels. The intense baseball fan admired his meticulous attention to detail and studious approach to the game. The casual fan appreciated his dramatic home runs and extraordinary defensive plays. Even those who didn't follow baseball admired all that he represented as a player.

The Iron Man won gold glove and silver bat awards, but it was the intangibles that helped set him apart. Perhaps more than anything, it's Cal's character and strong values that make him such a special individual. His loyalty, demonstrated by playing his entire career with the Baltimore Orioles, was extended to his teammates and those who enjoyed watching him play.

Off the field, Cal always had times for the fans. He also put an emphasis on giving back to the community. He and his wife have supported numerous charities through the Kelly and Cal Ripken, Jr. Foundation and have promoted adult literacy, medical research and numerous other worthy causes.

Fortunately for baseball fans everywhere, Cal has made it clear that he plans on staying involved in the game that he loves. His commitment to share his knowledge with young players means that the ''Ripken Way'' will continue even after Cal retires.

Madam Speaker, this Member is pleased to join all of America in saying ''Thank you, Cal'' and wishing him well.

Mr. WATTS of Oklahoma. Madam Speaker, I rise to presonally congratulate an American icon—a role model in the game of baseball and culture—Cal Ripken, Junior.

In the world of sports, it is pretty difficult to find someone who children can look up to, admire and emulate. Too often, popular figures seem to lose their roots and gain a false sense of pride. But not Cal Ripken. He is a class act—a stand-up guy. In the Major Leagues, he takes us back to the future by reminding us about the best of what was, while breaking records and re-defining what is. He has kept baseball historians and statisticians on their feet by constantly out-performing himself and others. The awards he has won speak for themselves.

Cal Ripken, Junior picked a team and stuck with it through thick and thin. Like the heroes of yester-year, Ripken chose not to shop around for the highest bidder. Rather, he excelled while being a team player in the truest sense of the words.

Off the field, Cal Ripken, Junior was a classy a guy as he was on the infield. We recognize him as a model citizen for the good works he has performed. Ripken has given his time and money to investing in our nation's youth, combating illiteracy and other laudable missions.

It is never easy to say goodbye. I do not doubt the difficulty involved with retiring from the game of baseball. But there is something to be said for going out on top. In fact, I just saw Ripken hit a grand slam a few week ago.

For the service Cal Ripken, Junior has performed on his own time and the amazing talent he has demonstrated inside the park, Congress commends Mr. Ripken. There may never be another like him in Baltimore. I look forward to watch Carol Ripken's last game and wish him a lifetime of happiness in his retirement.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 247.

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

A motion to reconsider was laid on the table.

## CONGRATULATING TONY GWYNN ON ANNOUNCEMENT OF HIS RETIREMENT FROM BASEBALL

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 198) congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball.

The Clerk read as follows:

H. RES. 198

Whereas Tony Gwynn has a lifetime batting average of .338, 15th on the all-time career leaders list, which includes baseball legends as Ty Cobb, Rogers Hornsby, and Tris Speaker;

Whereas Gwynn has 3,127 career hits, and only 16 players have more hits than Gwynn, including Ty Cobb, Hank Aaron, and Stan Musial;

Whereas Gwynn is the owner of eight Silver Bats for the eight batting titles he has won, tying him for the National League record with Honus Wagner, with only Ty Cobb of the American League having won more titles;

Whereas among the all-time Padres career leaders, Gwynn is first in batting average, hits, runs batted in, and runs;

Whereas Gwynn has not only proven to be a great hitter but a great defensive player, winning five Gold Glove awards;

Whereas of the 20 seasons Gwynn has played, he has had a batting average of .300 or better in 19 of those seasons;

Whereas throughout his career, Gwynn has been selected to 16 All-Star teams;

Whereas Gwynn has played in two World Series, in 1984 and 1998;

Whereas, in an era when money dominates the game of baseball, Tony Gwynn chose to play in San Diego for the Padres when it was believed that he could have earned more money with another team in another city;

Whereas Gwynn is an example of good sportsmanship, having always conducted himself with dignity, and has been a role model for young people and for all Americans;

Whereas Gwynn has proven himself to be an active leader not only in the clubhouse but also in the community;

Whereas Gwynn and his wife Alicia are philanthropists dedicated to their support for the Tony and Alicia Gwynn Foundation, the Casa de Amparo, the Police Athletic League, the New Haven Home, the Jackie Robinson Family YMCA, the Epilepsy Society of San Diego, and many more organizations; and

Whereas for his community involvement, Gwynn was named Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1995 Branch Rickey Award winner, and was the 1998 Padres nominee for Major League Baseball's Roberto Clemente Man of the Year Award: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates Tony Gwynn on the announcement of his retirement, honors him for an outstanding career, and thanks him for his contributions to baseball and to his community.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 198.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Our colleague the gentlewoman from California (Mrs. DAVIS) introduced House Resolution 198 on July 17, 2001. The gentlewoman from Indiana (Ms. CARSON) cosponsored the measure. The legislation was referred to the Committee on Government Reform on July 17.

I rise in strong support of House Resolution 198, a resolution congratulating Tony Gwynn on his distinguished career with the San Diego Padres. Tony Gwynn has announced his retirement from his home team and Major League Baseball. This legislation commends Tony Gwynn on his many achievements: a lifetime batting average of .338, which is 15th best all time; his ownership of eight silver bats of the eight National League batting titles that he has won; and his career total of 3,140 hits, and counting.

Madam Speaker, Tony Gwynn has not only proven to be a great hitter but also a great defensive player, winning five Gold Glove awards. He has been selected to 16 All-Star teams and has played in two World Series, in 1984 and 1998.

□ 1530

Tony Gwynn epitomizes good sportsmanship, always conducting himself with dignity. He is a role model for young people, young athletes, and all Americans.

He is a leader not only in the clubhouse, but also in the community. He is a supporter of the Police Athletic League, the Casa de Amparo, the New Haven Home, the Jackie Robinson Family YMCA, the Epilepsy Society of San Diego, and many other philanthropic organizations. Additionally, Gwynn and his wife, Alicia, have established the Tony and Alicia Gwynn Foundation.

Tony has been recognized for his community involvement. He was named Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1995 Branch Rickey Award winner, and was the 1998 Padres nominee for Major League Baseball's Roberto Clemente Man of the Year Award.

Madam Speaker, Tony Gwynn has been an asset to professional baseball and to his community. He has had an outstanding career; and on behalf of all Americans, I thank him for his contributions and the joy that he has brought to the sport of baseball. I want to wish him and his wife, Alicia, and his two children, Anthony II and Anisha Nicole, a very happy and fulfilling life together as Tony enjoys his retirement.

Madam Speaker, I want to take the opportunity to commend the distinguished gentlewoman from California for introducing House Resolution 198 and for her hard work in ensuring its passage.

I urge all Members to support H. Res. 198.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, when I was a child, my mother used to try and convince us to work by telling us that we should never rest until your good becomes better and your better becomes best.

Tony Gwynn is one of the best hitters in baseball history. Between 1994 and 1997, he won four consecutive batting titles, with averages better than .350. The left-handed outfielder became the first National League player in more than 70 years to accomplish this feat.

Gwynn's eight total career batting titles tie him with Honus Wagner for second on the all-time list. Only Ty Cobb, with 12 career batting titles, has more.

Anthony Keith Gwynn was born in Los Angeles and educated at San Diego State University, where he played baseball and basketball. He was selected by the San Diego Padres of the National League in 1981 in the free agent draft. After playing in the minor leagues, he joined the Padres in 1982.

In 1984, Gwynn led the National League in batting with a .351 average and helped lead the Padres to the National League pennant. In 1987, Gwynn topped the league again, with a .370 average, the highest National League mark since Stan Musial hit .376 in 1948. Gwynn then led the league in batting for the next two seasons, with averages of .313 and .336.

He did not win the batting title from 1990 to 1993, but he maintained his excellent hitting, registering averages of .309, .317, .317, and .358. In 1994, the Major League season ended in August because of a player strike, but Gwynn reclaimed the batting title by hitting .394 in the abbreviated campaign. This was the highest average in the major leagues since Ted Williams hit .406 in 1941.

Over the next three seasons, Gwynn extended his string of batting titles, batting .368 in 1995, .353 in 1996, and .372 in 1997. He became the first National League player to top .350 in five consecutive seasons since Rogers Hornsby achieved that feat in six straight campaigns from 1920 to 1925.

Although best known for his hitting, Gwynn was recognized for his fine fielding during several seasons and won five Gold Glove Awards as one of the best defensive outfielders in the National League in 1986, 1987, 1989, and 1991.

I congratulate the gentlewoman from California (Mrs. DAVIS) for introducing this resolution and would urge its support.

Mrs. MORELLA. Madam Speaker, I reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS), the author of this resolution.

Mrs. DAVIS of California. Mr. Speaker, I rise today in strong support of my resolution in congratulating and commemorating Tony Gwynn of the San Diego Padres upon his retirement from Major League Baseball. After 20 amazing seasons, Tony has decided to retire from the Padres and from baseball.

At San Diego State University, Tony was actually a basketball star, a game that he thought came more natural to him. But when a career in basketball was not likely, Tony had to work hard at the game of baseball to get to the skill level he is at now.

Tony is living proof that if you work hard, you can achieve almost anything. Tony has studied the game, he has studied the art of hitting. And years later, he has not rested at the game of baseball; but, rather, he still watches and studies film and analyzes pitchers.

His strong work ethic paid off. Soon after Tony signed with the Padres, he immediately established himself as a consistent hitter. In his first full season with the Padres, he had a batting average of .351 and won his first of eight batting championships. In that first year of 1984, he took his team to the World Series.

After that season, Tony never hit below .300. He currently has a lifetime batting average of .338, which is fifteenth on the all-time career list, a list that includes Ty Cobb, Rogers Hornsby, and Tris Speaker.

Two years ago, Tony reached a coveted baseball milestone by getting his 3,000th hit. His career hit total now is 3,139; and he has got a game to go. So we are still counting.

While he has proven himself adept at hitting, Tony has proven himself also to be a great defensive player, winning five Gold Glove Awards. This year, Tony topped off a Hall of Fame career as an honorary player in the All-Star game. It was his sixteenth All-Star game appearance.

As well as his leadership on the field, Tony has proven to be a leader off the field. He and his wife, Alicia, have been active in so many organizations in San Diego. Tony has been involved with dozens, such as his Tony and Alicia Gwynn Foundation. He has also lent his time to the San Diego Police Athletic Leagues, the Jackie Robinson YMCA, and the Casa de Amparo, just to name a few of the organizations that he and his wife have been involved in. And he was been rewarded for his efforts. In 1998, Tony was named Individual of the Year at the Equal Opportunity Awards Dinner.

Throughout his career, Tony has been an example of good sportsmanship, having conducted himself with dignity. He has been such an exemplary role model for young people and for all Americans. Many people believe that Tony could have left the San Diego Padres to play in another city with another team for much more money than he was earning in San Diego. But he chose to stay. He chose to stay in San Diego, for his love of the game and his love of San Diego, a rare act today.

On October 7 of this year, an era will come to an end in San Diego, the era of one of the greatest hitters in the game of baseball; the era of a San Diego sports icon; the era of Tony Gwynn.

It will be strange now to watch a San Diego Padres game and not see Tony come up to the plate in a clutch situation. Of course, we all expect him to get a hit.

Tony Gwynn has always been a staple of San Diego and is a true hometown hero. I hope my colleagues will join me in honoring a great baseball player and a great human being for his tremendous accomplishments.

Mrs. MORELLA. Mr. Speaker, I continue to reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Indiana (Ms. CARSON), a real patron of the game of baseball, but more a patron of excellence.

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from Illinois for yielding me time. I certainly also thank the honorable gentlewoman from Maryland (Mrs. MORELLA).

Mr. Speaker, I am not going to be redundant, because there are so many wonderful accolades that we could give retiring Tony Gwynn in this hour. But in deference of time, let me just very briefly give honor to whom honor is due.

I have known Tony Gwynn; his wife, Alicia Gwynn; their son, Anthony II; and daughter, Anisha for many years. As a matter of fact, they have dual residence. They also have property in Indianapolis, Indiana; and truly Alicia and Tony have been very generous to the community in Indianapolis, Indiana. They undergird the principle unto whom much is given, much is required.

Tony is fifteenth on the all-time hit list, with over 3,140 hits. He has won eight batting titles and is a 15-time All Star. He will join the baseball Hall of Fame on the first ballot. He is only the

fifth National League player and seventeenth overall to play at least 20 seasons in the Major Leagues with one team.

In 1994, Tony hit for the highest average, .394, since Ted Williams hit above .400 in 1941.

Behind all these baseball achievements, Tony is a man who cares and supports the community. As we have heard from previous speakers, he has been acclaimed in so many ways. He won the Roberto Clemente Man of the Year Award, which recognizes the player who best combines sportsmanship and community involvement with excellence on the field. He is a man who received the 1999 Lou Gehrig Memorial Award, given annually by the Phi Delta Theta Fraternity to the Major League player who best exemplifies the character and the leadership of the Hall of Fame first baseman, both on the field and off. He has been inducted into the World Sport Humanitarian Hall of Fame in Boise, Idaho, and received the Branch Rickey Award as the top community activist in Major League baseball.

Mr. Speaker, if I was a publicist for Tony Gwynn, I think I would make it very simple and simply say ''Gwynn wins,'' because Tony Gwynn has won a place in the hearts of all of the sports enthusiasts across the country, across the world, and Tony Gwynn wins the hearts of all of the young people that he has touched and that he has been a wonderful example for throughout his lifetime.

As we celebrate America, let us celebrate an extraordinary American, Tony Gwynn, who stands for all that is right in America; a true sportsman, a man who exudes family values in the very highest sense. I am blessed that I know the Gwynn family. I have won by knowing the Gwynn family.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my mother probably just said it best when she said, good, better, and best. Never rest until your good becomes better and your better becomes best. Tony Gwynn was always among the best.

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, in sequence, we have talked about two of the best baseball players who are retiring; and we look upon them as role models, as great Americans, participating with great excellence in the American sport of baseball. So I congratulate the sponsor of this legislation, the gentlewoman from California (Ms. DAVIS), and the cosponsors. I want to thank the gentleman from Illinois (Mr. DAVIS) for managing the bills on that side of the aisle. I urge all Members to support House Resolution 198.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor not only a great baseball player but also a great citizen of San Diego. Tony Gwynn epitomizes excellence on and off the field of play. On the field he has awards and accolades most players can only dream about: the highest batting average among active players, over 3,000 hits, 8 batting titles, and 5 gold gloves.

Off the field, he has given back to his beloved community, San Diego. Tony and his wife, Alicia, established the Tony and Alicia Gwynn Foundation in 1994 to fund deserving local charitable organizations. He is also a leading participant in the Padres Scholars program that provides $125,000 per year in college scholarships for San Diego middle school students. He is active in various other philanthropic organizations, including the Police Athletic League, Casa de Amparo, the New Haven Home and the Epilepsy Society of San Diego. For his work, Tony was named the 1999 Roberto Clemente Man of the Year, given annually to the Major League Baseball player who combines extraordinary skills on the baseball field while being devoted to his community.

Tony Gwynn will continue giving back to the only community he has ever played baseball for by returning to his alma mater, San Diego State University, to become its baseball coach following the 2002 college season. There he will teach young players the intricacies of the game he has helped shape.

It's been a joy to watch Tony Gwynn play the game—and I join his friends and family and wish him luck with the beginning of his coaching career. Everybody knows he will be a success because he does not know the meaning of the word failure.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate and commend my constituent from Poway, California: Tony Gwynn of the San Diego Padres, for his achievements on and off the field.

Mr. Speaker at the end of this season, Tony Gwynn will end his storied career in San Diego. I want to congratulate him for his hard work and commitment.

Mr. Speaker on August 6, 1999, Tony Gwynn hit the 3,000th base hit of his career. As many baseball fans know, this was not an easy accomplishment. In the history of Major League Baseball, only 22 other ball-players hit 3,000 or more base hits. This achievement places Tony Gwynn in the pantheon of baseball legends including: Roberto Clemente, Lou Brock, and Hank Aaron.

In 20 seasons, all with the San Diego Padres, Tony Gwynn has been the master of putting the ball into play. In the Padres 1998 National League Championship season, Tony had almost as many home runs as strikeouts, and struck out looking only three times. His hands are lightning-quick and he's able to wait until the last millisecond before connecting with the ball wherever it is pitched. He goes after the first good pitch he sees and almost always hits it, so he rarely walks. And Tony is renowned for his ability to hit balls through the left side of the infield.

Tony has batted over .300 in 19 of those seasons and in the strike-shortened season of 1994, batted an amazing .394. His career batting average is an astounding .338.

Futhermore, off the baseball diamond, Tony has been a tremendous asset to the San Diego community. Tony, along with his wife Alicia, have given their time and effort in philanthropic causes. They don't like to talk about community efforts, but the Gwynns are involved in more than two dozen organizations—San Diego Police Athletic Leagues, Sickle Cell Anemia Foundation, Padres Scholars, the Casa de Amparao, Neighborhood House, the Jackie Robinson Family YMCA to name a few—that benefit from his time, attention and money.

In 1998, Tony led all Padres players in community appearances and joined seven-time American League batting champion Rod Carew for a historic youth batting clinic in Culiacin, Mexico, in March 1998. In addition, Tony was named the Individual of the Year at the 1998 Equal Opportunity Awards Dinner. He was also the 1995 Branch Rickey Award winner, and 1998 Padres Nominee for Major League Baseball's Roberto Clemente Man of the Year Award.

These days children often pay to get professional athletes' autograph, picture, or signed memorabilia. Tony Gwynn has no part of this. Tony stays late at events to sign autographs; he's nice to young people; he's nice to everybody. I hope my colleagues will join me in honoring this tremendous individual for his multitude of accomplishments.

I want to submit for the RECORD a copy of a resolution that I introduced last Congress, and urge all my Colleagues to support this resolution today.

H. RES. 284

Whereas on August 6, 1999, Anthony ('Tony') Gwynn, of the San Diego Padres major league baseball organization, hit his 3,000th career base hit;

Whereas the last person in the National League to have 3,000 career base hits was Lou Brock, on August 13, 1979;

Whereas in the history of major league baseball, only 22 other players have 3,000 or more base hits in their careers, including such greats as Roberto Clemente, Rod Carew, and Hank Aaron;

Whereas Tony Gwynn is considered to be one of the greatest major league hitters of the modern era, and was proclaimed the 'Greatest Hitter Since Ted Williams' by Sports Illustrated;

Whereas Tony Gwynn has won eight batting titles, tied for the National League record only with Honus Wagner, and topped only by the American League legend Ty Cobb;

Whereas throughout his career Tony Gwynn has consistently conducted himself with dignity, modesty, and selflessness that has been an inspiration to all Americans;

Whereas Tony Gwynn has also distinguished himself off the baseball diamond as an active and valued member of the San Diego community;

Whereas Tony Gwynn, along with his wife Alicia, continue their award-winning philanthropic efforts, and are extremely active in supporting the Tony and Alicia Gwynn Foundation, the Casa de Amparo, Police Athletic League, New Haven Home, Neighborhood House, the Jackie Robinson Family YMCA, the Epilepsy Society of San Diego, and many more organizations;

Whereas in 1998, Tony Gwynn led all Padres players in community appearances and joined seven-time American League batting champion Rod Carew for a historic youth batting clinic in Culiacan, Mexico, in March 1998; and

Whereas Tony Gwynn was named the Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1995 Branch Rickey Award winner, as well as the 1998 Padres nominee for Major League Baseball's Roberto Clemente Man of the Year Award: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates and commends Tony Gwynn of the San Diego Padres for his amazing accomplishments on and off the baseball field, and thanks him for many years of unsurpassed baseball excitement.

Mr. HUNTER, Mr. Speaker, I want to commend the outstanding achievements of baseball great, Tony Gwynn, and give my full support to H. Res. 198, introduced by my San Diego colleague, SUSAN DAVIS. Throughout his 20 year career as a professional baseball player with the San Diego Padres, Tony Gwynn has been a role model both on and off the field.

October 7th will mark the end of Tony Gwynn's professional baseball career as a player; a career played entirely in San Diego. Only 16 players in baseball history have played at least 20 seasons and spent their entire career with one team.

Throughout his remarkable career, the future Hall of Famer compiled a lifetime batting average of .338, gained over 3,000 hits (17th most in major league history), won 8 batting championships, 5 Gold Gloves, and is a 15–time National League All-Star. He currently leads all active players in career batting average, hits, and strikeout to walk ratio. He has struck out only 425 times in 9,186 career at bats; averaging only one strike out every 23.8 plate appearances.

Not all of Tony Gwynn's accomplishments have been on the field. His ties to the San Diego community are just as strong as his numbers in the field. It is well known that Tony and his wife, Alicia, are great contributors to humanitarian efforts and devote themselves to community service. While they are widely recognized for helping build and furnish a YMCA in San Diego, what is not as well known are the other philanthropic efforts in which the Gwynns participated. They have helped pay funeral costs for those who could not afford them, obtained Christmas presents for needy families, and bought blocks of Padre tickets for children to sit near him in the right field seats.

Tony and his wife have a son, Anthony II and a daughter, Anisha Nicole. Anthony is a freshman baseball player at San Diego State University, which is his father's alma mater. Now Anthony will have the ability to play once again with his first coach. Tony recently accepted the head coaching position for next year's San Diego State baseball team, continuing his efforts to give back to the community and the sport he loved so much.

Mr. Speaker, Tony Gywnn is deservedly one of the most respected and admired professional athletes in the world. His dedication to his profession, family, and community provides a role model we all can look up to. We will miss number 19 in the Padre line-up, but thank him for all the great moments he has given to the San Diego community and wish him the best of luck in his future endeavors.

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

□ 1545

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 198.

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

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, a ''Dear Colleague'' letter has been sent to Members informing them that the Committee on Rules plans to meet at 2:30 p.m. on Wednesday, October 3, 2001, to grant a rule for the consideration of H.R. 2883, the Intelligence Authorization Act for fiscal year 2002.

The Committee on Rules may grant a rule which would require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on Intelligence filed its report on the bill on Wednesday, September 26. Members should draft their amendments to the bill as reported by the Committee on Intelligence.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

## NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 203) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes, as amended.

The Clerk read as follows:

H.R. 203

*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 ''National Small Business Regulatory Assistance Act of 2001''.*

***SEC. 2. PURPOSE.***

*The purpose of this Act is to establish a pilot program to—*

*(1) provide confidential assistance to small business concerns;*

*(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations;*

*(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;*

*(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and*

*(5) utilize the service delivery network of Small Business Development Centers to improve access of small business concerns to programs to assist them with regulatory compliance.*

***SEC. 3. DEFINITIONS.***

*In this Act, the definitions set forth in section 36(a) of the Small Business Act (as added by section 4 of this Act) shall apply.*

***SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.***

*The Small Business Act (15 U.S.C. 637 et seq.) is amended—*

*(1) by redesignating section 36 as section 37; and*

*(2) by inserting after section 35 the following new section:*

***''SEC. 36. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.***

*''(a) DEFINITIONS.—In this section, the following definitions apply:*

*''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.*

*''(2) ASSOCIATION.—The term 'Association' means the association, established pursuant to section 21(a)(3)(A), representing a majority of Small Business Development Centers.*

*''(3) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term 'participating Small Business Development Center' means a Small Business Development Center participating in the pilot program.*

*''(4) PILOT PROGRAM.—The term 'pilot program' means the pilot program established under this section.*

*''(5) REGULATORY COMPLIANCE ASSISTANCE.—The term 'regulatory compliance assistance' means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.*

*''(6) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'Small Business Development Center' means a Small Business Development Center described in section 21.*

*''(7) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.*

*''(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers, the Association, and Federal compliance partnership programs.*

*''(c) SMALL BUSINESS DEVELOPMENT CENTERS.—*

*''(1) IN GENERAL.—In carrying out the pilot program, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such centers will provide—*

*''(A) access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990;*

*''(B) training and educational activities;*

*''(C) confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;*

*''(D) technical assistance; and*

*''(E) referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator.*

*''(2) REPORTS.—*

*''(A) IN GENERAL.—Each participating Small Business Development Center shall transmit to the Administrator a quarterly report that includes—*

''(i) a summary of the regulatory compliance assistance provided by the center under the pilot program; and

''(ii) any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.

''(B) ELECTRONIC FORM.—Each report referred to in subparagraph (A) shall be transmitted in electronic form.

''(C) INTERIM REPORTS.—During any time period falling between the transmittal of quarterly reports, a participating Small Business Development Center may transmit to the Administrator any interim report containing data or information considered by the center to be necessary or useful.

''(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator may not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the pilot program, except that the Administrator shall require such a disclosure if ordered to do so by a court in any civil or criminal enforcement action commenced by a Federal or State agency.

''(d) DATA REPOSITORY AND CLEARINGHOUSE.—

''(1) IN GENERAL.—In carrying out the pilot program, the Administrator shall—

''(A) act as the repository of and clearinghouse for data and information submitted by Small Business Development Centers; and

''(B) transmit to the President and to the Committees on Small Business of the Senate and House of Representatives an annual report that includes—

''(i) a description of the types of assistance provided by participating Small Business Development Centers under the pilot program;

''(ii) data regarding the number of small business concerns that contacted participating Small Business Development Centers regarding assistance under the pilot program;

''(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the pilot program;

''(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the pilot program, including any activities conducted in partnership with Federal agencies;

''(v) data and information regarding each case known to the Administrator in which one or more Small Business Development Centers offered conflicting advice or information regarding compliance with a Federal or State regulation to one or more small business concerns;

''(vi) any recommendations for improvements in the regulation of small business concerns; and

''(vii) a list of regulations identified by the Administrator, after consultation with the Small Business and Agriculture Regulatory Enforcement Ombudsman, as being most burdensome to small business concerns, and recommendations to reduce or eliminate the burdens of such regulations.

''(e) ELIGIBILITY.—

''(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the pilot program only if the center is certified under section 21(k)(2).

''(2) WAIVER.—With respect to a Small Business Development Center seeking assistance under the pilot program, the Administrator may waive the certification requirement set forth in paragraph (1) if the Administrator determines that the center is making a good faith effort to obtain such certification.

''(3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 2001.

''(f) SELECTION OF PARTICIPATING STATE PROGRAMS.—

''(1) IN GENERAL.—In consultation with the Association and giving substantial weight to the Association's recommendations, the Administrator shall select the Small Business Development Center programs of 2 States from each of the following groups of States to participate in the pilot program established by this section:

''(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

''(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.

''(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

''(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

''(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

''(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

''(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.

''(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

''(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.

''(J) Group 10: Washington, Alaska, Idaho, and Oregon.

''(2) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 60 days after promulgation of regulations under section 5 of the National Small Business Regulatory Assistance Act of 2001.

''(g) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) shall not apply to assistance made available under the pilot program.

''(h) DISTRIBUTION OF GRANTS.—

''(1) IN GENERAL.—Each State program selected to receive a grant under subsection (f) in a fiscal year shall be eligible to receive a grant in an amount not to exceed the product obtained by multiplying—

''(A) the amount made available for grants under this section for the fiscal year; and

''(B) the ratio that—

''(i) the population of the State; bears to

''(ii) the population of all the States with programs selected to receive grants under subsection (f) for the fiscal year.

''(2) MINIMUM AMOUNT.—Notwithstanding paragraph (1), the minimum amount that a State program selected to receive a grant under subsection (f) shall be eligible to receive under this section in the fiscal year shall be $200,000.

''(i) EVALUATION AND REPORT.—Not later than 3 years after the establishment of the pilot program, the Comptroller General of the United States shall conduct an evaluation of the pilot program and shall transmit to the Administrator and to the Committees on Small Business of the Senate and House of Representatives a report containing the results of the evaluation along with any recommendations as to whether the pilot program, with or without modification, should be extended to include the participation of all Small Business Development Centers.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2002 and each fiscal year thereafter.

''(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this section.''.

**SEC. 5. PROMULGATION OF REGULATIONS.**

After providing notice and an opportunity for comment and after consulting with the Association (but not later than 180 days after the date of the enactment of this Act), the Administrator shall promulgate final regulations to carry out this Act, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the Association under the pilot program;

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the pilot program.

**SEC. 6. PRIVACY REQUIREMENTS APPLICABLE TO SMALL BUSINESS DEVELOPMENT CENTERS.**

Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following:

''(9) PRIVACY REQUIREMENTS.—

''(A) IN GENERAL.—No Small Business Development Center, consortium of Small Business Development Centers, or contractor or agent of a Small Business Development Center shall disclose the name or address of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, except that—

''(i) the Administrator shall require such disclosure if ordered to do so by a court in any civil or criminal enforcement action commenced by a Federal or State agency; and

''(ii) if the Administrator considers it necessary while undertaking a financial audit of a Small Business Development Center, the Administrator shall require such disclosure for the sole purpose of undertaking such audit.

''(B) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (A)(ii).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

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

This legislation is supported on both sides of the aisle as an example of how Republicans and Democrats can work together in the interests of small businesses and the Nation as a whole. The gentleman from New York (Mr. SWEENEY) is the principal author of the legislation, and I commend him for his hard work in shepherding this bill.

The bill is designed to help small businesses cope with the maze of Federal, State, and local regulations that have created such a heavy monetary and time-consuming burden for Main Street, America. Every day, we all receive complaints from our constituents about their inability to understand regulations that are written in legalese rather than plain English, and about arbitrary actions taken by some regulatory agencies.

This bill establishes a pilot program to provide regulatory compliance assistance to small businesses. We will keep a watchful eye on whether the pilot program is accomplishing the objective of helping small businesses cope with regulations.

The bill requires that the Congress receive a progress report annually on the pilot program's accomplishments.

The General Accounting Office is also required to provide a program of evaluation to Congress no later than 3 years after the pilot program is established.

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

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

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

Ms. VELÁZQUEZ. Mr. Speaker, in today's business environment, one of the greatest obstacles blocking the path to prosperity for this Nation's small businesses is regulatory compliance. Small businesses regularly find themselves lost in a maze of Federal regulations that are designed to create safer and healthier workplaces. In fact, a recent poll ranked regulatory burdens as the seventh biggest concern for small businesses, and the Small Business Administration estimates those burdens cost up to $5,100 per employee.

Small firms are less equipped to deal with regulations than large corporations. Business owners want to comply with regulations because they know that a safe and healthy workplace and environment makes them more productive. But often, they do not know how to comply or where they should start.

Today, we take a big step in supporting our Nation's small businesses navigate the regulatory process with the passage of the National Small Business Regulatory Assistance Act. This legislation establishes a 3-year pilot program to provide confidential and nonpunitive advice to small businesses that are trying to weather a storm of complex Federal regulations.

Business owners sometimes fear approaching agencies for compliance assistance because these are the very agencies charged with enforcement. They worry, can I talk about OSHA requirements with the Department of Labor? Can I discuss environmental regulations with the EPA?

By creating a compliance program through the SBDC national network, we will provide a neutral, nonthreatening environment which small business owners may use to get important information and advice without fear of retaliation. The SBDCs already have a good reputation for aiding local enterprises. This legislation creates a one-stop shop for regulatory compliance that will help small business owners who want to do the right thing to do the right thing.

In addition, this legislation will establish a database clearinghouse for information gathered by the SBDC based on their interaction with local businesses. This data would be useful in further identifying the compliance needs of small businesses and tailoring assistance to them.

But while SBDCs provide more compliance assistance and gather more information, we must ensure that the sensitive information brought forward by small businesses is kept absolutely confidential. This legislation guarantees privacy for those who receive compliance assistance and extends this protections to all small businesses that seek any assistance from their local SBDC. This legislation bars the sharing of information that any SBDC collects on a business with any third party or agency. This will guarantee that small businesses receive the assistance they need in complete confidence and privacy.

Mr. Speaker, we want all our businesses to comply with the regulations that preserve the health, environment, and well-being of our workers and our communities; but oftentimes, small businesses do not have access to the resources they need if they want to comply with regulations in good faith. With the adoption of this legislation, we are giving small businesses the support they need to navigate the often-complicated arm of Federal regulations.

In closing, let me thank the gentleman from New York (Mr. SWEENEY), my colleague, for this bill. I strongly urge the adoption of this legislation.

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

Mr. MANZULLO. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), the author of this legislation.

Mr. SWEENEY. Mr. Speaker, first, let me begin by thanking the chairman and the ranking member for the opportunity to speak on behalf of my bill and for their diligence and their effort and their patience in working with me in introducing this bill.

Mr. Speaker, for nearly 25 years, Congress has recognized that small businesses face substantial regulatory burdens. The Small Business Regulatory Enforcement Fairness Act recognized what almost all small businesses would agree on, that Federal regulations are complex and often difficult to understand. The act would require Federal agencies to prepare plain-English compliance guides when issuing new regulations that would have a significant economic impact on a substantial number of small business entities.

The act simply represents a start in providing regulatory assistance to small businesses; and as a former member of the Committee on Small Business, I have a vested interest in maintaining the success of small business and will continue to build upon this foundation with this bill.

Unfortunately, there exists a multitude of regulations that small businesses find difficult to understand, let alone comply with. We know that the vast majority of small business owners are honest, hard-working people who want to do the right thing. Clearly, this bill is an effort to help these small business owners.

Mr. Speaker, it is highly unlikely that my colleagues or their staffs or even the committee staffs read the Federal registry on a daily basis; yet that is what Government asks small business owners to do in order to determine which regulations affect them and what they must do to comply.

Let me give an example. The proposed regulation to prevent ergonomic injuries was just 11 pages long. However, OSHA admitted that 11 pages were not self-explanatory and that determining the best method of complying would have required a small business owner to wade through nearly 1,500 pages of supplemental explanation and economic analysis.

In the spirit of helping these entrepreneurs, I have reintroduced the Nation Small Business Regulatory Assistance Act, H.R. 203. This legislation would assist small businesses in successfully finding their way through the maze of regulations that have proliferated in recent decades.

After a great deal of effort and energy during the 106th Congress, we breathed new life into what began as an outstanding initiative but, unfortunately, had little prospects for implementation. This new and improved legislation has a proven record of support. On September 26, 2000, the House passed the previous version of the National Small Business Regulatory Assistance Act by voice vote. The differences between H.R. 203 and the bill that passed under suspension last year are minor and I believe constitute necessary improvements, such as making an authorization of funds to ensure that the pilot project does not detract from the important role played by SBDC.

Mr. Speaker, H.R. 203 would amend the Small Business Act to establish a pilot program in 20 States. The administrator, in consultation with the National Association of Small Business Development Centers, would select two States from each of the 10 Federal regions. Within the pilot program, small business development centers would develop partnerships with Federal agencies and be a point of contact for small businesses to turn to for free-of-charge confidential advice concerning regulatory compliance. I would expect that these consultations will take place with those individuals who have experience and expertise in a particular area of regulatory compliance.

To continually track progress and seek improvements to the program, the Small Business Administration is required to submit regular reports on the assistance provided by the centers to the Small Business Administration. The SBA would, in turn, maintain a clearinghouse of all of the information submitted and report to the President, the House and the Senate small business committees.

In addition, the General Accounting Office would conduct a study of the pilot programs' efficiencies to determine whether the programs should be expanded and/or modified. The reports submitted by the SBDC to the Small Business Administration will include a

description of the types of assistance provided, the number of small businesses that contacted participating SBDC, the number of small business concerns assisted by SBDC, information and outreach and, most importantly, any conflicting information or advice given by Federal agencies to one or more businesses.

This type of cooperation is not new, Mr. Speaker. Some small business development centers have already started to think outside the box. They have fostered relationships with different Federal agencies and independent compliance groups to build upon each other's resources in order to assist small business owners with regulatory compliance.

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H.R. 203 is not meant to replace current regulatory reporting compliance programs, but to supplement them. When relevant, participating SBDCs may refer businesses to existing regulatory compliance programs, H.R. 203 intends to take these successes and apply them nationwide to ensure small business has somewhere to turn for every compliance concern with every Federal agency, not just those emanating from the EPA, OSHA, or the IRS.

An example: A wholesale auto salvage business in upstate New York is one such success story. The owner purchased his business unaware the soil was contaminated, having been a salvage yard for the previous 60 years. Unfortunately, he exhausted his funds with the cleanup and pending buyout of his partner.

With no place to turn and the possibility of losing his livelihood, he contacted the local SBDC for assistance in obtaining funds. The SBDC counselor was able to work with the New York State Department of Environmental Conservation liaison to agree to some type of remediation.

The result: After 40 hours of invested time and effort, the counselor was able to get the city to back away from its original threat to close his business. This business's inventory is now growing after a nearly terminal reduction to facilitate the cleanup, and cash flow figures are improving steadily.

We all know that compliance with Federal regulations remains one of the main challenges confronting small business owners. These entrepreneurs are not seeking to evade the law. Due to the complexity of the regulatory process, they often simply do not know the right course of action.

Mr. Speaker, before being elected to Congress, I served as the Commissioner of Labor in New York. I know firsthand the difficulty that exists in trying to balance the needs of running a small business and maintaining a safe working environment.

While I was State Labor Commissioner, I instituted an exhaustive review process that evaluated nearly 150 rules and regulations, resulting in the elimination of 56 regulations. That represented a 30 percent reduction of outdated, unnecessary, and redundant restrictions on New York's businesses.

In addition, I implemented a directive for the Public Employee Safety and Health Program, PESHP, to increase the rate of workplace compliance. This proposal had three objectives: to educate employers and employees, to increase regulatory compliance rates, and to reduce what I considered a hidden tax on small businesses.

As a result of that approach that I have just described, in 1995, failure to abate notices, which inform an employer that it has not corrected a violation in a timely manner, numbered only 99 in the entire State of New York, down from 244 the previous year.

With government working cooperatively with employers and businesses in a non-threatening environment, compliance rates are proven to dramatically increase while workplace injuries and deaths are significantly reduced. This type of partnership is what is needed to assist our small businesses with navigating the maze of Federal Government regulations.

My legislation, H.R. 203, will forge a partnership among the regulatory agencies, the Small Business Administration, and the Small Business Development Centers for the purpose of helping small-sized companies comply with complex regulations, rather than resorting to heavy-handed enforcement activities.

Again, Mr. Speaker, I want to thank the gentleman from Illinois (Mr. MANZULLO) for all his efforts and all his support, and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), a fellow New Yorker.

Mr. Speaker, this is a good government bill, and I urge the support of all my colleagues.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Ms. CHRISTENSEN).

Mr. CHRISTENSEN. Mr. Speaker, I rise today in support of the two Committee on Small Business bills before us today, which are aimed at improving and expanding the extend and scope of services provided by the Small Business Administration's Small Business Development Centers' program, and encouraging entrepreneurship.

The SBDCs are the premier technical assistance providers to America's entrepreneurs. Many small businesses often operate near or at their profit margin and do not have the resources to hire legal and technical experts.

The SBDC in my district, the U.S. Virgin Islands, as well as those across the Nation, are always looking for innovative and cost-efficient ways to improve their services to the small business community.

To address the difficulty in meeting the regulatory burden, the House Committee on Small Business, under the leadership of our ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), and our chairman, the gentleman from Illinois (Mr. MANZULLO), has held many hearings to examine the complex and wide web of regulations that small businesses are subjected to, including those in the health care industry, through the Center for Medicare Services, formerly known as the Health Care Financing Agency.

The National Small Business Regulatory Assistance Act of 2000 would assist small businesses in handling their regulatory burden without the threat of sanctions for doing so. Without a doubt, small businesses need and would benefit from as much free technical assistance as Congress can make available. As a matter of fact, it is only appropriate that we provide some relief from the regulatory morass that Congress is partly responsible for.

Research shows that small businesses that receive technical assistance are twice as likely to succeed in the marketplace as those which do not. H.R. 203 would utilize the existing SBDC network to provide free counseling, training, and education about the intricacies of Federal regulations.

The second bill that will be before us, establishing a national vocational entrepreneurship development demonstration program is a great approach to encouraging individuals to start their small businesses. The Vocational and Technical Entrepreneurship Act would allow the SBDCs to work with colleges and vocational schools. Learning to start and run your own business is itself a very important trade, and many who work in the trade sector enter these professions with the goal of one day starting their own business.

This initiative would develop a program that guides and provides training for future skilled workers, many of whom would begin working in other companies to obtain the skills necessary to start a business of their own.

Mr. Speaker, today, in the face of the tragedy which struck this country 3 weeks ago and its long-term and far-reaching impact, help for our small businesses is needed more than ever. I applaud and thank the gentleman from New York (Mr. SWEENEY) and the gentleman from Pennsylvania (Mr. BRADY) for H.R. 203, and Mr. Udall for H.R. 2666, as well as thank and applaud the leadership of the chairman, the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their leadership on these two bills. I also thank the entire committee.

This would send a clear message that we intend to improve and expand the scope of SBDCs in providing needed comprehensive free and confidential services, and that we will continue to improve this, and to make help more available to our small businesses across the country.

I urge my colleagues to join me in supporting this bill, H.R. 203, and the next bill, H.R. 266.

Mr. MANZULLO. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Indiana (Mr. PENCE), chairman of the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business.

Mr. PENCE. Mr. Speaker, I thank the gentleman and the chairman of the Committee on Small Business for yielding time to me, and for sponsoring this important bill, which I believe will help small businesses all across America.

I am also grateful to all of my colleagues for the support for the amendment which I offered to this legislation in committee. I believe this bill represents a very important change in the way our government assists small business owners, entrepreneurs, and risk-takers in our economy.

As chairman of the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, I held a roundtable earlier this year to hear from dozens of national trade and industry groups that represent small business in America.

These groups raised concerns about a wide variety of regulations. Yet, they all had one overarching concern, Mr. Speaker, that small business owners are being deluged by complex, often arcane Federal regulations that they are unaware of until a representative of the Federal agency walks through the door and hands them a citation.

This situation engenders distrust from the Federal regulatory apparatus because businesses perceive that the Federal government is not there to help, but instead, to play the game of ''gotcha.'' That ''gotcha'' mentality is not good government. Small business owners want to comply with Federal regulations.

The agencies have even conceded that more than 90 percent of all businesses are doing their level best to comply. However, in order to do so, they must first know that the regulations apply to them. This is a necessary precondition. However, given the complexity and scope of the CFR, it is unlikely that an average small business owner will be an expert on these myriad regulations, or even begin to understand what must be done in compliance.

When we pass laws here, we expect them to be followed. When Federal agencies promulgate regulations, they expect them to be followed. However, if the Federal Government does not provide a mechanism for advising small businesses, then Federal regulations will not be followed and the goal we seek will not be met.

H.R. 203, Mr. Speaker, provides that mechanism to assist small business owners. Small Business Development Centers already exist to provide assistance to small business owners in the operation of their businesses. Small business owners come to SBDCs to help start or grow a business. At that time, the center could also provide information on regulatory compliance. Since these centers are located at colleges and universities throughout States that will be part of the pilot project, small business owners should have easy access to regulatory compliance and assistance from these centers.

Despite what some stereotypes may suggest, Mr. Speaker, small businesses want to obey the law. They want to comply with Federal regulations. H.R. 203, finally and lastly, gives them the means to do just that. That is why I heartily endorse this bill, and I urge all of my colleagues to support this reform measure.

Mr. Speaker, I thank the gentleman from Illinois (Chairman MANZULLO) for his outstanding leadership, as well as the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her outstanding leadership, and for the bipartisan efforts on the part of both of these great members in moving this legislation out of the Committee on Small Business.

Finally, I would like to thank the author of this legislation, the gentleman from New York (Mr. SWEENEY) and the gentleman from Pennsylvania (Mr. BRADY) for their work in bringing this important idea into the laws of our land.

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

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 203, as amended.

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

A motion to reconsider was laid on the table.

## VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2666) to amend the Small Business Act to direct the administrator of the Small Business Administration to establish a vocational annual technical entrepreneurship development program, as amended.

The Clerk read as follows:

H.R. 2666

*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 ''Vocational and Technical Entrepreneurship Development Act of 2001''.

**SEC. 2. VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT PROGRAM.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following new section:

**''SEC. 36. VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT PROGRAM.**

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration.

''(2) ASSOCIATION.—The term 'Association' means the association of small business development centers recognized under section 21(a)(3)(A).

''(3) PROGRAM.—The term 'program' means the program established under subsection (b).

''(4) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a small business development center described in section 21.

''(5) STATE SMALL BUSINESS DEVELOPMENT CENTER.—The term 'State small business development center' means a small business development center from each State selected by the Administrator, in consultation with the Association and giving substantial weight to the Association's recommendations, to carry out the program on a statewide basis in such State.

''(b) ESTABLISHMENT.—In accordance with this section, the Administrator shall establish a program under which the Administrator shall make grants to State small business development centers to enable such centers to provide, on a statewide basis, technical assistance to secondary schools, or to postsecondary vocational or technical schools, for the development and implementation of curricula designed to promote vocational and technical entrepreneurship.

''(c) MINIMUM GRANT.—The Administrator may make no grant under the program for an amount less than $200,000.

''(d) APPLICATION.—Each State small business development center seeking a grant under the program shall submit to the Administrator an application in such form as the Administrator may require. The application shall include information regarding the applicant's goals and objectives for the educational programs to be assisted.

''(e) REPORT TO ADMINISTRATOR.—The Administrator shall make a condition of each grant under the program that not later than 18 months after the receipt of the grant the recipient shall transmit to the Administrator a report describing how the grant funds were used.

''(f) COOPERATIVE AGREEMENTS AND CONTRACTS.—The Administrator may enter into a cooperative agreement or contract with any State small business development center receiving a grant under this section to provide additional assistance that furthers the purposes of this section.

''(g) EVALUATION OF PROGRAM.—Not later than March 31, 2004, the Administrator shall transmit to Congress a report containing an evaluation of the program.

''(h) CLEARINGHOUSE.—The Association shall act as a clearinghouse of information and expertise regarding vocational and technical entrepreneurship education programs. In each fiscal year in which grants are made under the program, the Administrator shall provide additional assistance to the Association to carry out the functions described in this subsection.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2002, 2003, and 2004. Such sums shall remain available until expended.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. MANZULLO. Mr. Speaker, I yield such time as he may consume.

Mr. Speaker, the purpose of H.R. 2666 is to provide entrepreneurial assistance to persons with vocational and technical skills to help them own and operate their own businesses, rather than being employees of companies in which they have no direct ownership interest.

A further and equally important purpose of the Act is to stimulate economic activity to create new job opportunities, and to help tradesmen and tradeswomen realize the full potential of the free enterprise system.

Many persons within the United States have technical or vocational skills, but do not have business experience or training to help them succeed in the small business community. Currently, small businesses employ mechanics, technicians, carpenters, plumbers, machinists, and draftsmen. However, the Act is needed to provide the essential training in business constantly necessary for these skilled workers to start their own businesses, to survive in the business world, and to grow.

In providing these needed services, the Act relies upon the present infrastructure of the Small Business Development Centers, which are proven by past performance to deliver services that greatly enhance the chances of a small business surviving as compared with those who do not receive such assistance.

The present global economy requires that this Nation remain as a competitor. Fostering the growth of small business, as it is anticipated this Act will do, is another building block in strengthening our international competitiveness.

The Act establishes a 3-year pilot program providing Small Business Administration grants to Small Business Development Centers for technical assistance to secondary schools and post-secondary vocational and technical schools. It also aims to develop and implement curricula to promote vocational and technical entrepreneurship.

The grant applicant must outline its goals and objectives for assistance to be provided in the educational curricula to be implemented with grant funds.

It is the desire of the Committee that States' Small Business Development Centers pay particular focus to helping underserved subcenters in the area of vocational and technical entrepreneurship training.

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Those small business development centers receiving grants under the pilot program must report to the Small Business Administration within 18 months. The 18 months starting from the date they receive the grant monies and detailing how the grant funds were used.

In addition, not later than March 31, 2004, the SBA must conduct an evaluation of the program and report the results of this evaluation to Congress. The Act designates the Association of Small Business Development Centers as a clearinghouse for the collection of information and expertise regarding vocational and technical or entrepreneurship programs. The minimum amount of a grant under the pilot program is $200,000. The bill authorizes $7 million annually for each year of the 3-year pilot program.

Lastly, I want to commend my fellow member of the Committee on Small Business, the gentleman from Pennsylvania (Mr. BRADY), for the hard work he has put in as the author of this legislation. I urge my colleagues to support H.R. 2666.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to take the time to thank the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), of the Committee on Small Business, as well as the committee staff's hard work in bringing this bill to the floor. I thank them all.

We are all still shocked, saddened, and angry as a Nation at the tragic events that unfolded September 11, 2001. The character of America was attacked, our values and our way of life. The spirit that is America is characterized by our freedoms, the ability for each and every individual, regardless of circumstances, to build a better life. We must rebuild our lives, rebuild our economy, rebuild our communities, and rebuild our Nation.

A part of the American freedom includes the spirit of entrepreneurship, talented individuals starting their own business. Each day in my home State of Pennsylvania, five new businesses are started because of the work of the Small Business Development Centers. These centers have developed a proven system that works to provide education on starting and managing a business.

My bill, The Vocational and Technical Entrepreneurship Development Program Act of 2001, will put the same successful curriculum used by the SBDCs into selected vocational and technical schools throughout the United States. This bill will allow those who wish to return to school to learn a new trade and those first-time technical and vocational graduates an opportunity to not only start their own business but to have a successful business by being fully prepared to manage a firm.

For decades, small businesses have contributed to most of our employment growth by creating half of all jobs and doing it more than 60 percent faster than larger firms. Let us look toward the creation and successful maintenance of business enterprises to help rebuild our economy and strengthen our Nation.

Again, I would like to thank the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), of the Committee on Small Business, as well as all the working of the committee staff.

I urge my colleagues to support this legislation.

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

Mr. MANZULLO. Mr. Speaker, I have no more speakers. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield as much time as she might consume to the gentlewoman from New York (Ms. VELÁZQUEZ), ranking member of the Committee on Small Business.

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

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank my friend, the gentleman from Pennsylvania (Mr. BRADY), for producing this innovative legislation.

At the core of H.R. 2666, The Vocational and Technical Entrepreneurship Development Act is a great idea. Start with two of the most powerful forces for productivity and innovation in the American economy, join them, and then harness their combined energy.

This bill will join the productive powers of a skilled workforce with the innovation of entrepreneurship. This act will help develop a curriculum that will help these workers get the training they need to build and grow their own small business.

There are many skilled workers out there who see a demand for more of this field. They may be working for shops that have to turn away new jobs. So they decide to start their own business to meet that demand, but in many cases, they do not know where to start.

Running your own business is complex and requires new skills, skills that can be taught and learned. It is even more important now as we enter less certain times that we harness the talent and energy of this entrepreneurial class.

Small business forms the backbone of our communities and our economy. In the past decade, small businesses realized unprecedented growth and job creation. We want to spur even more growth in this untapped market sector of the economy at a time when we really need it.

The gentleman from Pennsylvania's (Mr. BRADY) bill will do just that by

joining the innovation of entrepreneurship with the hard work of skilled labor. Combined, they build a new strong force for our economy.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise today in support of H.R. 2666, the Vocational and Technical Entrepreneurship Development Act and would like to commend the gentleman from Pennsylvania, Mr. BRADY, for his proposal.

This initiative brings together two great traditions of American enterprise. First is our well-founded faith in hard work and skills as the sure way to a better life. Plumbers and carpenters, joiners and electricians, auto mechanics and computer technicians, they would all agree—you must have skills to succeed. We know that Americans work harder and smarter than anyone else in the world. Our families, communities and nation benefits from this hard work.

Mr. Speaker, there is another American tradition leading to a better life. That is entrepreneurship—talented people taking the reins and responsibility for their own business. It is a bedrock truth that these small businesses support half of our economy. More importantly, small businesses employ our skilled workers—our mechanics, technicians, electricians, and carpenters. Small businesses furnish half our jobs, and nearly half our gross domestic product. There is no boundary to what small business can do, and we want to help expand this limitless sector.

My colleague's legislation would create a one-of-a-kind training program that unites these two long-standing traditions by assisting vocational and technical students become entrepreneurs in addition to skilled workers. Many of today's workers who participate in career training or vocational education, are not provided the entrepreneurial knowledge that can assist them to successfully grow and develop their own business venture. H.R. 2666 utilizes the existing network of small business development centers (SBDCs) to transfer their entrepreneurial expertise to students enrolled in secondary schools, or postsecondary vocational or technical schools.

Created by Congress in 1980, the SBDC Program fosters economic development by providing management, technical and research assistance to small businesses. However, they do not have an organized program for providing this type of assistance. By establishing this effort initially as a pilot, we can build upon the experience and innovation of SBDCs to expand their resources and if proven successful, the pilot could be made a permanent part of their services.

Mr. Speaker, for 20 years the SBDC Program has been SBA's primary delivery system for entrepreneurial assistance. Located in each state, the program's counseling services guides and mentors business owners through the process of addressing a business development opportunity or problem. Over eleven hundred service centers, serving every Congressional District, ensure small businesses have the support they need.

H.R. 2666 requires SBA to establish a pilot project offering grants to selected State Small Business Development Center Programs. The State Program will implement the assistance on a statewide basis by partnering their individual service centers with secondary schools, or postsecondary vocational or technical schools. The purpose of the partnership is to develop a cohesive curriculum on starting and operating a successful business venture, thus assisting students in these institutions obtain the entrepreneurial knowledge they need to strike-out on their own. The curriculum will be offered to the students by their teachers or instructors. In addition, the curriculum can be modified by the teacher to provide assistance that is relevant to the particularly industry sectors for which the students are learning the skills. The local SBDC service center will also be available if students need further counseling or training during, or even after, their schooling.

SBDC counselors will play an important role during the initial development phase by assisting the teacher prepare and deliver the curriculum, but this initial assistance will not become permanent. I want to assure my fellow colleagues that SBDC resources will not be used to staff educational institutions. The purpose of H.R. 2666 is not to replace teachers with SBDC counselors, but to develop the curriculum that enables teachers to transfer the entrepreneurial knowledge to their students. It is important to differentiate the curriculum developed through the partnership from current classroom training sessions offered by SBDCs. These training sessions are offered in conjunction with SBDC host institutions and in no way should H.R. 2666 be construed to limit them.

H.R. 2666 will also increase the productivity and strength of the overall SBDC Program. By increasing the number of potential entrepreneurs, the number of potential SBDC clients increases. It also increases the effectiveness of current SBDC assistance by offering entrepreneurial knowledge during the learning phase and before the initial entrepreneurial phase. After graduating from their career or vocational training, students will have the basic tools and understanding that will make future SBDC assistance more efficient and productive, increasing the rate of successful start-ups.

In closing Mr. Speaker, by providing entrepreneurial knowledge at the same time workers are learning a specific trade skill, career opportunities are expanded. Students not only become more marketable in the workforce, but can become a small business owner. In addition, they become the employer, expanding the local job market, and revitalizing and developing the economic growth of the community.

Mr. Speaker, we want more Americans to run their own shop. This proposal goes a long way to helping build a new entrepreneurial generation that will create more jobs and provide for more families while serving our communities.

I urge my colleagues to support this innovative initiative.

Mr. MANZULLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield as much time as he might consume to the gentleman from New Jersey (Mr. PASCRELL), a dear friend.

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of my good friend, the gentleman from Pennsylvania's (Mr. BRADY) bill, H.R. 2666, The Vocational and Technical Entrepreneurship Development Act.

I support this bill because it provides well-needed assistance to a critical, critical element of our workforce. Often neglected on this floor, a workforce that is often neglected by society as well. Many who work in the trade sector, from construction to plumbing to carpentry, go out every day and perform jobs that are absolutely essential to our Nation and our economy. Yet there are seemingly few incentives offered to young people who may wish to pursue such a career.

We certainly provide accolades to the young student who studies the liberal arts. Indeed, the young man, the young lady who reads Ellison or Dickens is often touted and rightfully provided with loans or grants to help with his or her studies.

But what about the student whose skills and interests lie with an area of vocation? They are just as valuable to America, just as intelligent. They need our support.

I applaud the gentleman from Pennsylvania (Mr. BRADY) for this bill. I certainly know of many people in my own hometown of Patterson, New Jersey, who would benefit from this initiative. Providing grants from the Small Business Administration to provide technical assistance to high schools and vocational and technical schools to promote small business ownership in their curriculum, I believe, is a great idea.

Many who work in the trade sector enter these professions with the goal of one day starting their own business. So this program offers a perfect initiative, a perfect incentive to enter the trade sector by giving students greater options and providing training as a business owner.

This legislation will help get young future trade workers thinking about what it actually takes to run and own a business. This is a great, well-needed initiative; and I urge my colleagues' support.

I might add in conclusion, Mr. Speaker, that while I commend the sponsor of this bill, I also commend the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) for establishing an environment within the Committee on Small Business to respond to all of America, not just a particular segment. They have provided such an environment, and I commend them for that. And I also commend the gentleman from Pennsylvania (Mr. BRADY).

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), and I want to thank the gentleman from New Jersey (Mr. PASCRELL) for his remarks. Unfortunately, in these last couple of weeks, we all feel, in our heart, that we are all from New York.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this legislation; and I want to commend the chairman, the gentleman from Illinois (Mr. MANZULLO), and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their leadership of the Committee on Small Business and the expeditious as well as impartial way in which they handle our business. I think it is a testament to their leadership that both these bills are on the floor today, and I simply commend them.

I also want to commend the gentleman from Pennsylvania (Mr. BRADY). He has put his finger right on a tremendous need. I interact with many small business operations, with many trades persons, and I can guaranty the moment this legislation is put into effect the Chicago Public School System, the Chicago Federation of Labor, the City Colleges of Chicago, and many other small units in the area where I live and work will pounce on it as a godsend and a lifesaver.

I also want to commend the gentleman from New York (Mr. SWEENEY), because he also put his finger on another great need, and that is the need to help small businesses comply with the myriad of regulations that they sometimes have to go through and really have difficulty figuring out what to do. So this is a great day, I think, for small business and a great day for the Committee on Small Business. And so I commend all those involved.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend my colleagues for bringing H.R. 2666 forward. There probably is no better time, Mr. Speaker, for us to bring this forward than today.

We know entrepreneurship makes our country great. In San Diego, there are many new businesses in technological and biological fields that have mushroomed as an impetus for our robust economy. We know at the university level, San Diego State University's highly acclaimed business administration school has an entire program teaching its students the skills of entrepreneurship, and that is why it is so important we resolve and bring this measure forward today because it provides the equity we all need for making such critical training available to students of vocational and technical schools.

I know as a school board member that we often wrestled with the programs that were coming forward, actually bringing students often out of the vocational arena. We need to value their creativity and their moxie, their desire to really have an impact, to have their own businesses and to bring their creativity and often their risk-taking into this arena and make this kind of training available to them.

So I applaud my colleagues for this. We need to provide for all business entrepreneurs at all educational levels as we move forward with these kinds of initiatives.

Included in this initiative is a report back to the Congress in 18 months, and I will certainly be very interested in learning what became of these dollars. Often we do not always know. It will give us an opportunity to look at the great improvements and the successes that came out of the program and give us an opportunity to learn as well from the students, from the people that were involved.

I know that we are going to have many new businesses created out of this initiative, and I look forward to seeing that happen.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I simply want to thank the chairman and ranking member and the staff of the Committee on Small Business for allowing this bill to come to the floor today.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 2666, as amended.

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

A motion to reconsider was laid on the table.

## VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2385) to convey certain property to the City of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2385

*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 ''Virgin River Dinosaur Footprint Preserve Act''.*

***SEC. 2. VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.***

*(a) AUTHORIZATION FOR GRANT TO PURCHASE FOOTPRINT PRESERVE.—As soon as is practicable after the date of the enactment of this Act, if the City agrees to the conditions set forth in subsection (b), the Secretary of the Interior may award to the City a grant equal to the lesser of $500,000 or the fair market value of up to 10 acres of land (and all related facilities and other appurtenances thereon) generally depicted on the map entitled ''Proposed Virgin River Dinosaur Footprint Preserve'', numbered 09/06/2001–A, for purchase of that property.*

*(b) CONDITIONS OF GRANT.—The grant under subsection (a) shall be made only after the City agrees to the following conditions:*

*(1) USE OF LAND.—The City shall use the Virgin River Dinosaur Footprint Preserve in a manner that accomplishes the following:*

*(A) Preserves and protects the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve.*

*(B) Provides opportunities for scientific research in a manner compatible with subparagraph (A).*

*(C) Provides the public with opportunities for educational activities in a manner compatible with subparagraph (A).*

*(2) REVERTER.—If at any time after the City acquires the Virgin River Dinosaur Footprint Preserve, the Secretary determines that the City is not substantially in compliance with the conditions described in paragraph (1), all right, title, and interest in and to the Virgin River Dinosaur Footprint Preserve shall immediately revert to the United States, with no further consideration on the part of the United States, and such property shall then be under the administrative jurisdiction of the Secretary of the Interior.*

*(3) CONDITIONS TO BE CONTAINED IN DEED.—If the City attempts to transfer title to the Virgin River Dinosaur Footprint Preserve (in whole or in part), the conditions set forth in this subsection shall transfer with such title and shall be enforceable against any subsequent owner of the Virgin River Dinosaur Footprint Preserve (in whole or in part).*

*(c) COOPERATIVE AGREEMENT AND ASSISTANCE.—*

*(1) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the City for the management of the Virgin River Dinosaur Footprint Preserve by the City.*

*(2) ASSISTANCE.—The Secretary may provide to the City—*

*(A) financial assistance, if the Secretary determines that such assistance is necessary for protection of the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve; and*

*(B) technical assistance to assist the City in complying with subparagraphs (A) through (C) of subsection (b)(1).*

*(3) ADDITIONAL GRANTS.—*

*(A) IN GENERAL.—In addition to funds made available under subsection (a) and paragraph (2) of this subsection, the Secretary may provide grants to the City to carry out its duties under the cooperative agreement entered into under paragraph (1).*

*(B) LIMITATION ON AMOUNT; REQUIRED NON-FEDERAL MATCH.—Grants under subparagraph (A) shall not exceed $500,000 and shall be provided only to the extent that the City matches the amount of such grants with non-Federal contributions (including in-kind contributions).*

*(d) MAP ON FILE.—The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.*

*(e) DEFINITIONS.—For the purposes of this section, the following definitions apply:*

*(1) CITY.—The term ''City'' means the city of St. George, Utah.*

*(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.*

*(3) VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.—The term ''Virgin River Dinosaur Footprint Preserve'' means the property (and all facilities and other appurtenances thereon) described in subsection (a).*

□ 1630

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, a very unique thing happened a little over a year ago in St.

George, Utah. That is in Washington County. There was a retired ophthalmologist by the name of Dr. Sheldon Johnson. He had some property to the east of St. George and wanted to level it. So he had a backhoe and all the necessary things, a front loader. He was working there, and he had gone down about 10 feet and all of the sudden he came to some very large flat rocks. He turned one over and lo and behold he found dinosaur prints like the one sitting right here.

This dinosaur print is one of the most unique ones that I think has ever been found in America. He was a little nervous about it so he kept turning others over. Before long there was actually dozens of dinosaur prints. There was not only prints like this one, but there was tail drags and the whole thing. He said, What have I found here? I found something quite amazing.

Paleontologists started coming from all around the world. In fact, over 50 countries have been here. They looked at these things and said, They have to be preserved. Dr. Johnson is sitting there, not knowing what to do with these things. He goes to the State and the State people say, That is wonderful. All the universities say, This is a wonderful thing to see. People come from France and say, This has to be preserved. But no one figures out how to do it because this is the up side of the print and not the down side. When it is sitting there, rain, wind other things start to erode it.

Dr. Johnson is sitting there with his wife. He has got literally thousands of people, over 150,000 people from 54 countries, standing there wanting to see this fabulous find of Dr. Johnson. How does he do it? The city said, Dr. Johnson, we would like to help you. The county says the same thing. The State says the same thing. So we took a look at it and said, If this is really the find of the century regarding this thing, something ought to be done.

As you know, our current President probably is not as inclined to make monuments as our past President, who was very good at making monuments. He could make 10 a day without any trouble whatsoever. But this President was not inclined to do it. He decided it should be done a different way. We thought maybe it would be a good idea if we made kind of a coordinated effort between the Federal Government, who in this bill is authorizing $500,000 to help out, the State of Utah, universities, and countries who have come up with a combined effort to be able to display these.

A lot of people have asked, Are there more? Well, there could be dozens of them for all we know. We are all nervous about turning over any more rocks until someone figures out a way to take care of these things. This is a good step forward without the Federal Government coming in with their huge resources and spending any hard-earned money we take out of the Park Service to figure out a way to do this.

This bill, H.R. 2385, as amended, would authorize up to $500,000 to the City of St. George to facilitate and purchase up to 10 acres of land where the footprints and tail drags are located for the protection of this resource.

Mr. Speaker, I think this would be a good thing to do. It is interesting to see how many people come to visit. You go down there and there are actually bus loads and bus loads of yellow school buses and children spilling out to see this. There are people coming in so that we have to have interpreters there to speak their language because they want to see this. So we do not really have a way to take care of this, and this is starting to get it going.

Dr. Johnson wanted to send this out to all the Members of Congress so they can see what it actually looks like to see prints. This is the first time they have even had the toe nails in the prints and the tail drags and things like that. This unique experience happened to this retired ophthalmologist 5 miles east of St. George. Now we have a chance to preserve this for time and all eternity, and people can come to see it.

I would suggest to the House that this is one of those better things that we could be doing right now to help out something that people will come from all over to see it.

Mr. Speaker, I think this is interesting because just outside of St. George this little thing has created worldwide attention. People from South Africa have come there, people from Brazil, people from Australia, New Zealand. We will now ask some of them to pony-up a few bucks to help this thing out.

Mr. Speaker, it is interesting that in September of 1996 the President created the Grand Staircase Escalante, 1.7 million acres; and all that money has gone into it and all that work has gone into it. In the short time this has been around, it has had a higher visitation than the Grand Staircase. Of course, there is nothing to see in the Grand Staircase but sagebrush, but maybe some people want to see that.

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

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

Mr. Speaker, I am just as fascinated by this find as our esteemed chairman.

H.R. 2358, as reported by the Committee on Resources, is a bipartisan proposal to provide the technical and financial assistance for the preservation of important paleontological resources that have been found in the district of the gentleman from Utah (Mr. HANSEN).

The private property in question contains dinosaur tracks that have been seen that were discovered last year. It was evident from our hearing on H.R. 2385 before the Committee on Resources and the Subcommittee on National Parks, Recreation, and Public Lands that this was a very interesting and exciting dinosaur-related find. However, the original proposal to buy the site and give the land to the city of St. George, Utah, was highly unusual.

The administration, while generally supportive, also had a number of concerns with the bill as drafted.

The gentleman from Utah (Chairman HANSEN) and members of his staff worked closely with the minority and the administration to address the concerns of the bill. As a result, an amendment in the nature of a substitute was adopted by the Committee on Resources that incorporated the suggestions made by the minority regarding the acquisition of this site, as well as the changes suggested by the administration.

I believe that the committee amendment significantly improves the bill and would provide a very efficient way to assist in the preservation of the unique and well-preserved dinosaur tracks in Utah. I appreciate the willingness of the gentleman from Utah (Chairman HANSEN) and his staff to address the issues identified with his legislation. I support the passage of H.R. 2385 and commend our chairman on this project.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. RADANOVICH), the new chairman of the Subcommittee on National Parks, Recreation, and Public Lands.

Mr. RADANOVICH. Mr. Speaker, I lend my support to this bill. I believe it is a rare opportunity to protect these resources by creating a long-lasting public-private partnership that will protect these fossils, while at the same time provide opportunities for the scientific community to study these important findings and allow the general public rare glimpses into life during the Jurassic Period. I think it is exceptional that this is getting more attendance than the Grand Escalante Staircase Monument.

Mr. Speaker, I urge my colleagues to support the passage of H.R. 2385.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, today we have an opportunity to pass legislation that will truly preserve history. Not our history, but the history of the Earth over 200 million years ago, the history of the dinosaurs.

200 million years ago, scientists believe that the redrock desert of Southern Utah was part of a large shallow lake. Dinosaurs fed at the shoreline of this lake. They walked this Earth, and they left their tracks.

Early last spring, in a time far removed from the dinosaurs, a retired ophthalmologist living in St. George, Utah, began leveling out a part of his yard and discovered what is now being cited as one of the best collections of dinosaur footprints ever on Earth.

These 150 footprints show the tracks of multiple species of dinosaurs. They are detailed, revealing claws, three toes, and the joints where dinosaurs may have crouched down.

Paleontologists currently believe these footprints may be a record of the first meat eater in the dinosaur age and potentially include a previously unknown species.

Since the discovery of these tracks, Dr. Sheldon Johnson and his wife, LaVerna, have generously shown thousands of visitors through their property to see the tracks. In one 2-week period, over 12,000 people journeyed to Southern Utah to witness this amazing discovery.

Despite the individual generosity of the Johnsons, in the long term these tracks must be preserved. This bill will allow the appropriate preservation of these tracks in the necessary condition. It will help the city of St. George cope with the visitors, and it will leave a history of dinosaurs preserved for over 200 million years for many more generations to discover.

Mr. Speaker, I am pleased to support this legislation, and I personally look forward to visiting this site often during my frequent trips to the St. George area.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2385, as amended.

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

A motion to reconsider was laid on the table.

## TOMAS G. MASARYK MEMORIAL

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1161) to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia, as amended.

The Clerk read as follows:

H.R. 1161

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

**SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.**

(a) IN GENERAL.—The Government of the Czech Republic is authorized to establish a memorial to honor Tomas G. Masaryk on the Federal land in the District of Columbia.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c), 6(b), 8(b), and 10(c) of that Act shall not apply with respect to the memorial.

(c) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment of the memorial or its maintenance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 1161 introduced by the gentleman from New York (Mr. GILMAN) would authorize a memorial to be built on Federal land in the District of Columbia to honor Tomas G. Masaryk, the first President of Czechoslovakia.

Mr. Masaryk embodies the close ties between the governments of the United States and Czechoslovakia. He was well acquainted with the United States from repeated trips to this country over the period of 4 decades as a philosopher, scholar, and teacher.

President Masaryk's close personal relationship with many Americans, including President Woodrow Wilson, ultimately led to the recognition by the United States of a free Czechoslovakia in 1918.

The bill, as introduced, specified an exact location for the memorial, but was later amended to merely state that the memorial would be established on Federal land in the District of Columbia and that the memorial would be in compliance with the Commemorative Works Act.

Moreover, the passage of this bill would not result in any expense to the Federal Government. The bill, as amended, specifies that the United States will pay no expenses associated with the establishment or maintenance of the memorial.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources and the administration. I urge all of my colleagues to support H.R. 1161, as amended.

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

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

Mr. Speaker, I would like to take this opportunity to welcome our new chairman of the Subcommittee on Parks and Public Lands, the gentleman from California (Mr. RADANOVICH), to his chairmanship of the subcommittee. I look forward to working with the gentleman.

Mr. Speaker, Tomas G. Masaryk was a professor of philosophy who became the first President of Czechoslovakia and served in that capacity until ill health forced his retirement in 1935.

Based on his public service and writings, which include the Czechoslovakian Declaration of Independence, many have referred to Masaryk as the father of democratic Czechoslovakia.

H.R. 1161, as introduced, authorizes the American Friends of the Czech Republic to establish a memorial to Tomas G. Masaryk on a specific parcel of Federal land at 19th Street and Pennsylvania Avenue here in Washington, D.C. The legislation stated that the memorial would be established in accordance with the Commemorative Works Act, and that it would be funded privately.

Clearly, Mr. Masaryk is an important and compelling figure not only in Czech history but in the history of democracy. However, in order for the legislation to achieve its own stated goal in order to comply with the Commemorative Works Act, the bill was amended during consideration by the Committee on Resources. The amendment removed the language identifying the specific site of the memorial and included language making clear that the memorial is to be a gift from the Government of the Czech Republic.

Mr. Speaker, with these amendments, we support H.R. 1161.

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

Mr. RADANOVICH. Mr. Speaker, the sponsor of this legislation, the gentleman from New York (Mr. GILMAN), has been detained; and he will be producing a statement for the RECORD.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

□ 1645

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 1161, to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia. Tomas Masaryk, the first President of Czechoslovakia, stands in history as the embodiment of the close ties between the United States and Czechoslovakia. H.R. 1161 celebrates Tomas Masaryk's life achievements and quest for democracy, peace, freedom and humanity. The statue of Mr. Masaryk exemplifies the democratic ideal best expressed by his words, ''Not with violence but with love, not with sword but with plow, not with blood but with work, not with death but with life, that is the answer to Czech geniuses, the meaning of our history and the heritage of our ancestors.''

I have a community in the neighborhood where I live and the district where I represent who are descendants of Czech heritage. On behalf of all of them, I would urge all of my colleagues to support H.R. 1161.

Mr. GILMAN. Mr. Speaker, I want to thank the Chairman of the House Resources Committee, Representative JAMES HANSEN and Ranking Member, Representative NICK RAHALL, National Parks, Recreation and Public Lands Subcommittee Chairman RADANOVICH, and former Chairman HEFLEY who were instrumental in bringing H.R. 1161 before us today. I would also like to express my thanks to the leadership for bringing H.R. 1161 to the Suspensions Calendar today.

H.R. 1161, which enjoys bi-partisan support was introduced earlier this session and authorizes the Government of the Czech Republic to establish a memorial in honor of Tomas Garrigue Masaryk, the first President of Czechoslovakia.

Consideration of this bill is very timely as Jan Kavan, the Czech Republic's Deputy Prime Minister of Foreign Affairs, began a series of high level meetings in Washington, D.C., with our colleagues in the Congress and with Secretary of State Powell. On October 1, 2001, the Deputy Prime Minister was the guest at a luncheon sponsored by the American Friends of the Czech Republic, an organization which I am honored to have worked with in support of H.R. 1161.

By considering this bill, we are celebrating Tomas Masaryk's life long achievements and his quest for democracy, peace, freedom, and humanity. The statue of Mr. Masaryk will immortalize a true friend of the United States and a pioneer for world democracy. Tomas Masaryk exemplifies the democratic ideal best expressed by his words, ''Not with violence but with love, not with sword but with plough, not with blood but with work, not with death but with life—that is the answer of Czech genesis, the meaning of our history and the heritage of our ancestors.''

Mr. Speaker, Tomas Garrigue Masaryk, the first president of Czechoslovakia, stands in history as the best embodiment of the close ties between the United States and Czechoslovakia. He knew America from his personal, firsthand experience from continuous visits as a philosopher, scholar and teacher, which took place over four decades. He taught at major universities in the United States, and he married a young woman from Brooklyn, New York, Charlotte Garrigue, and carried her name as his own. For four decades he saw America transform from pioneer beginnings to the role of a world leader.

President Masaryk's relationship with America is best illustrated by his writings, speeches, interviews, articles and letters which can be found in our national archives—notably the Library of Congress. Masaryk's personal relationships with Secretary of State Lancing. Colonel House and most notably President Woodrow Wilson, led to the recognition by the United States of a free Czechoslovakia in 1918. For six months Masaryk traveled throughout the United States writing the Joint Declaration of Independence from Austria that was signed in Philadelphia and issued in Washington on October 18, 1918, where he was declared the President of Czechoslovakia.

Today, Masaryk stands as a symbol of the politics of morality. A steadfast disciple of Wilson, Lincoln and Jefferson it is befitting that he be honored as a world leader and a loyal friend of the United States by a monument to his work.

Mr. Speaker, on September 19, 2001, President George W. Bush wrote to Milton Cerny, President of the Czech Republic, offering his support for this memorial project, and I request that his letter be made a part of the RECORD. Moreover, the National Capital Memorial Commission has expressed its unanimous support for this memorial which will be presented as a gift by the Czech Republic. All costs associated with maintaining the memorial will be paid for by American Friends of the Czech Republic at no cost to the taxpayers or the U.S. government.

It is my understanding that this legislation will receive speedy consideration in the Senate where Senator CHUCK HAGEL, the sponsor of a similar bill is awaiting referral of this legislation. I am hopeful that with the passage of H.R. 1161 today and with the concurrence of the Senate, that the White House will expeditiously sign it into law so that an unveiling of this memorial to Tomas Masaryk may take place early next year to coincide with a visit to Washington, D.C., by Vaclav Havel, the President of the Czech Republic.

Mr. Speaker, I urge my colleagues to fully support H.R. 1161, authorizing the citizens of the Czech Republic to establish a memorial in honor of Tomas Garrigue Masaryk, the first President of the Czech Republic and the father of Czech democracy!

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

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1161, as amended.

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

The title of the bill was amended so as to read: ''A bill to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.''.

A motion to reconsider was laid on the table.

## LONG WALK NATIONAL HISTORIC TRAIL STUDY ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1384) to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail, as amended.

The Clerk read as follows:

H.R. 1384

*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 ''Long Walk National Historic Trail Study Act''.*

***SEC. 2. FINDINGS.***

*Congress finds the following:*

*(1) Beginning in the fall of 1863 and ending in the winter of 1864, the United States Government forced thousands of Navajos and Mescalero Apaches to relocate from their ancestral lands to Fort Sumner, New Mexico, where the tribal members were held captive, virtually as prisoners of war, for over 4 years.*

*(2) Thousands of Native Americans died at Fort Sumner from starvation, malnutrition, disease, exposure, or conflicts between the tribes and United States military personnel.*

***SEC. 3. DESIGNATION FOR STUDY.***

*Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:*

*''(____) The Long Walk Trail, a series of routes which the Navajo and Mescalero Apache Indian tribes were forced to walk beginning in the fall of 1863 as a result of their removal by the United States Government from their ancestral lands, generally located within a corridor extending through portions of Canyon de Chelley, Arizona, and Albuquerque, Canyon Blanco, Anton Chico, Canyon Piedra Pintado, and Fort Sumner, New Mexico.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

H.R. 1384, introduced by the gentleman from New Mexico (Mr. UDALL) and amended by the Subcommittee on National Parks, Recreation, and Public Lands, would authorize the Secretary of Interior to study the suitability of designating a series of routes that are to comprise the Long Walk National Historic Trail in Arizona and New Mexico as part of the National Trails System.

Mr. Speaker, the Long Walk Trail is significant due to the fact that in the fall of 1863 and the winter of 1864, the United States Government forced thousands of Navajos and Mescalero Apaches to relocate from their ancestral lands in Arizona and New Mexico to Fort Sumner, New Mexico, where the tribal members were held captive, virtually as prisoners of war, for over 4 years. During that time, thousands of Native Americans died at Fort Sumner from starvation, malnutrition, disease, exposure or conflicts between tribes and United States military personnel.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources and the administration. I urge an ''aye'' vote on H.R. 1384.

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

The SPEAKER pro tempore. Without objection, the gentleman from New Mexico (Mr. UDALL) will control 20 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1384, the Long Walk National Historic Trail Study Act.

New Mexico's Third Congressional District is one of the most majestic regions in this country. It is a scenic land with a unique civilization that is part Native American, part Spanish and part Anglo. As such, the history of the region speaks to some of the most proud moments in American history. However, we have also seen some of our Nation's most tragic events. One of the most tragic is the Long Walk of the Navajo people and Mescalero Apaches. In 1863, the Navajo and Mescalero

Apache Indian tribes were forced by gunpoint from their ancestral lands to walk roughly 350 miles from northeastern Arizona and northwest New Mexico to the Bosque Redondo in eastern New Mexico.

More than 150 years ago, the United States engaged in a military campaign against the Navajo and Mescalero Apache people. This campaign was an extension of U.S. policy to remove the Navajo and Mescalero Apaches from their homeland. This was an attempt to quash their rebellion against what was an unwelcome intrusion from the U.S. Government. Colonel Kit Carson then ordered his men to ''round up'' and remove the Navajo from their native area. The campaign was a brutal one and the Navajo and Mescalero Apaches were forced to surrender themselves to Carson's forces in 1863.

The U.S. chose the Bosque Redondo, a very remote and desolate site near Fort Sumner, New Mexico, as the place where the Navajo and Mescalero Apaches would be confined and forced to live. More than 8,000 Navajo and 500 Mescalero Apaches were then forced to trek over 350 miles under military escort from portions of Canyon de Chelley, Albuquerque, Canyon Blanco, Anton Chico and Canyon Piedra Pintado, New Mexico, to Bosque Redondo, New Mexico. Once imprisoned at Fort Sumner, the Navajo and Mescalero Apaches faced starvation, malnutrition due to inadequate and poor quality food rations, disease caused by unclean water, and exposure to harsh weather conditions because of inadequate clothing and unsuitable shelter. Thousands perished under these deplorable conditions.

After roughly 4 years of imprisonment, President Ulysses S. Grant issued an executive order terminating the military's role and entered into treaty negotiations with the Navajo and Mescalero Apaches. When an agreement was made, the Navajo and Mescalero Apaches were allowed to return home in the same way as they had arrived, on foot. Thus, the Navajo and Mescalero Apaches had spent nearly 4 years total as prisoners from their own land.

Mr. Speaker, this period in our Nation's history is a sad one. Our relationship with the tribes has come a long way since that time, but there is still more that can be done to strengthen the relationship. For this reason, I am hopeful that the National Park Service, in conducting this feasibility study, will engage in a proper amount of collaboration and consultation with the Navajo nation and the Mescalero Apaches. I am grateful that the gentleman from Utah (Mr. HANSEN), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Colorado (Mr. HEFLEY) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) have allowed this bill to come to the floor for a vote today. I hope that once the feasibility study is conducted, we can enter into the next step of designating the Long Walk as a national historic trail. The Long Walk remains one of the most tragic events in our Nation's history, yet today very few Americans realize the atrocities that were committed against native peoples. By taking these necessary steps to declare this area a national historic trail, we will commemorate the people who made the treacherous Long Walk and were interned at Bosque Redondo. The 8,000 Navajo and 500 Mescalero Apaches who made the Long Walk, and especially the 3,000 who perished, should be remembered. I am hopeful that designating the Long Walk a national historic trail will prove to be a significant step in recognizing and learning from this tragedy.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. MATHESON), a leader in this Congress on Native American issues.

Mr. MATHESON. Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from New Mexico (Mr. UDALL) for bringing this important piece of legislation to the floor.

In 1863, one of the darkest incidents in American history occurred in what is now Arizona and New Mexico. It was in that year that Colonel Kit Carson began his campaign against the Navajo people.

Riding out of Fort Defiance, Colonel Carson's troops stormed into the Navajo's sacred Canyon de Chelley and burned hogans, stole food and slaughtered livestock. The mission was to subdue the peaceful Navajo, and when the ransacking was over, 8,000 men, women and children were forced to March 350 miles to a barren wasteland. This was nothing more than a prison camp. There was no wood for fires, the ground could not support crops and the water was brackish.

For 4 years, the Navajo starved until the government finally relented and granted the Navajo a new reservation that included their sacred lands. During their confinement, 25 percent of the Navajo died. This legislation is just a small tribute to the suffering and the proud heritage of the Navajo nation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

One historian once said that those that don't know their history are condemned to repeat it. We would never want to repeat the sad chapter of history known as the Long Walk. By designating this trail as a national historic trail, we can learn from our mistakes. Inhumane treatment of human beings, atrocities against native peoples, should never occur. The Long Walk National Historic Trail will stand as a monument, reminding us we can do better. We can be a better people. We can be a more compassionate and humane Nation.

I would like to thank the gentleman from California (Mr. RADANOVICH) for his hard work on this and I look forward to working with him through the legislative process to get this done. I thank him very much for his bipartisanship.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1384, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.''.

A motion to reconsider was laid on the table.

## BOOKER T. WASHINGTON NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 2001

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1456) to expand the boundary of the Booker T. Washington National Monument, and for other purposes.

The Clerk read as follows:

H.R. 1456

*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 ''Booker T. Washington National Monument Boundary Adjustment Act of 2001''.

**SEC. 2. BOUNDARY OF BOOKER T. WASHINGTON NATIONAL MONUMENT EXPANDED.**

The Act entitled ''An Act to provide for the establishment of the Booker T. Washington National Monument'', approved April 2, 1956 (16 U.S.C. 450*ll* et seq.), is amended by adding at the end the following new section:

**''SEC. 5. ADDITIONAL LANDS.**

''(a) LANDS ADDED TO MONUMENT.—The boundary of the Booker T. Washington National Monument is modified to include the approximately 15 acres, as generally depicted on the map entitled ''Boundary Map, Booker T. Washington National Monument, Franklin County, Virginia'', numbered BOWA 404/80,024, and dated February 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

''(b) ACQUISITION OF ADDITIONAL LANDS.—The Secretary of the Interior is authorized to acquire from willing owners the land or interests in land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

''(c) ADMINISTRATION OF ADDITIONAL LANDS.—Lands added to the Booker T. Washington National Monument by subsection (a) shall be administered by the Secretary of the Interior as part of the monument in accordance with applicable laws and regulations.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the

gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

H.R. 1456, introduced by the gentleman from Virginia (Mr. GOODE), would expand the boundary of the Booker T. Washington National Monument in Franklin County, Virginia, through the purchase from willing sellers of 15 acres adjacent to the existing monument.

Mr. Speaker, Booker T. Washington, perhaps the most notable African American educator of his day and founder of the Tuskegee Institute in Alabama, was born into slavery in 1856 on a 200-acre tobacco farm in southwestern Virginia. Today, the Booker T. Washington National Monument preserves and protects the birthplace and childhood home of Mr. Washington and interprets his life experiences and his significance in American history.

The monument is one-half mile from the rapidly growing commercial crossroads of Westlake Corner and commercial and residential development is visible from the park. Much of the farmland around the park is for sale, including the 15-acre proposed piece of property. If authorized and acquired, the 15-acre parcel of land would be added to the park's agricultural permit program in order to preserve the agricultural setting of the park.

The Park Service estimates the purchase and acquisition cost of the 15-acre parcel will be approximately $400,000. The Park Service's Northeast Region has determined this project as its top land acquisition funding priority for fiscal year 2003.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources, the administration and the surrounding communities in southwestern Virginia.

I urge an ''aye'' vote on this bill.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume. I would first like to associate myself with the remarks of the gentleman from New Mexico (Mr. UDALL), his closing remarks on H.R. 1384, establishing the Navajo Long Walk National Historic Trail.

On this bill, Mr. Speaker, H.R. 1456, which would modify the boundary of the Booker T. Washington National Monument in southwestern Virginia, we are pleased to also be in a position to manage this bill. H.R. 1456 would include approximately 15 acres of adjacent agricultural land to the monument.

□ 1700

The bill authorizes the Secretary to acquire the property from willing sellers, using donated or appropriated funds. It is our understanding that while this property has not been available previously, it is currently on the market. Seven of the 15 acres to be added were part of the original plantation on which Booker T. Washington was born, but addition of the entire parcel will protect the area from encroaching commercial development. This boundary adjustment was recommended by the most recent general management plan for the monument.

Mr. Speaker, Booker T. Washington is a significant figure in American history. As you have heard, born into slavery in 1856, he went on to found the Tuskegee Institute in Alabama in 1881 and is recognized as the leading African American educator of his time. He has left a legacy that continues to enrich the African American community and this Nation.

I am proud as a member of the Congressional Black Caucus and ranking member of the Subcommittee on National Parks, Recreation, and Public Lands of the Committee on Resources to support the expansion of this national monument as a means to further protect Booker T. Washington's valuable legacy.

I want to thank and commend my colleague, the gentleman from Virginia (Mr. GOODE), for his work on this bill, and urge my colleagues to support it.

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

Mr. RADANOVICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODE), the sponsor of the bill.

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from California (Chairman RADANOVICH) and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for their support, and the support of the Committee on Resources for this legislation.

H.R. 1456 would expand the boundary of the Booker T. Washington National Monument located in Franklin County, Virginia. I am a native and lifelong resident of Franklin County, so I have some personal knowledge and familiarity with the monument and the surrounding area. I can attest to the rapid growth that the area has experienced over the last few years. The proximity of the monument to Smith Mountain Lake poses a real threat to the rural character and pastoral nature of the Booker T. Washington National Monument.

A 15-acre parcel of land adjacent to the monument has been put up for sale by the owner. The legislation would facilitate the purchase of this property and expand the monument boundary. It is important to note that 7 of the 15 acres were part of the original Burrough farm. With the encroaching development, I hope that we can act now to maintain the rural character of the Booker T. Washington National Monument before the opportunity is lost.

If one drives down Route 122 in Franklin County where this monument is located, you can see the rapid growth and expansion on all sides of it. This 15 acres is in a high area which would preserve a good vista for the monument as it exists today. If we do not act right away, I am afraid the opportunity will be lost.

The 224-acre park is comprised of rolling hills, woodlands, fields, the Burrough homeplace, and two slave cabin sites. The park portrays Washington's rural life on a small tobacco farm and what it was like, and the rural character is critical to the park's interpretation of the life on such farms during the period just prior to the Civil War.

I hope that we can maintain the rural character of the Booker T. Washington National Monument. I believe that this is a worthwhile endeavor for the National Park Service, it is worthwhile for the memory of Booker T. Washington, and I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1456.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2385, H.R. 1161, H.R. 1384 and H.R. 1456, the four bills just considered.

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

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2646, FARM SECURITY ACT OF 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–226) on the resolution (H. Res. 248) providing for consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, which was referred to the House Calendar and ordered to be printed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m.

Accordingly (at 5 o'clock and 6 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 5 o'clock and 30 minutes p.m.

## APPOINTMENT OF CONFEREES ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2904) 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. OLVER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2904 insist on the House position regarding all items included in the House passed bill for overseas military construction.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. OLVER) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. HOBSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Speaker, I offer this motion to instruct as a bipartisan effort to help the men and women serving overseas in the defense of our country.

The motion is simple. It tells the House conferees to hold the line and support the overseas requests made by the President and those added in the House.

Mr. Speaker, September 11 has taught us that our men and women must be ready, wherever in the world they are stationed. The President requested almost $900 million in military construction projects overseas. The committee carefully reviewed those projects, and we have supported them. It meets needs for barracks, for maintenance facilities, for runways for our air forces, for warehousing, family housing, barracks, all of those. It all will make substantial contributions to our readiness.

But the House has added, in addition, several items. Through the leadership of the chairman, he and I have had an opportunity to visit several of the bases that are involved in this. Members of the subcommittee joined us, and other Members of the House joined us in that. We have directly visited and can bear witness to the severe inadequacy of some of these facilities. The total of that is less than 1 percent of this military construction budget as it was passed through the House. They are all very badly needed projects, as both the chairman and I can attest.

Let me just give a couple of examples.

In Japan, actually in Okinawa, which is where most of our forces in Japan are, there is a what-was-never-adequate facility for the training of our Army Special Forces in urban warfare. It is now utterly worn out and virtually unusable. That is additionally in this legislation.

In Korea, there is a barracks replacement for singles in Korea. The conditions of housing in Korea up and down the line are well known as being abysmal. Families avoid, if at all possible, deployment in Korea, so the vast majority of our deployments are in fact singles, and their housing is anywhere from rundown to positively disgusting. So that has been funded in our bill.

Then, as another example, we have a modernization of the base engineering complex for engineering and maintenance, and all of the operational facilities at our largest Air Force base. In the process of that modernization, which is in Korea at our main air base, which is at the front line of protection for our substantial forces in Korea, that will allow hundreds of housing units to then be brought within the perimeter of the protection of that base.

Those are all extremely important things to be done, and they need to be done in this legislation. Mr. Speaker, they are badly needed. They are in direct support of the missions that we know will come, even if September 11 had not happened.

Mr. Speaker, I urge all Members to vote in favor of this motion to instruct.

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

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

Mr. Speaker, I want to congratulate my ranking member for working with me on this bill, and working with me and the other members of the Committee on this issue.

We have seen what we ask our troops to do. We have asked them to do a lot of things for us, especially at this time. Today, the U.S. is blessed with the most well-trained military forces in our history. Soldiers, sailors, Marines, and airmen are ready and willing to accept any challenge presented by our adversaries.

Yet, for all their training, many of these facilities they work in are decrepit and falling apart. There is an increasing concern that the performance of our troops could be jeopardized by the conditions of the buildings in which they work.

As the Quadrennial Defense Review points out, the defense infrastructure has suffered from underfunding and neglect. Facility sustainment has been funded at only 75 to 80 percent of the requirement, resulting in a backlog of repair bills estimated at almost $60 billion. Likewise, the average rate of replacing existing facilities is 192 years, at a rate that is unacceptable, particularly with the technological changes needed to deal with today's security threats.

The result of neglecting the facilities is the decaying infrastructure that is less and less capable of supporting our troops, sailors, Marines, and airmen. The infrastructure needs of the facilities in the U.S. are important, but no less important than the infrastructure needs in bases located overseas.

Like bases in the U.S., there are antiterrorism and force protection measures we must take at all bases overseas. Similarly, housing must be decent, safe, and working conditions must not jeopardize the troops' performance.

One of the things that happened in our committee, for the first time that I can remember, is that three of the CINCs, General Ralston, General Blair, and General Schwartz, all came in and testified that overseas MILCON, and especially housing, was their number one priority on their list of priorities for their troops.

This is a time when we ask young people to go out and put their lives on the line. They should do that, and they will do that, with great honor and dignity for this country. This country owes them the same dignity in the places where they work every day and where they live.

So I want to thank my ranking member for putting up this motion, and I hope every Member of this House supports this motion.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. OLVER).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until 6 p.m.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6 p.m.

Accordingly (at 5 o'clock and 43 minutes p.m.), the House stood in recess until 6 p.m.

□ 1800

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules and then the motion to instruct conferees on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 169, by the yeas and nays;

H.J. Res. 42, by the yeas and nays;

Motion to Instruct Conferees on H.R. 2904, by the yeas and nays.

The Chair will reduce to 5 minutes the time for electronic votes after the first such vote in this series.

## NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 169, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 169, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 10, as follows:

[Roll No. 360]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
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
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
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
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Engel
Houghton
Hunter
Jones (OH)
Kaptur
Lipinski
Pickering
Schaffer
Taylor (NC)
Towns

□ 1824

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws; to require that each Federal agency post quarterly on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes.''.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules and on the motion to instruct on which the Chair has postponed further proceedings.

## MEMORIALIZING FALLEN FIREFIGHTERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 42, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the joint resolution, H.J. Res. 42, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 10, as follows:

[Roll No. 361]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)

Brown (SC)
Bryant
Burr
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
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
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
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Engel
Houghton
Jones (OH)
Kaptur
Lipinski
Pickering
Schaffer
Simpson
Taylor (NC)
Towns

□ 1834

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: ''Joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.''.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the period of time for the vote on the motion to instruct conferees on H.R. 2904.

## APPOINTMENT OF CONFEREES ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct conferees on the bill (H.R. 2904) 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, offered by the gentleman from Ohio (Mr. HOBSON), on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. HOBSON), on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 12, as follows:

[Roll No. 362]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
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
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
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
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
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Lewis (CA)
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Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup

| | | |
|---|---|---|
| Norwood | Roukema | Tancredo |
| Nussle | Roybal-Allard | Tanner |
| Oberstar | Royce | Tauscher |
| Obey | Rush | Tauzin |
| Olver | Ryan (WI) | Taylor (MS) |
| Ortiz | Ryun (KS) | Terry |
| Osborne | Sabo | Thomas |
| Ose | Sanchez | Thompson (CA) |
| Otter | Sanders | Thompson (MS) |
| Owens | Sandlin | Thornberry |
| Oxley | Sawyer | Thune |
| Pallone | Saxton | Thurman |
| Pascrell | Schakowsky | Tiahrt |
| Pastor | Schiff | Tiberi |
| Payne | Schrock | Tierney |
| Pelosi | Scott | Toomey |
| Pence | Sensenbrenner | Traficant |
| Peterson (MN) | Serrano | Turner |
| Peterson (PA) | Sessions | Udall (CO) |
| Petri | Shadegg | Udall (NM) |
| Phelps | Shaw | Upton |
| Pitts | Shays | Velazquez |
| Platts | Sherman | Visclosky |
| Pombo | Sherwood | Vitter |
| Pomeroy | Shimkus | Walden |
| Portman | Shows | Walsh |
| Price (NC) | Shuster | Wamp |
| Pryce (OH) | Simmons | Waters |
| Putnam | Simpson | Watkins (OK) |
| Quinn | Skeen | Watson (CA) |
| Radanovich | Skelton | Watt (NC) |
| Rahall | Slaughter | Watts (OK) |
| Ramstad | Smith (MI) | Waxman |
| Rangel | Smith (NJ) | Weiner |
| Regula | Smith (TX) | Weldon (FL) |
| Rehberg | Smith (WA) | Weldon (PA) |
| Reyes | Snyder | Weller |
| Reynolds | Solis | Wexler |
| Riley | Souder | Whitfield |
| Rivers | Spratt | Wicker |
| Rodriguez | Stark | Wilson |
| Roemer | Stearns | Wolf |
| Rogers (KY) | Stenholm | Woolsey |
| Rogers (MI) | Strickland | Wu |
| Rohrabacher | Stump | Wynn |
| Ros-Lehtinen | Stupak | Young (AK) |
| Ross | Sununu | Young (FL) |
| Rothman | Sweeney | |

NAYS—1

Paul

NOT VOTING—12

| | | |
|---|---|---|
| Doggett | Jones (NC) | Pickering |
| Engel | Jones (OH) | Schaffer |
| Granger | Kaptur | Taylor (NC) |
| Houghton | Lipinski | Towns |

□ 1846

So the motion to instruct conferees was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HOBSON, WALSH, MILLER of Florida, and ADERHOLT, Ms. GRANGER, Messrs. GOODE, SKEEN, VITTER, YOUNG of Florida, OLVER, EDWARDS, FARR of California, BOYD, DICKS and OBEY.

There was no objection.

□ 1845

## ELECTION OF MEMBERS TO COMMITTEE ON THE JUDICIARY

Mr. PORTMAN. Mr. Speaker, I offer a resolution (H. Res. 249) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

*Resolved*, That the following named Members be and are hereby, elected to the following standing committee of the House of Representatives:

Judiciary: Mr. Bryant to rank after Mr. Goodlatte; and Mr. Pence.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMMONS). 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.

## SUPPORT A REASONABLE LIMIT ON FARM PRICE SUPPORT PAYMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, tomorrow we will be taking up the agricultural bill for agricultural programs for the next 10 years.

Farmers are in a predicament right now in terms of low commodity prices. In fact, some of those commodity prices are the lowest they have been in 20 years. So we are seeing a lot of farmers go out of business, go into bankruptcy, especially because the land value for recreational use, for use by people that want a country estate, is bidding up those land values far more than can be accommodated by current commodity prices for those farm products those farmers are producing.

The question this Nation is facing is do we want to maintain a strong agricultural industry in the United States so that we do not have to be dependent on importing our foodstuffs, our feed, our food, like, for example, we have in energy. We have increased our dependence on petroleum energy to the extent that if OPEC and those countries that send petroleum energy to this country decided to cut off that available supply, we would at least temporarily see our economy collapse, because right now, we are importing almost 58 percent of our total energy supplies. I think it is important that we do not let that happen to agriculture.

Tomorrow, I have an amendment on the agricultural bill that I think will reduce some of the criticism that some Members in this Chamber have of the agricultural farm programs and the payments, Federal payments, the subsidy payments that are made to agriculture. That amendment puts a real limit on how much any one farmer can receive from Federal Government programs in terms of price-support subsidy.

Right now, the limit for price supports is said to be $150,000 per year per farmer. Actually, it is a hoodwinking to suggest that there is a limit, a real limit of $150,000, because what we have in farm programs, and it is somewhat complex, but in price supports, there are four ways that a farmer can achieve the benefits of the price-support program: one is loan deficiency payments; the second is marketing loans; the third is derived from a nonrecourse where the farmer can take out a loan on the commodity and give the Government title to that commodity and receive the same benefits as if they were getting an LDP or a marketing loan. So what they do is an end run, if you will, around the $150,000 limitation, and that $150,000 limitation is reasonable in terms of the acreage that any normal family farm in this country produces.

Let me give my colleagues an example. The average farm in this country is approximately 500 acres in size; but $150,000, based on the last 2 years, one would need to have 6,000 acres of corn, 6,200 acres of soybeans, and 17,000 acres of cotton and, likewise, 1,300 acres of rice to accommodate that limitation of $150,000. Yet, our technical language of this farm bill that we will be taking up tomorrow says any farmer that is big enough, and there are 30,000-, 40,000-, 80,000-acre farms; in fact, in Florida, there is one landowner that owns 130,000 acres, receiving over $1 million in government benefits.

My amendment that I hope this body will consider tomorrow sets a real limit by saying it is not only loan deficiency payments and marketing loans, but it includes limitations on the benefits from certificates and forfeitures from that nonrecourse loan. It is reasonable. It saves, according to the CBO, $520 million over the life of this farm program. That money would be better spent with the kind of farmers that need the help most, and that is the average family farm in this country.

SUPPORT A REASONABLE LIMIT ON FARM PRICE SUPPORT PAYMENTS

(The Associated Press reported recently that over 154 individuals received more than $1 million in farm aid last year! Limit massive government payments to the largest recipients—Vote for the Smith/Clayton/Holden/Armey/Shays/McInnis payment limitation amendment to the Farm Bill!)

DEAR COLLEAGUE: Over the years, Congress has established caps on the amount of money a producer can receive from federal farm program price supports. Unfortunately, these payment ''limits'' on loan deficiency payments, LDPs, have easily been avoided by the unlimited use of commodity certificates, which give the farmer the same dollar benefit as an LDP. In fact, a CRS report on commodity certificates stated that, ''while purported to discourage commodity forfeitures, certificates effectively serve to circumvent the payment limitation.'' (CRS Report 98–744 ENR)

My amendment would establish a REAL PAYMENT CAP by including commodity certificates among the methods of price support that are limited. The Congressional Budget Office has scored this amendment as saving $528 million over the life of the Farm Bill.

The limitation in this amendment will only affect the very largest of recipients. For instance, the average acreage it would have taken to reach this limit in the last two crop years was over 6,000 acres of corn and soybeans, 1,950 acres of cotton, and 13,000 acres

of wheat and 17,000 acres of rice! Note: The average U.S. farm size is 450 acres.

The Bush Administration recently released a report, Food and Agricultural Policy: Taking Stock for the New Century, that clearly refers to the flaws with current farm price supports, stating, ''Past attempts at tailoring or directing benefits to particular groups have not proved very successful . . . payment limits to individual farmers have not proved effective.'' This is because of the loophole allowing farmers to keep the equivalent loan benefit and forfeit the crop.

Difficult future budget decisions, coupled with the increased press scrutiny of farm price support programs, may threaten to reduce the continued strong public support for American agriculture. Setting a real limit on farm payments will help to maintain this support, and save taxpayers $528 million dollars!

Please consider cosponsoring and speaking in favor of this amendment on behalf of the American family farmer.

Sincerely,

NICK SMITH,
*Member of Congress.*

## SUPPORT MILLER-MILLER AMENDMENT TO H.R. 2646

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, like my colleague from Michigan, I also rise to talk about the farm bill that we will be debating on tomorrow. Of course, in that bill is the sugar subsidy program. There is going to be an amendment, the Miller-Miller amendment, and I rise in strong support of it. The sugar program hurts working people in my congressional district and the Miller-Miller amendment would help to redress the harm that they have suffered.

The candy industry is important to the Chicago area. There are 31,000 confectionery employees in Illinois, with 15,000 of those in Cook County. Unfortunately, employment in the confectionery industry in Chicago has fallen 11 percent since 1991. The sugar program has contributed to this decline.

Along with other members of the Illinois delegation, I have repeatedly spoken on this floor about the injury caused to my constituents by the sugar program. We have not been alone. Mayor Daley and the Chicago City Council strongly oppose the sugar program. They are joined in this opposition by city business leaders and the Chicago Federation of Labor.

For companies that make nonchocolate candy, sugar is a large portion of their total costs. The U.S. sugar program supports prices in our domestic market so that candymakers in Chicago are forced to pay more than twice as much for sugar as their competitors abroad. For example, on September 25, the price of raw sugar in the United States was 20.65 cents per pound. On the same date, the world price of raw sugar was 6.84 cents per pound.

Candy manufacturers and workers must compete with the candy that is made offshore, using world-priced sugar. Imports of hard candy have been rising, from less than 12 percent of the U.S. market in 1997 to 19 percent in 1999. These imports make it difficult for our companies and workers to compete, because a major part of their ingredient cost, sugar, is so much cheaper than in our domestic market. It is the classic unlevel playing field that we hear our colleagues from agriculture districts talk about so frequently. But in this case, it is the workers in Chicago and other places throughout the country who are on the wrong end of the field.

The sugar programs helped cause the candy industry's problems through price supports and import quotas. The Miller-Miller amendment reforms the price support system; it does not abolish the sugar program. The amendment does not say that there should be no assistance to sugar growers and producers; it reduces price supports modestly and increases the penalties that sugar processing companies must pay when they fail to repay their government loan.

Mr. Speaker, I believe that the sugar program, and I strongly believe in supporting farmers, but I believe that we have to support the needy and not the greedy. So I would urge my colleagues to vote for the Miller-Miller amendment and give the workers throughout America, and especially those in the confectionery industry, an opportunity to work and not see their jobs moved to other countries and other places.

□ 1900

## CLAYTON AMENDMENT TO FARM SECURITY ACT OF 2001 WILL HELP FARMERS, THEIR FAMILIES, AND COMMUNITIES

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, on tomorrow we will have the Farm Security Act of 2001. It is our farm bill. It is our farm bill for the next 10 years.

I want to tell the Members, food security is very important to this country. Indeed, we should protect the opportunities for our producers to produce, but also to make a decent living, so there is a vested interest in seeing that the farm bill is indeed enacted appropriately.

Mr. Speaker, I rise to talk about the opportunity of making that farm bill even more responsive to a larger number of citizens who live in rural America. We have a title called Rural Development. It is a title that the committee itself had the foresight to include.

It provides clean water and infrastructure for wastewater facilities. It provides economic development, and strategic planning so that small communities can come together and plan for their future. It also provides for additional resources in something we call value-added, where producers can add more profitability and add more processes right there at the local level, making more money for the raw commodities they produce.

In order to provide more money for a larger number of people, we have to have something called shared sacrifice, meaning our farmers, who indeed need resources, must begin to see this as in their value, as well.

So the amendment that I will propose does require a reduction of farm subsidies. It represents an addition of 2 percent overall to a reduction, which will give to these rural development activities $1.065 billion over the next 10 years.

As I said, they will go for three important areas.

First, $45 million a year will go for clean water and wastewater facilities, which rural communities desperately need. There is a report out now by the EPA which says that communities of 3,000 or a little better for the next 15 years would need $37 million just to speak to the deficiencies as they are now, not even to anticipate the things they may need to plan for, or plan for contingencies, given the new scare regarding water resources.

In addition, as we look at the resources coming to rural communities, we know rural communities do not have the advantage of planning and coordinating or the staff capacity of writing grants so they can benefit. Most of the resources that come to rural communities come in the form of loans or guaranteed loans, so we do not have the community development funds as urban communities have. So the strategic planning part of it will allow a community to have that opportunity.

Finally, as I stated, the value-added portion will simply add funds to our farmers' capacity to have long-term profitability of their raw products.

Now, there will be those who say we should not take one dollar from the farmers whatsoever, but I would submit that I think farmers do care about clean water, I think farmers do care about economic development, I think farmers do care about value-added. These dollars are included for all rural communities. They are included for farmers, for their families, their neighbors, and their communities.

So when we ask for the shared sacrifice, it is not as if we were saying that this will not benefit farmers. We are just recognizing that the crisis in rural communities includes the farmers, but it does not stop at the field. It includes the communities that are losing, because there is high-tech industry leaving the area. It includes the despair that out of 250 poorest counties, 244 of them are in rural communities.

It does not ignore the fact that our census data show most of the young people are leaving rural communities. We are creating an almost irreversible gulf there. It means that if we are not careful, we are going to have this as a

wasteland if we do not address these issues.

So our attempt to put new resources in rural development is to acknowledge the crisis that exists in rural America. So I ask my colleagues as they consider the bill to understand that this resource will also be for farmers, it will be for their families, their neighbors, and their communities.

I would think that most of the farmers that I know, when we explain it to them, they will say, well, we are willing to share for the benefit of all of us who live in rural communities, because we know in the long run, unless these communities are viable and sustainable, that they will not have the resources. Their taxes go up when they have to pay for water resources. They lose their most productive citizens when they have to go somewhere else to work, when we do not have the infrastructure or the digital divide being addressed.

Those kinds of things add to the viability of the rural community, and farming is an essential part of it, but it is not the only part. So we want to make sure that our rural communities and our farmers will have an opportunity for a future. I just stress to my colleagues, they have an opportunity tomorrow, as we consider that amendment, to see the value of using that amendment to share with all.

Finally, there are about 6.6 percent of our citizens who live on farms, and there are more than 94 percent in the rural communities that are non-farm-workers. So this is an opportunity to allow the farm bill, or an opportunity to provide some leadership on this and speak to the larger group of people who can be benefited.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY 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 Washington (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Washington 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 New York (Mr. OWENS) is recognized for 5 minutes.

(Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## DISPLACED WORKERS RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we have all been affected by the tragedies of September 11 in one way or the other. As a Nation, we see things in a new way. We are looking through a veil of shock, of anger, and of grief.

Congress has already moved with breathtaking swiftness to approve $15 billion for an airline bailout, a bill, by the way, that allows the top executives in the airline industry to keep their current salaries while their companies receive huge Federal payments, and while their workers are losing their jobs.

But so far, when it comes to the airline workers, Congress just cannot seem to find time to help. But one thing has not changed: This Congress is still overlooking the needs of American workers.

Mr. Speaker, more than 100,000 airline employees have already been laid off as a result of the terrorist attacks. It is clear that in the coming weeks, the number of layoffs will increase. Yet, no action has been taken to help workers in the airline industry.

Mr. Speaker, it is disgraceful that we have done nothing to help the pilots, the flight attendants, baggage handlers, and the other employees who have lost their jobs as a result of September 11. It is certain that many of these workers will depend on unemployment benefits for longer than usual. Some will not be able to return to their jobs in the airline industry and will need training to qualify for new jobs. Displaced workers and their families will also need health care coverage while they are getting their lives back to normal.

That is why I am an original cosponsor of H.R. 2955, the Displaced Workers' Assistance Act. This legislation provides meaningful assistance to those workers who have lost their jobs as a result of the terrorist attacks on September 11.

The Displaced Workers Assistance Act makes displaced workers eligible for an additional 52 weeks of unemployment insurance, and displaced workers who normally would not be eligible for unemployment insurance would receive 26 weeks of federally-financed payments. Those workers who cannot reasonably expect to return to their jobs within the airline industry would be eligible for retraining.

Finally, H.R. 2955 would ensure that displaced workers and their families have health insurance by reimbursing the cost of their COBRA payments, or for workers who do not qualify for COBRA, it would cover them under Medicaid.

Just as the airlines need our help because of the tragic events of September 11, so do the airline workers, those who find themselves without jobs, without the skills they need to obtain new jobs, and without health insurance for themselves and their families. These are the very people that made the airline industry successful in the first place.

We have used their skills, we have used their dedication, and now we need to make sure that they are safe, as well as the airlines. As we help the industry overcome its losses as a result of the September 11 attacks, let us not forget the airline workers.

## THE DISPLACED WORKERS ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, last month the House of Representatives voted to help our Nation's airlines keep flying. We also promised relief for American workers. I will state that we promised, we promised help for American workers.

I am here today to remind Members of that promise, and to remind Members that it is not the money that keeps our planes in the air, it is not the money that keeps our economy growing, it is hard-working Americans. We must refocus our efforts. This is not about an industry, this is about hard-working Americans being able to feed their families, being able to feed their families.

Laid-off ground crews and flight attendants deserve a guarantee of health care coverage and an unemployment benefit. Also, it is our duty, I state, it is our duty to provide additional training to those whose duties will forever be changed, and I state, forever be changed.

We all realize that over 100,000 have been laid off. In my immediate area, it is expected that 12,000 will be expected from L.A. International Airport to be laid off.

I am also proud to be a cosponsor of H.R. 2955, this Displaced Workers Assistance Act. That is what the bill is. Mr. Speaker, we must bring this bill, we must bring this bill to the floor. We must stand in solidarity with the airline industry workers and hundreds and thousands of those other hard-working Americans across the Nation impacted by this massive layoff and jobs lost.

Hard work will be our Nation's strength, and I state, will be our Nation's strength. Hard work will fuel our self-reliance.

Mr. Speaker, let us get to work on behalf of the airline employees. Let us get to work on behalf of the working people, on behalf of the working people affected by this tragedy across the Nation.

On September 11, our enemy struck us at the heart. Our enemy struck innocent Americans, and I state, innocent Americans in their workplace, in their workplace, not on the battlefields. Those who died in the World Trade Center and the Pentagon, in the hijacked planes, died at work, died at work. At the top of the tower were restaurant employees preparing for the day, financial analysts devoted to keeping our economy strong, government employees securing our Nation

from the Pentagon. Eight pilots and 25 flight attendants were sacrificed for the terrorists' causes, and were struck down while doing their job, not to mention the 80 police officers and the 329 firefighters who also lost their lives.

It is impossible to imagine an event with greater capacity to compel America to unite in action, to unite and to take action. No citizen was untouched. No citizen across the United States or the world was untouched. Working people around the country all wanted to know what they could do to help. They continue to ask, ''How can we help our Nation?'' Firemen and women, police officers, medical crews, labored around the clock in dangerous and dramatic conditions. No doubt that their work was straining and heartbreaking, but they did it. Why? Because they believed in helping America.

We, too, as Members of Congress must do all that we can. I state, we, too, as Members of Congress, must do all that we can. We must work for the American people. We must commemorate their hard work and the sacrifices. We must never forget that for some of those, it was the ultimate sacrifice.

We must provide relief, and I state, we must provide relief related to the workers: the flight attendants, the pilots, the ground crew, security workers, as well as workers in the hospitality industry. We must do what is right for America. We must help working families. We must support this legislation. We must come together. We must bring it to the floor.

Only together in solidarity in working can we bring our Nation back to its strength. We must all come together.

□ 1915

## RELIEF FOR DISPLACED WORKERS

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise to urge quick action to address a crisis in our country. The number of workers displaced from the airlines and related industries since the devastating terrorist attacks of September 11 have been steadily growing and now stretches beyond 100,000.

Our air infrastructure is, in many ways, the backbone of our economy; and its strength is essential to the economic health of the United States. The September 11 tragedy and subsequent shutdown of the airways had a severe financial impact on carriers and led to massive layoffs. In response, this House passed, with my support, a $15 billion package of cash assistance and loan guarantees to help the airlines weather this recent storm.

It continues to be my strong hope that by promoting the continued viability of air travel this aid will also help other businesses relying upon the airline industry, businesses like aircraft manufacturers, travel agents, rental car agencies, hotels and restaurants, all of which have been affected by the recent shutdown in air travel.

Unfortunately, the airline assistance package is unlikely to help the thousands of workers who have lost their jobs in recent weeks, and we must not turn our backs on them in this critical time. If we truly hope to boost our Nation's economy, we must ensure that these men and women receive unemployment benefits, health care, and the training needed to minimize the transition time between jobs.

Mr. Speaker, I am proud to be an original co-sponsor of legislation which will give these workers a helping hand at a time when it is desperately needed. These measures introduced by the gentleman from Missouri (Mr. GEPHARDT) and the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART) would allow displaced airline industry employees to petition the Department of Labor for special benefits akin to those provided under the Trade Adjustment Assistance program.

Specifically, eligible employees would receive unemployment benefits for 78 weeks instead of the usual 26, and even those who would not otherwise qualify for unemployment would be entitled to 26 weeks of benefits.

In addition, laid-off workers would receive up to 78 weeks of job-training assistance to ensure they could reenter the workforce as quickly as possible.

Finally, displaced workers would be provided up to 18 months of federally subsidized COBRA premiums, and those workers without COBRA would receive temporary Medicaid coverage.

Just as importantly, the assistance would be available to all airline and airport workers, including transit workers, as well as employees of airline suppliers, such as service workers and airplane manufacturers.

Mr. Speaker, we took an important first step by providing financial assistance to stabilize the airlines, restore confidence in air travel, and protect the millions of workers still employed in the airline industry. However, our work cannot end there. We must act quickly on behalf of the workers and their families who have been impacted by widespread layoffs. They desperately need our help to pay bills, buy groceries, maintain access to health care, and learn the skills they need to quickly find new employment.

Mr. Speaker, I urge my colleagues to join me in telling these hardworking Americans that we have heard their plea and they can count on us to respond.

## AIRLINE WORKER RELIEF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. HASTINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. HASTINGS of Florida. Mr. Speaker, I can pretty much assure the Speaker that I will not take the whole hour, but the gravity of why I am here allows that time is of no moment.

Time stood still on September 11 for this country and the world. Indeed, time ended for the countless victims that we know so well now lost their lives and many are still missing. Time stood still for the families of those victims and continues to stand still.

When that kind of tragedy occurs, in spite of our hope that we will get back to normal, the reality is that we will be normal; but it will be a different kind of normal, and those persons that were lost, Americans and persons from other parts of the world, will have their memories best served if those of us that have the immense responsibility of assisting in getting to the different normal were to take our time and make sure that we do everything that we possibly can to protect the interests of those victims, their families and the various workers and the industries and entrepreneurs that make this great structure of ours function.

Toward that end, last week I filed a bill that I come to the floor to speak about tonight, the Displaced Workers Relief Act, which is H.R. 2946; and in addition thereto, the minority leader and myself filed yet another measure that deals with virtually the same subject, but expands the definition of eligible employees.

I am proud to report to America this evening that 100 Members of the United States House of Representatives have signed on in that short period of time to the bill that was filed by my Republican colleague, the gentlewoman from Pennsylvania (Ms. HART), and myself as the initial movers of 2946. Among that 100, are 10 other Republicans. And, hopefully, in time, more will see the wisdom of this particular measure or will come forward with measures of their own so that we will not be standing still while the lives of others are lost.

There are so many creative notions as to what ought be done, and this is minuscule by comparison to some that have been introduced on either side of the aisle. In the other body, Senator JEAN CARNAHAN filed the legislation that our minority leader, the gentleman from Missouri (Mr. GEPHARDT) and myself and other cosponsors filed.

It is not that all of us do not understand the seriousness of where we are in this country, but there is such a great need for us not to obfuscate, for us not to be about the business of trying to one-up each other, of our being prepared to sit down. I am fond of saying that we probably should be locked up here in the Capitol, all 540 of us that represent the people of this great country, until such time as we have come up with appropriate legislative answers that will address our needs and the needs of our constituents.

In the past 2 weeks, Mr. Speaker, more than 100,000 airline employees have been laid off as a result of the terrorist attacks on September 11. In the coming days, weeks, and months, it is almost certain that the number of layoffs in the airline industry alone, as well as the industries directly affected and indirectly affected by airline travel, will affect all of us as far as the change that comes; will affect us all and the effects of same will be drastic increases in unemployment.

The residual from this tragedy is beyond anything any of us ever comprehended would happen in our homeland. And it has not only devastated one portion of our industry that we rushed, correctly, to assist, the airline industry, the linchpin, the literal vertebra of this country insofar as our commercial activity is concerned, we correctly addressed that. But at that time, we left out the airline workers; and we left out the collateral. And now we say we are going to come back to that.

I want to make it very clear that while I am advocating this evening in this legislation for airline workers, I really am advocating for all of America and all of America's workers. When the National Airport is not open, it does not just affect United States Congress persons, it affects 16 million people that travel through that airport, and it affects everybody from the salesperson of the magazines and newspapers that we purchase to the sky captains, to the mechanics, to the restaurant workers. All of us are affected when this kind of tragedy occurs.

Aviation experts as well as the Government Accounting Office note that the airline industry has a high multiplier effect. It is thought by some that for every 100 jobs created by the airline industry an additional 250 jobs are created by those industries who service the airlines. In turn, as many as 250,000 workers may have already lost or will soon be on the brink of losing their jobs.

I was standing on the floor speaking with both the representatives from Hawaii, and I am sure the gentlewoman from Hawaii (Mrs. MINK) will not mind my telling this story about the loss that is occurring not only in Hawaii, but in my home State of Florida, in California, and all over this Nation. The City of Washington, D.C. has under 50 percent registration in its hotels. But the gentlewoman from Hawaii was telling me that she and her family were planning a celebration, a family reunion. And what transpired when she went to a meeting where they were organizing the effort, they learned that the hotel that they were scheduled to hold their family reunion in is closing.

I can tell my colleagues that that is going to happen in an awful lot of places. The vignettes, Mr. Speaker, the anecdotes that we all have picked up on on both sides of the aisle from our colleagues are ad infinitum with reference to the losses that are occurring.

I went to the Miami International Airport yesterday. I had received a letter from the Miami-Dade Mayor, Alex Penelas, as well as my county commissioners in Broward and Palm Beach County that have come here to discuss, among other things, the losses that are the derivative in all of this. Yesterday, I saw two people that were leaving the airport, having been alerted that their jobs were no longer needed, one woman, a Latino lady, with tears in her eyes. Now, we have a responsibility to do something about that; and I, quite frankly, believe that we will and that we can.

One of the things that Minority Leader GEPHARDT or Senator CARNAHAN's bill, and I cannot continue to talk about this bill without continuing to mention my colleague, the gentlewoman from Pennsylvania (Ms. HART), but what we forgot was something that a lot of us forget, that is definitional with reference to legislation. We forgot to include Guam and American Samoa and the Virgin Islands and Puerto Rico and the District of Columbia in our definition. So I will be amending my legislation to reflect that. And I thank my colleague, the gentleman from Guam (Mr. UNDERWOOD), for bringing that to my attention.

Very occasionally we file legislation not mindful that Americans in our territories also need to be contemplated. What would have happened had my legislation fortunately passed is that Guam would not have been eligible for any of the consideration that I had offered.

□ 1930

That must be corrected. Those kinds of little things are why we need to share, why we do need to make sure that we are talking with each other.

The Mayor of Dade County wrote me about the airline and aviation industry, that it is the county's primary economic engine, consisting in that county alone of more than 90,000 workers and representing more than 9 percent of the county's total workforce. The loss of jobs and income in Miami Dade and in Broward, that is Ft. Lauderdale, my major city that I am fortunate and privileged to represent, and in Palm Beach County, the multiplier is something in the neighborhood of 160,000 workers at airports alone. Without them there is no doubt that Florida's economy is going to be hindered for years to come.

If Florida's economy, just like the District of Columbia's economy, is hindered, then all of America's economy is hindered.

I am fond of teasing my friends who act parochially all the time by telling them if the sparrow falls, it will not necessarily fall in their district. I mean no offense when I say that, but this is not a district thing. It is an American thing. It is an international thing. We live in a global village, and we are fortunate that God has given us the privileges that we have in this country. To preserve them, this Congress, this institution, has the responsibility of passing not just this legislation but companion legislation that will address all of our needs.

A lot of times we do not take into consideration the human dimension when tragedy occurs. I want us to be sure that, while we did what I perceive to be the right thing in protecting airplanes, that we do what is the right thing in protecting people.

When we introduced this legislation, among the things that the gentlewoman from Pennsylvania (Ms. HART) and I hoped would happen is that we would extend unemployment benefits from 26 to 78 weeks. This is the same amount provided to workers under the Trade Adjustment Assistance Program.

We hope and we believe that it would be helpful to provide 26 weeks of unemployment insurance benefits for workers who would not otherwise qualify. The gentlewoman from Pennsylvania (Ms. HART) and I feel and the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and Senator CARNAHAN feel that to extend job-training benefits from 15 to 78 weeks, this is the same amount provided under the Trade Adjustment Assistance Program, and it is the right thing to do for America.

We would want to provide up to 78 weeks of federally subsidized Consolidated Omnibus Budget Reconciliation Act of 1985 premiums, COBRA it is referred to in the vernacular here. We will provide up to 72 weeks of optional Medicaid coverage to workers who are not covered under COBRA, and they are too numerous to mention.

Under either bill, all airline and airplane workers, including transit workers as well as employees who work for airline suppliers, such as service employees and plane manufacturers, like the upwards of 30,000 people in the State of Washington in the Boeing manufacturing part of the airline industry, not to mention the other places where parts are made, those persons too will be eligible to receive these benefits. The two bills are cost-effective ways to assist workers and their families as they deal with these hard times and at the same time, help stimulate our faltering economy.

Working families will not be saving this meager assistance that we are trying to provide them. On the contrary, they will be putting it back into the economy at a time it desperately needs it. Everywhere I look in this country industries and businesses are hurting. Hotels are reporting record lows in occupancy levels.

I am a native Floridian. For the very first time in Florida, Florida's hotels are occupied at a single digit level. Need I remind people of Las Vegas and Mississippi and California and Hawaii and other places, not to mention just New York and the places where the tragedy impacted severely, physically. The residual is that we are losing.

I filed another measure to assist in protecting travel agencies who were losing customers by the dozens, and their number of unemployed within the next 2 weeks is expected to be 8,500.

The cruise industry that borders my shores, including the day cruise industry, those persons that provide some luxury, and I will be filing another measure that will now address the American family and the American middle class who misses out so often when we do things here in the House of Representatives, and that measure that will be introduced before the end of the day tomorrow or at the earlier portion of the next day, that will be cosponsored by the gentleman from California (Mr. FARR) and the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Hawaii (Mr. ABERCROMBIE), will give the hotel industry and the travel industry a shot in the arm if we would allow tax deductions for families when they take their vacations in the places that we need to get back to normal.

Service industries dependent upon airlines are closing their doors as we speak. One person said to me that in the Fiji Islands, people got off of the airplane and were ready to go on their cruise. They were deboarded from the cruise line because the tour operators at the rest of their destinations, which included the territories, had gone bankrupt.

We need to fly planes but protect people. Both of the bills that we are using as vehicles here in Congress can use all of my colleagues to address the human dimension in national tragedy we all know affects us all.

Mr. Speaker, let us look at another country which is accustomed to terrorism and how they handled their situation.

Yesterday morning, USA Today ran an editorial arguing that Congress should not be helping out hurting industries and unemployed workers in this time of need. The paper claimed that Federal assistance to these faltering industries is unnecessary and fails to truly stimulate the economy. Fortunately, USA Today was fair, and I had the opportunity to respond to what I perceive to be a misleading and incorrect editorial.

Mr. Speaker, I take tonight as an opportunity to ask USA Today to consider again the response that I offered and to allow for other Members of Congress to display their views, which I am sure they are willing to do.

In preparing the response, I was curious as to how other countries dealt with acts of terrorism and the result of these cowardly acts. As many of us would have done, I sought a visual, a country which has dealt with terrorism for more than 50 years. Interestingly enough, in responding to decreasing profits in many industries and increasing unemployment as a result of continuing terrorist attacks in Israel, the Israeli Government has responded in a similar manner to how we are responding here in the United States.

Just in the last week and a half, the Israeli Government provided the hotel industry with emergency funds to offset their single digit occupancy levels. The Israeli cabinet has approved emergency measures to fight unemployment that has come as a result of the increasing amounts of terrorism within Israel's borders. It is time for Congress to follow that kind of lead and not allow any unemployed worker to go on living without help.

Mr. Speaker, I have been joined by several of my colleagues, and I yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, when we come in on a daily basis, we 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.

Mr. Speaker, I rise tonight in support of the Displaced Workers Assistance Act, and any other measure that is pending before this Congress; and I am here to enlist the eyes, ears and hearts for support for the Displaced Workers Act and any other measure that may be out there.

Mr. Speaker, how would my colleagues, Members of the United States Congress, feel if we appropriated billions of dollars to this institution, and show up the next day once that measure had been enacted, only to find that we are no longer employed, that our employment has been abruptly terminated without notice, that we are no longer receiving a paycheck or severance pay or insurance or benefits.

That is why I believe that any delay in assisting those workers who were dramatically affected by the September 11 incident would be a delay in justice and thus a denial of justice to the numerous people who were affected by the horrendous and tragic September 11 event.

In 1900, Mr. Speaker, when Wilbur Wright designed this remarkable instrument that would eventually annihilate space and circumscribe time, the Wright brothers' idea some 98 years later, sought and obtained billions of dollars in bail-out funds from this Congress.

We preserve the Wright brothers' marvelous invention. Now with equal haste it is imperative, I believe, that we treat our brothers and sisters right.

So I rise tonight, Mr. Speaker, to suggest that we have fewer people flying, and with fewer people flying we have fewer planes in the air. With fewer planes in the air, we need fewer people to fly and man and maintain these airplanes.

I have heard heartbreaking examples all over the place about people who suddenly and abruptly lost their jobs. I have a lady in my district who had been employed by the airlines for some 38 years. Her daughter and her husband met a very tragic accident and lost their lives; and she is trying to maintain the family, and they left behind some five children, school-aged children. Suddenly she became unemployed. She has no benefits and has yet to get any kind of support to support the children whose mother and father died prematurely.

Mr. Speaker, the Congressional Black Caucus this weekend had an event at the Grand Hyatt; and I heard the sorry, sad stories of the employees there and wanted to applaud the Congressional Black Caucus for going ahead with the event. I am glad we did not suspend it because the hotel held a few employees over to handle the event, and they lost their jobs at the end of the Congressional Black Caucus weekend. These were maids. They were service workers, they were counter agents, and just an abundance of workers lost their jobs.

I understand at Washington National the figure goes all over the place, some 10,000 people. I had a lady call me because she would see me coming in and out of the airport from Indianapolis on a weekly basis, and shared with me the sad situation she faces, a disabled husband hurt on his job, and they are living off a meager worker's compensation check that will expire in the next 2 or 3 weeks.

While I understand the rationale in part for assisting the airline industry, we cannot wait any longer to assist the employees, the sky caps that were on the curb, the baggage handlers, the cargo handlers, the ticket agents, all of these people who have been affected by that tragic situation on September 11.

□ 1945

We helped out the airline industry. Let us help out the people who are we the people of the United States who are in dire need.

I extend my heartfelt gratitude to the honorable gentleman from Florida for allowing me to speak on behalf of this measure and to applaud him for having the foresight and the insight to try to help all of those who have been so severely affected.

Mr. HASTINGS of Florida. I thank the gentlewoman.

Mr. Speaker, I am very pleased to yield to the gentleman from Washington (Mr. INSLEE). I mentioned earlier the losses. I am sure that the gentleman from Washington will be able to bring us current. I am sure that my statistics do not reflect all of the collateral damage that has been done in his great State.

Mr. INSLEE. I thank the gentleman from Florida (Mr. HASTINGS), I thank the gentlewoman from Pennsylvania (Ms. HART) and Minority Leader GEPHARDT for their leadership in bringing this to the attention of the House. I and about 100 other Members were in New York City to see the devastation. The personal loss of life there is so stunning it defies description, but I think it is the responsibility of this House to very promptly deal with the loss of income, the loss of living ability of many other families across the country that have been caused by this terrorist act.

In my neck of the woods, I represent the area north of Seattle. We have 20 to 30,000 workers at Boeing that may have layoffs hit them in the next year as a result of the decline in airline usage in the next year or so. There are 20 to 30,000 families as a direct result of this terrorist act that are looking at a loss of health care benefits, potentially a change in their career and a real problem paying the grocery bill. It seems to me very important for our Chamber this week to pass a measure that will give assurance to those families that they will not be left out in the lurch when we deal with this terrorist act.

There are a couple of reasons for that, I think. One, we have got to realize that while we have responded to the immediate corporate needs of the corporations that run our airlines, and I think that was an appropriate and necessary thing to keep this infrastructure going in our country, it is impossible for me to go home and explain to my families at Boeing who have been directly laid off as a result of these terrorist acts why the U.S. House would deal with the needs of the corporations, legitimate as they are, and not deal with the personal needs of the workers who have been damaged as well.

They have needs to pay the grocery bill and their rent that are every bit as much pressing as the needs to keep those lines of credit going for the airlines. We hope that the House will send a strong message this week when we pass the airline safety bill that we are going to deal with airline workers as well. It just is not right to sort of shuffle off individual family members' needs to the back of our legislative calendar. That just is not right. We need to deal with that at the same time.

I want to applaud Speaker DENNY HASTERT of our Chamber who has helped us find unity in dealing with this challenge in the last several weeks. We hope that he will be successful in forging a bipartisan consensus on how to deal with these laid-off families' needs as well as the corporate needs that we did.

The second reason I think this is necessary is this is part of our counterterrorism effort. Our conflict involves our military and our intelligence forces, but it also involves depriving the terrorists of what they want, which is a disruption, instilling fear in the American people. To the extent that the American government provides a safety net, provides security to families, we defeat the terrorists. This is a counterterrorism effort when you tell the terrorists they are not going to succeed in putting 130,000 families out on the street, away from their homes, with an inability to deal with their financial crisis. This is a way of beating the terrorists in their efforts to strike fear in our heartland.

And, third, we are going to have to talk about a stimulus package. I think it is appropriate that we deal with this on a global basis or a national basis, but if we are going to stimulate anything, we need to stimulate the ability of these people who are laid off, these 130,000 families in the next several months, let us make sure they can stay afloat to send a message of confidence to the American people.

So, Mr. Speaker, I hope that we will all be successful this week, not next week, not next month, not at the end of the legislative calendar, but in our next round of discussions to help these families. I, again, thank the gentleman from Florida (Mr. HASTINGS) for his leadership.

Mr. HASTINGS of Florida. I thank the gentleman from Washington (Mr. INSLEE) very much.

Mr. Speaker, I yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida and member of the Committee on Rules. It is very important to note how early he recognized this issue and how quickly he moved with legislation, in fact, the week of this tragic and terrible incident, in addition to the need for stabilization of airlines, along with the mourning for the enormous loss of life, to begin to put in place a structure that will respond to the numbers of individuals, again I want to emphasize, working people who are being impacted by this heinous act.

We all know what terrorism is all about. Tomorrow, the Committee on the Judiciary marks up the antiterrorism bill. We have used that word more often now than we have ever used it probably in our lifetime. Terrorism is fear, intimidation. It wants you to turn on your fellow neighbor. It wants you to be fearful. It wants you to feel crushed. There is nothing more crushing than a hardworking individual, Americans who believe so much in the work ethic, self-supporting, believing in their employer, being laid off with no potential opportunity for employment.

And so I was certainly one who supported the stabilizing of the airports and providing the resources and support for the airlines. But equally important is recognizing that these are families that now are without income. We must move on this legislation, the legislation filed by the gentleman from Missouri (Mr. GEPHARDT), premised on the legislation that the gentleman from Florida (Mr. HASTINGS) filed earlier, the legislation filed in the Senate by Senator CARNAHAN is clearly legislation that I wish was moving this week, because even as we see the return of individuals to our airlines and flying and all of us have said, please, we are working, it is safe, we believe that we have the responsibility to ensure safety, and we are committed to doing so along with the airline industry, and, of course, our airport system. We want Americans and others to fly. But at the same time we know it will be a transitional period, and there are people who are being laid off now who will be off for a period of time until this whole idea of flying is restored. But as those individuals are laid off, then we know that the hotel workers, small businesses with employees and others that tie into the industry, travel agents, tourism, we hear the call to come back to Las Vegas and we know how much you can lose or gain in Las Vegas, but it is part of the economy, the call to come back to Disney World and Disneyland, to go visit our national parks and our wonderful capital of the United States of America. We heard a great announcement today that Reagan National is going to open, so we know changes will come about, but this legislation is so key.

As I entered the airport today, sky caps were saying thank you, because we restored privileges to have curbside check-in. Changes are being made, but it is still important to have legislation that extends the unemployment assistance and provides job training because we do not know where this will lead us.

So, Mr. Speaker, I want to join my colleague and I want to thank him for this special order and allowing me to proceed because of the time element. But I am very much concerned that we do not move this legislation quick enough. I want to note my appreciation to the Leader and as well the Speaker. I believe that the two of them can help us move this legislation quickly. I hope that maybe, I assume we want it marked up, I do not know the procedures, I would almost like a suspension bill, but if it has to go through committee, I would ask those committees to mark this up quickly. I would like to see this on the floor, as I said, this week, but certainly next week because there is nothing like supporting the flag of the United States with our arms around the American worker who makes the engine of this economy move.

They are falling on hard times now. This legislation is not a handout, it is a hand up. Each of us in our respective districts know these families. We go to church with these families. We have got to help them.

I ask the airlines as I close, each of them would do well, and I would welcome it if they would send us a letter of support indicating their commitment as well to these workers and those who are impacted tangentially through the industry. We are all one big family. For the airlines to stabilize, I wish them well, and I will be working with them as hard as I can.

I see my colleague from Texas. We represent Continental Airlines in our community. We want them to survive. Let us work with the American worker as well. I thank the gentleman for his kindness.

Mr. HASTINGS of Florida. I thank the gentlewoman. I make note of the fact that when we prepared the legislation, the gentlewoman was the second person to speak with me about being an original cosponsor.

Mr. Speaker, I yield to my distinguished colleague and good friend from Houston, Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I join my colleagues tonight in support of our Nation's working men and women who have been laid off as a result of the terrorist attacks. I thank the gentleman from Florida (Mr. HASTINGS) for spearheading not only this legislation, but also tonight's special order.

Just over a week ago, we gathered in the House and passed bipartisan legislation designed to take care of the critical needs of one of the most visible victims of the economic effects of these attacks, our national air transportation system. Due to the restrictions placed on air carriers in the aftermath of this tragedy as well as the understandable reluctance of Americans to resume flying, Congress passed the Air Transportation System Stabilization Act which provides critically needed economic assistance to our airlines. I believe that that bill was a necessary and responsible action to these attacks. I was hoping we could do it even the week of the tragedy, but it ended up the next week. I support other measures that will provide additional aid to additional industries that have been similarly impacted.

However, in our rush to help out these companies across America, we must not forget the working Americans who are losing their jobs because of these attacks. Even with the aid that Congress provided, layoffs at the airlines since September 11 have passed the 100,000 mark. For example, Continental Airlines, our hometown airlines in Houston, the largest employer in my hometown of Houston, has announced that they are laying off as many as 12,000 workers systemwide, 3,000 of them locally in Houston. These layoffs, combined with a decrease of close to 100 flights a day into Continental's hub at Intercontinental Airport, will have a substantial impact that will be felt throughout our local economy.

That is just the tip of the iceberg. It is still possible that additional layoffs could happen in the airline industry. Further, other transportation-related businesses, such as restaurants, hotels and car rental agencies have all begun laying off significant portions of their workforce. That is why I feel that the Displaced Workers Relief Act is so crucial.

This legislation will provide needed relief to hardworking Americans and families as they deal with this difficult time. At the same time, this relief will serve as a stimulus for our economy. The bill would extend unemployment and job training from 26 weeks to 78 weeks for these workers. This is the same amount provided to workers under the trade adjustment assistance program. For workers not otherwise qualified for unemployment insurance benefits, the bill would provide 26 weeks of unemployment insurance. More importantly, it would provide up to 78 weeks of federally-subsidized COBRA premiums and provide optional temporary Medicaid coverage for these workers without COBRA. COBRA is the part where if you are laid off, you can continue to buy your insurance from your group insurance, your employer. The problem is oftentimes that it is so expensive, you are laid off, you do not have any income, you cannot even afford the insurance. That is why we need to pass this legislation as a package. Hopefully the airline security is immediately adjacent to it so we can do it. All airline and airport workers, including transit workers as well as employees who work for airline suppliers, such as service employees and plane manufacturers, will be eligible for these benefits.

That is why I urge the House quickly to do that. Mr. Speaker, I am proud that Continental Airlines was one of the airlines that said that they would not abrogate their union contracts, they would pay their employees under their union contract and not have the emergency provisions in their contracts. I am proud that they are our hometown airline and they are treating their employees well. Other airlines were not.

□ 2000

That is why today I was disappointed when I heard that Reagan was reopening and that Continental was not getting some of the slots based on being the fifth largest airline. We are working on that as a delegation from Houston.

I thank the gentleman for this bill. Hopefully there are a lot of things we can do, and this is one of the things we need to do for our employees.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman. I have a very strong feeling that American Airlines should have some of those slots, if we are going to open it, safely, for all of the airlines to be able to undertake to do their responsibilities as well.

Mr. Speaker, sometimes bipartisanship takes on characteristics where even on one side of the aisle there may be divisions on issues. Tomorrow, if America is looking, my good friend, and he is my good friend, the gentleman from Chicago, Illinois (Mr. DAVIS), is going to be opposing a measure that I support. So if they want to see Democrats in a cat fight, wait until tomorrow when the gentleman and I go at it. But tonight, for America, the gentleman and I stand totally together. We will have our dispute about the sugar industry and the confectionery industry on tomorrow. I do not want to take too much of the time, since I control it.

I now yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Displaced Workers Relief Act of 2001 as proposed by my colleagues, the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART). I want to commend both these Members, because, once again, the gentleman from Florida (Mr. HASTINGS) is out front dealing seriously with the needs of working class Americans, making sure that there is balance in our decisions, so that everybody gets a piece of the action.

This bill will provide much-needed relief and assistance to families that are affected as the airline industry is facing a very tough challenge in the aftermath of the terrorist attacks on September 11. Analysts had already projected an overall loss of about $3 billion in 2001, the worst performing year since 1992. With the terrorist attacks on our shores, those losses will very likely escalate. Even though most airports are back in operation, yet the airlines are flying with less than 75 percent of their capacity. In other words, layoffs, the high level of unemployment, are directly affecting employees of the airlines and associated industries.

We have just entered the fall season, meaning that children are back in school, mortgages have to be paid, and life must continue. To minimize anticipated hardships affecting hardworking families of our respective districts, I support wholeheartedly H.R. 2946, known as the Displaced Workers Relief Act of 2001, and once again commend and congratulate the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART) for taking to heart the needs of American workers.

Mr. HASTINGS of Florida. Mr. Speaker, I was about to commit a major mistake. The previous speaker pro tempore, the gentleman from Connecticut (Mr. SIMMONS), is a cosponsor of this measure as well, and, in light of the fact that he was in the Chair, I was not ignoring that. I want to acknowledge and thank the gentleman, not only for his support, but for his demonstrated leadership here in the House of Representatives.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), a champion of working and rural Americans, who clearly understands that this tragedy has impacted us all and has impacted North Carolina's industry, its hotel industry, its tourism, and its rural communities.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding and thank him for his leadership.

Mr. Speaker, Congress passed within 10 days of the terrorist attack a bailout package for our airline industry, which they indeed needed. Now, about 10 days later, we have an opportunity to pass a bill, H.R. 2946, to provide relief for displaced workers. We must support America's workers.

I again want to congratulate the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART) for their collective leadership, and all of those who are cosponsors. I am pleased to say I am also a cosponsor of this bill.

In addition to the hardships suffered by airlines during this crisis, thousands, indeed, hundreds of thousands, of airline and airport workers have lost their jobs or may lose their jobs and need help from the Federal Government.

We also should find ways to help the millions of workers in hotel and travel industry jobs who also may become unemployed during this crisis.

I would like to place into the RECORD a statement by Mr. John Wilhelm, President of the Hotel Employees & Restaurant Employees International Union.

STATEMENT BY JOHN W. WILHELM, PRESIDENT

The devastation of the hospitality industry nationwide cannot be overstated. Between one-third and one-half of our Union's members will be laid off this week, and the same proportions are true for the larger non-Union sector of our industry, resulting in at least three million workers laid off.

Our Union supports temporary relief for the companies in our history. In addition, we believe temporary relief for the employees is essential, not only for the sake of the workers and their families, but for the sake of our nation. The hospitality industry has driven the recovery of central cities over the last decade. We are the largest welfare-to-work employer. The collapse of our industry has dire implications.

Supplemental Federal unemployment insurance is important, and has considerable precedent. It may also prove necessary, in New York and perhaps in other states, to provide Federal help for state unemployment systems.

But the most important issue we need to focus on is health care for these laid-off workers and their families. They will be able to scrape by on unemployment compensation, but in no way will they be able to pay for continued health care coverage after layoff.

Moreover, it is very much in the national interest for the existing health plans, both corporate and union, to continue to cover them. We cannot afford for those existing health plans to be destabilized, because that will mean that even when the industry recovers, the trend toward more uninsured Americans will continue. In addition, the public health system in this country cannot absorb all these laid-off workers.

Mr. Speaker, Mr. Wilhelm is giving the needs of what he saw on September 25, the needs of millions of laid-off hospitality workers for Federal help with unemployment compensation as well as with continued health care coverage.

These workers and small business operators in communities all over our Nation constitute the backbone of their local economies, in North Carolina as well as other States. These workers may be expendable to the airlines, but they are essential to the economic well-being of their families and their communities. Their economic security is as important to the Nation as the fiscal soundness of our airlines. We should help both.

These workers receive low wages and have meager resources to draw upon during a crisis like this. Neighborhood food pantries and food banks currently have insufficient inventory to respond to the sudden increase of unemployed workers. We must expedite this package and hope that the distribution of these funds to families becomes a reality, because the community resources will not be sufficient to address this emergency for food and housing and utilities in the interim.

Our economy was declining before the attack of September 11. It is now getting worse. We must find ways to restore the public confidence, capacity, and commitment to our economy; that is, for people to travel and spend money. We must ensure the safety of Americans when they travel. We also must retrain unemployed workers and marshal their talents and skills into productive enterprises, including infrastructure development in rural and urban communities and the development of affordable housing. We also must raise the minimum wage to a meaningful level of wage.

We must take these steps and others towards recovery. We must understand we have already depleted our Social Security trust funds and are resorting to deficit spending, because already we have spent the projected budget surplus. And we have very few resources because of the unwise, huge tax cuts earlier this year.

These are tough times and require wise stewardship of our economy. As we move forward, Mr. Speaker, to recover and rebuild, we should move forward together. We have bailed out the airlines, and now we have an excellent opportunity to respond and help workers who so desperately need it. They have lost their jobs due to the crisis resulting from the terrorist attack. We now have an opportunity to support the American workers. We must support the American workers.

Again, I congratulate the gentleman from Florida (Mr. HASTINGS) on his leadership and all of those who cosponsor this legislation.

Mr. HASTINGS of Florida. I thank the gentlewoman.

I would alert my colleague, the gentleman from Pennsylvania (Mr. WELDON), and his traveling companions, and I would ask the American public to pay attention to the next hour that interrelates in this global village. I just want the gentleman from Pennsylvania (Mr. WELDON) to know that we have less than 10 minutes, and I will not take all of that time. His traveling companions are my good friends, the gentleman from Texas (Mr. ORTIZ) and the gentleman from Texas (Mr. REYES), with whom I serve on the Permanent Select Committee on Intelligence. And they are going to consume the next hour, and I am sure they are going to enlighten us with reference to recent and laborious travel they have undertaken and as it relates to our present circumstances.

Mr. Speaker, last week I received a call from George Mador. Mr. Mador is the President of L&M Aircraft Services, and he called my office looking for help. L&M is a small aircraft maintenance company that services charter airlines transporting passengers to and from the Bahamas. L&M has only seven employees, and many of them have been with the company for the majority of the company's existence. However, in the wake of the terrorist attacks on September 11, L&M is now facing imminent bankruptcy; and its seven employees, therefore, are facing certain unemployment.

George told me that he did not want to get out of bed this morning because of the reality that he will have to lay off at least half of his staff by the end of the week as a result of zero income in the past 3 weeks.

Last week's payroll left George and some of his employees without a paycheck and L&M $500 in the hole. With no apparent income coming in the past 2 weeks, the future of L&M airport services and its seven employees are undoubtedly in jeopardy.

At the three international airports that I am privileged to serve, Fort Lauderdale/Hollywood, Palm Beach, and Miami, there are more than 300 small businesses like L&M that are now on the verge of bankruptcy as a result of lost income. In Miami-Dade, as I have said earlier, the airline industry is the economic engine representing more than 9 percent of the county's total workforce. Thousands of employees already have or will lose their jobs, and hundreds of businesses will go under nationwide if Congress does not expedite this legislation, as well as other legislation.

The headline in this morning's Palm Beach Post read, ''Florida's layoffs worst in 10 years.'' That is not unique to Florida. It happens to be the place that I am privileged to represent. But those layoffs nationwide are immense, and we have a responsibility here in this institution to do something about it and to do it now, for all of the workers of this country.

This country has a historical precedence in protecting our economy when it needs it most. During the Depression, and I was born during that period, and my mother saw the earlier stages of the real Depression, the 1929 crash. Although we were in a different kind of society, I can tell you that the week of the crash itself, 1,000 persons committed suicide.

So last week when I introduced this legislation someone said I was being incendiary, because I was using the facts to demonstrate what can and likely will happen in this country, and among those things are increased child abuse, increased domestic violence, increased alcoholism, and, indeed, crime will increase.

People ask, how can we afford to do what you are saying, Al? I ask them,

how can we afford not to? During the Depression, President Roosevelt worked with Congress and initiated the New Deal. From Social Security to Job Corps programs, the WCC and the WPA, the New Deal succeeded in stimulating a dead economy, much more dead than ours is now, while at the same time creating a safety net and programs such as Social Security that would provide immediate relief as well as long-term security.

Reflecting on the programs that were created in the New Deal, President Roosevelt in 1936, the year of my birth, said, ''America got something for what we spent, conservation of human resources through the CCC camps and through worker relief, conservation of natural resources, of water, soil, and forest; billions of dollars for security and a better life. While many who criticize today were selling America short, we were investing in the future of America.''

Today, at a time when our country mourns and hurts, it is the responsibility of the Federal Government and the United States Congress to do what it needs to do in order to help all Americans deal with these hard times, all working Americans especially. For Congress to remain silent at a time hundreds of thousands of Americans have lost their jobs as a result of the terrorist attacks would be nothing short of irresponsible.

Another Roosevelt quote from May of 1932. President Roosevelt said, ''The country needs, and unless I mistake its temper, the country demands, bold, persistent experimentations. It is common sense to take a method and try it; if it fails, admit it frankly and try another. But above all, try something.''

Domestic security is not just protecting our borders with guns and soldiers. It is not just protecting our planes and airports. On the contrary, domestic security is also about protecting our economy.

□ 2015

It is about protecting our industries and our entrepreneurs, and it is about protecting all of America's workers. If we fail to consider these crucial elements of our country, while charting a response to the cowardly acts of terrorism that occurred 3 weeks ago, then we ultimately allow the terrorists to succeed in altering our lives for not just days, but for years to come; and that new normalcy that we will have will be but a fading memory of the old normalcy before September 11.

I want to applaud, Mr. Speaker, as I conclude, all of the agencies of our government: FEMA, the firefighters in New York and at the Pentagon that came from all over this great country of ours; the police officers here on Capitol Hill that have worked, as reported today in Roll Call magazine, some of them, lots of them, most of them, 72 hours a week, protecting the interests of America's Congress persons, as well as those of us that live here and work on Capitol Hill. I applaud those officers, the officers in New York, as well as those from around the country.

I would like to especially applaud the FBI for the enormity of the task that they have undertaken in the face of sometimes unwarranted criticism; the same for the Central Intelligence Agency, and FEMA, which lost its own building, its own offices, in the World Trade Center. They too are to be complimented.

But most of all, the people of New York City, the people of Washington, D.C., the people in Pennsylvania where the tragedies struck home the hardest, and they felt the victimization more than those of us with our rhetoric, more than those of us with our creative notions about what we can do in order to set and stabilize our economy. They felt that pain, and they responded in kind as Americans are wont to do when they are faced with difficult and tragic times.

I ask all of our colleagues, what would we be doing, what would we be doing if a tactical nuclear weapon had been used in either of the three sites where folks were victimized and lost their lives and families who are still mourning them? And what makes anybody think that if these fools had the tactical nuclear weapon that they would not have used them, for they feel they have some divine mandate from God to eliminate people who do not think like them.

Had it been a nuclear tactical weapon, none of us would have gone home, no airports would be open, and we would be here in this building and the people in the other body would be in that building until such time as we could conference with real solutions, not just for big dogs feeding at the trough, but for all Americans. I entreat this country to answer that question, How we can afford it? Simply by saying, we cannot afford not to afford it. There are outyears in this tax cut that has been put forward. Anybody in their right mind would know that we can repeal those tax cuts in the years 3, 4, 5, 6, 7, 8, 9 and 10, and take care, as Franklin Roosevelt did, of the needs of our country now.

## DISPLACED WORKERS RELIEF

The SPEAKER pro tempore (Mr. TIBERI). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to also lend my voice to the 100,000 displaced airline workers. The terrorist act of September 11 left a colossal void in the hearts of all Americans. It has not only had an emotional impact on our Nation; it is having a significant economic impact as well.

I believe, Mr. Speaker, that we have a responsibility as Members of this House to assist those whose lives have been threatened by the downturn of the aviation industry and their jobs are on the line for possibly cuts and layoffs. The economic crisis is not just limited to the employees, though, of the major commercial carriers who feel the pinch of an industry-wide slowdown. It is affecting the sky caps that do not know whether or not they can count on checking bags at curb sides to make a living. The crisis is affecting counter agents. I talked with a young lady who is a mother of six, single parent, Latino, who is saying that she is being laid off because there are not enough people who are coming to purchase tickets to get on the planes. It is affecting the travel agents who fear for the future of their small businesses as bookings decline. A lot of those, Mr. Speaker, are women-owned businesses. It is the hotels that are near the airport, where the workers, the cleaning ladies, the cooks, and all others are affected by this displaced workers program.

We also have the tourist attractions. We know that tourism is $6.7 trillion to this economy. If we do not have tourists coming to the various States coast to coast, workers will lose their jobs in the aftermath of this cowardly act of September 11.

It is the thousands of workers, including workers from Boeing and other aviation and engine manufacturers, who face massive layoffs as a result of this tragedy. It is essential for the administration and Congress to move aggressively in addressing the needs of America's workers. These men and women are hard-working individuals who are buying their homes, raising their families, and making significant contributions to the greater economy.

In the days and weeks ahead, we will face enormous financial pressures; and so will they, including credit card bills, mortgage payments, and utilities, tuition bills, medical bills, and other essential outlays. I would like to see the Congress take up an immediate package which would address the medical care needs, job retraining, and severance pay. The tragic incidents of September 11 have already touched and affected so many Americans, Mr. Speaker. We should do everything in our power to limit further damage to the American economy and, most importantly, to American families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of the 140,000 airline industry workers who have been or are expected to be laid off.

I am a cosponsor of Mr. GEPHARDT'S legislation, H.R. 2955, the Displaced Workers Assistance Act. I urge the House swift adoption of this or similar legislation. However, I also want to call attention to legislation I introduced in March, long before this crisis. My bill, H.R. 886, would eliminate Federal income taxation of unemployment benefits.

The Congressional Budget Office estimates that 90 percent of all unemployment compensation claimants owe taxes on their benefits and that Federal taxation eats up 17 percent of their benefits. This is a form of taxation that is regressive and cruel, because it takes

from those who need it most at a time when they are most in need.

The aviation sector is certainly the hardest hit due to the September 11 events. The effects are now rippling throughout the economy and have pushed an economy that was teetering on the brink of recession over the edge. My bill would not only relieve the economic hardship that airline workers will experience but also the hardship that workers in other parts of the economy will experience as the economic downturn continues.

While my tax cut is eligible to individuals who become unemployed regardless of their income, it would have the greatest benefit to low-income taxpayers who have to make the greatest adjustments to meet basic necessities such as rent, utilities, food, and clothing for themselves and their children.

Mr. Speaker, I urge swift adoption of H.R. 886, as a stand-alone bill, as part of an airline employee relief package, or in a broader economic stimulus package.

The terrorist attacks of September 11 not only caused tremendous physical destruction to lives and property but also dealt a body blow to our air carriers. Airlines hemorrhaged more than $1 billion in the week following the attacks, when their planes were ordered by the Federal Government to be grounded. They continue to lose money because passengers are still hesitant to fly.

Airlines have taken painful steps to control their costs, including reducing flight schedules and laying off thousands of workers.

Congress acted swiftly and decisively to stabilize the financial situation of the airlines, by passing a $15 billion package of grants and loan guarantees. I supported this legislation because I recognized that if it did not pass, American Airlines in my district could be forced to lay off even more workers and other airlines could be forced to file bankruptcy.

At the same time, I was troubled that the financial stabilization bill was an incomplete package that did not also provide relief for the heart and soul of our airlines—its workers.

Now that the airlines are already receiving their distributions in grant assistance, it is time to finish the job. We must ensure that there are adequate resources to provide airline workers with extended unemployment benefits, training opportunities, and continuation of health care coverage for them and their families.

Mr. Speaker, I urge expedited consideration of the Displaced Workers Assistance Act and my bill to eliminate Federal taxation of unemployment benefits.

Mr. TOWNS. Mr. Speaker, I want to join my colleagues in voicing support for a legislative initiative to address the tremendous economic impact the September 11 bombings have had on employees working in the airline industry.

Our efforts to support the airline companies will hopefully be matched just as quickly this week by action on H.R. 2946, The Displaced Workers Relief Act authored by my friend, the gentleman from Florida, Mr. HASTINGS.

Finally, as we move forward with this effort let us be mindful of the efforts by some airlines, like Delta, to offer alternative employee leave programs. Our efforts here in the Congress should not supersede these programs, particularly where the airline's offer may be better for the employee.

America's 100,000 airline employees need immediate relief and we should act this week, Mr. Chairman, to make sure that they receive that relief. I urge my colleagues to support action for America's airline employees.

Ms. WATERS. Mr. Speaker, in the aftermath of the September 11 terrorist attacks, thousands of workers have lost their jobs.

Over the past 3 weeks, over 100,000 people have lost their jobs. Individuals who earn their living in the airline, hotel, tourism, and other related industries have been hit extremely hard. Many other industries have felt the pinch, too.

We all know that the Twin Towers provided jobs for thousands of analysts, brokers, and other financial workers, but it was also the source of jobs for janitors, window washers, cooks, and others. The Service Employees International Union (SEIU) represented over 500 of these workers.

These were not high paying jobs, and many of these individuals live paycheck to paycheck without large savings accounts. Now, their future remains in doubt.

Congress acted swiftly to help the airline industry but forgot about the airline employees.

Organized labor decried the bailout bill. They insisted that any bill passed should help all the workers who lost their jobs because of these disasters—not just the airline industry.

And they are right.

We should be extending and increasing unemployment benefits for workers. We should be increasing job training opportunities. And we should be increasing access to healthcare.

Our country's livelihood depends on these workers and we should do everything possible to assist them through these tough times.

Some of the proposals we have seen will help displaced workers, but we should do more by creating jobs by investing in infrastructure, helping small businesses, and supporting programs that help businesses invest in our communities.

If we pursue this course, jobs will be created and businesses will surely benefit.

We will never forget that thousands of lives were lost and many more were devastated because of these terrorist acts. But as Members of Congress we can help put these lives back together.

## A NEW VISION FOR U.S.-RUSSIAN RELATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to lead a Special Order that we expect will involve a number of our colleagues who just returned last evening, as I did, from a whirlwind 5-day trip around the world to try to deal with the issue of, not just the terrorism that occurred on September 11, but to improve and change our relations with Russia.

Mr. Speaker, this trip was not scheduled after September 11, but rather had been scheduled in August, when our Russian friends contacted me and asked me to bring over some ideas that I had to improve the relationship between our two countries and to give them some of the ideas I was working on as the basis for the upcoming Bush-Putin summit and to change direction in our relationship.

The preparation of a document entitled ''A New Time, a New Beginning'' was, in fact, the subject of that presentation; and the delegation that traveled with me that I had the pleasure of chairing, along with the gentleman from Texas (Mr. ORTIZ), my good friend, as the cochair, was designed to present this document to the Russian leadership. We did that in a series of meetings in Moscow over 3 days.

We met with the representatives to the President of Russia; the Prime Minister of Russia; President Putin; leaders of the Duma; Deputy Speaker Sliska; the chairman of the International Affairs Committee Yablako; Chairman Kulikov; and a number of the various leaders of the Russian Government. And every one of them was extremely excited about this new direction in our relationship.

The package, which will not be presented here in detail, that will occur several weeks from now, it is just for discussion purposes now, involves us in 11 specific areas with the Russians. Instead of focusing on the differences in defense and foreign policy, the new initiative focuses on cultural relations, economic relations, energy and natural resources, defense and security, environmental cooperation, health care, judicial and legal, local government, science and technology, space and aviation, and agriculture. I will include a summary of these documents now, to be made a part of the RECORD of this Special Order at this point in time in the presentation.

A NEW VISION FOR U.S.-RUSSIAN RELATIONS

Those of us who value the U.S.-Russian relationship have been on a roller-coaster ride for the past decade. During the heady days of the fall of the Berlin Wall and the following collapse of the Soviet Union, it appeared that our two countries would cooperate as never before. The world cheered when Presidents Bush and Yeltsin hailed a new ''strategic partnership'' between America and Russia.

There followed, however, a dark period—marked by misguided American policies and rampant Russian corruption. The Russian economy sagged as American aid—money meant for the Russian people—was siphoned off and stashed in Swiss banks and American real estate investment. At the same, NATO's war in Kosovo strained the already sinking bilateral relationship. What were the results of this increasingly bitter disenchantment? A more aggressive Russian foreign policy, increased proliferation from Moscow to rogue states, and the final coup de grace: Russia and China announced last year a new ''strategic partnership''—against the interests of America and the west.

Now is the time, with new leaders in Washington and Moscow, to improve the relationship for the long-term.

My interest in this relationship began when I was nineteen years old, when a college professor convinced me to switch my major to Russian Studies. Since that time, I have been fascinated with the Soviet Union and Russia—and have traveled there more than twenty-five times.

I began my travels when I was a member of my local County Council and was invited to

travel to Moscow by the American Council of Young Political Leaders. I have continued to visit Russia since my election to Congress, as a member of the House Armed Services Committee and later as co-chairman of the Duma-Congress Study Group, the official interparliamentary exchange between the U.S. and Russia.

My interactions with leaders across Russia have taught me that the Russians are a proud people, historically aware, and mindful of Russia's unique global rule. Increasingly, they are becoming aware of the limitless possibilities for U.S.-Russian cooperation on a host of issues.

This brief paper, then, is an effort to weave together a comprehensive program of U.S.-Russian cooperation across a wide-range of issues.

Too often, the focus of our bilateral relations has been on defense and security—precisely the issues on which our interests often collide. It would be more useful, as we move forward with a Russian policy for the 21st century to take a more holistic approach—one that takes into account Russia's myriad concerns as well as our own.

Therefore, in consultation with many of the leading experts on Russia, I propose a series of initiatives to engage Russia on issues like the environment, energy, economic development, health care—as well as defense and security. Some of these are new ideas, but many are not. Many of these initiatives are already underway, and need additional support to make even greater progress.

Such engagement is in the U.S. interest as well as Russia's. For if the U.S. and Russia are cooperating on issues across the board, Russia will be more likely to work closely with America on the national security issues that matter most to us—missile defense, the war against terrorism, and proliferation.

This is not, and will never be, a finished product. The contours of our bilateral relationship change daily with world events. Not will it likely be turned into a grand legislative proposal, although certainly parts of it may be. I hope only that it is a starting point for discussions between Russia and America on ways that we can forge a new relationship that will benefit both our countries.

For if we make a new American-Russian relationship, one based on common interests that benefit the citizens of both countries, than we will make great progress—not just for America and Russia alone, but for peace and stability across the globe.

A NEW TIME, A NEW BEGINNING

SUMMARY OF KEY RECOMMENDATIONS

*Cultural Development*

Expand cultural ties outside the major cities.

Assist Russian regional museums generate tourism.

Provide for more Russian language and cultural studies in U.S. schools.

*Economic Development*

Help facilitate Russia's accession to the WTO and its acceptance of all WTO agreements.

Increase funding for OPIC and EX–IM Bank projects in Russia.

Work with Russia to improve intellectual property rights.

*Energy/Natural Resources*

Foster cooperative pilot projects, starting with oil and gas exploration in Timan Pechora.

Convene bilateral task force to discuss the energy ramifications of the war on terrorism.

Eliminate bureaucratic obstacles to joint cooperation on energy.

*Defense and Security*

Initiate new bilateral talks similar to the Ross-Mamedov talks on a Global Protection System.

Move forward with joint talks on a new nonproliferation regime.

Encourage progress on the RAMOS program and restructure the Nuclear Cities Initiative.

*Environmental Cooperation*

Develop a revolving fund to assure development of promising Russian technologies.

Expand debt for nature swaps.

Dramatically expand cooperation on marine science research.

*Health Care*

Increase emphasis on chronic diseases like cardiovascular and diabetes.

Develop more extensive physician exchange programs.

Augment existing cooperation between NIH and appropriate Russian research institutes.

*Judicial Systems*

Support expansion of jury trials into all Russian regions.

Expand Environmental Public Advocacy Centers into Russia.

Encourage a doubling of the number of legal clinics in Russia.

*Local Governments*

Propose ways to expand the tax base available to local governments.

Encourage political participation by increasing local partisan affiliations.

Encourage the gradual devolution of services to the local level.

*Science and Technology*

Increase cooperation in the area of nuclear fuel cycles.

Expand cooperative fusion research on nonpolluting energy solutions.

Involve Russian industry in embryonic U.S. nanotechnology efforts.

*Space and Aeronautics*

Utilize commercial joint ventures to enable Russia to meet its Space Station obligations.

Increase joint projects on space solar power, propulsion technology, and weather satellites.

Cooperate on mutually-beneficial planetary defense tracking technologies.

Mr. WELDON of Pennsylvania. This entire document, which we have briefed to the administration, and which I have given to Senator LEVIN and Senator LUGAR and have talked to Senator BIDEN about on the phone, will be presented to our colleagues in a formal context after we have had a chance to make some modifications and changes. We have also presented this initiative to the White House, to the Vice President's staff, to the National Security Council, the Defense Department, and the State Department.

Truly, it was a landmark opportunity for us, a historic opportunity, to change the direction in our relationships with the Russians.

Mr. Speaker, the other activity that we did on this trip, which grew out of the September 11 incident, was to try to find a way to further support our President to build an international alliance that would work together on terrorism. To that end, we drafted a piece of legislation, had it translated into Russian, faxed it over in advance of our trip, and asked the leaders of the Duma, which is their congress, to consider passing an identical bill to one that we have passed in the House. This legislation calls for the creation of a joint task force on terrorism involving Members of the House and the Senate, the Duma, and the Federation Council.

Our Russian colleagues were very much supportive, indicated that they could pass such a measure in 3 weeks. At this point, Mr. Speaker, I will enter the actual resolution in the CONGRESSIONAL RECORD.

H. CON. RES. —

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. FINDINGS; DECLARATION OF POLICY.**

(a) FINDINGS.—Congress finds the following:

(1) On September 11, 2001, acts of treacherous violence were committed against the United States and its citizens when terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.

(2) In the past, similar acts of violence have been committed against the Russian Federation and its citizens.

(3) Such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of both the United States and the Russian Federation.

(b) DECLARATION OF POLICY.—Congress—

(1) condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors; and

(2) reaffirms the importance of joint efforts between the United States and the Russian Federation to provide the fullest possible level of cooperation on antiterrorism activities.

**SEC. 2. UNITED STATES CONGRESS–RUSSIAN FEDERATION PARLIAMENT JOINT TASKFORCE ON ANTITERRORISM.**

(a) NEGOTIATIONS.—The Speaker of the House of Representatives (in consultation with members of the Duma Congress Study Group) and the majority leader of the Senate shall seek to enter into negotiations with appropriate officials of the State Duma and the Federation Council of the Russian Federation for the establishment of a joint taskforce on antiterrorism.

(b) MEMBERSHIP.—The joint taskforce shall consist of members of the House of Representatives and the Senate and members of the State Duma and the Federation Council.

(c) DUTIES.—The joint taskforce shall provide for increased cooperation between the United States Congress and the Russian Federation Parliament on issues relating to antiterrorism.

Mr. WELDON of Pennsylvania. Mr. Speaker, this is a bill that I hope our colleagues will support. The 11 members of our delegation will be the original bipartisan sponsors of this bill. We have not yet dropped it. But it will be, in fact, the first time that the parliaments and the governments, legislatures of Russia and the U.S., pass an identical bill, perhaps even on the same day, because they are 8 hours ahead of us, that calls for the creation of a joint task force to work together on terrorism.

Mr. Speaker, we thank our Russian friends for their condolences, we thank them for offering to allow our airplanes

to use their airspace to assist us in intelligence, and we thank them for their support of our trip on the second leg of our journey to Rome.

In Rome, Mr. Speaker, we traveled for 30, 40 minutes outside of town under heavy security to visit the King of Afghanistan living in exile.

□ 2030

The king of Afghanistan was thrown out of that country in 1973. He has lived outside of Rome under heavy security since that time. We made a special visit to him to enlist his support in eventually returning to his native country to convene a cooperative effort with those leaders in the northern front, now called the Joint Task Force, or the Unified Front, to overturn the Taliban government, to remove Osama bin Laden, and to support the people of Afghanistan taking over their government.

Our meeting with the King lasted for 90 minutes. It was extremely constructive. Our colleagues will discuss it in more detail when they speak.

Following that meeting, we met for 90 minutes with approximately 10 or 12 leaders of the various military factions in Afghanistan who had flown in to meet with us and the King. We were convinced that this new effort is broad, it is across the spectrum in Afghanistan, and involves all the various tribes.

We are convinced that we should continue, as our President has said, to support this Unified Front with both money and any type of military support that they would require. In fact, we have prepared recommendations to present to President Bush, the Secretary of State, Secretary of Defense, the National Security advisor, on additional efforts that can assist this Unified Front to remove Osama bin Laden.

Following our trip to Rome and our meetings with the King and the Unified Front, we went on to Ankara, Turkey. On Sunday and Monday in Turkey we met with leaders of their parliament, leaders of their government, and thanked them again for their outpouring of support for our people. We thanked them for their steadfast loyalty to America during very difficult times.

Turkey has been one of our strongest partners during good times and bad times. Turkey, a 99 percent Muslim nation, has no problem standing up with America and proudly performing any task that we ask them. In fact, Turkey has a unique position. They are best of friends, not just with the U.S., but also with Israel, with Russia, and with Pakistan.

In our meetings with the Turkish military and with the Turkish leadership, we came to the conclusion that we should put further emphasis on Turkey playing a lead role in helping us to remove Osama bin Laden and to remove the Taliban, assuming they continue to disagree with the President's request to turn bin Laden over.

Again, we make specific recommendations to the administration which are contained in a document that I will offer as part of the CONGRESSIONAL RECORD.

The document referred to is as follows:

U.S.-RUSSIA-TURKEY PARTNERSHIP: ANTI-TERRORISM AND AFGHANISTAN

[A Bi-partisan Congressional Delegation led by Representative Curt Weldon: Russia-Italy-Turkey—September 26–October 1, 2001]

OVERVIEW

This Congressional delegation to Moscow was originally planned in August as part of the continuing dialogue of the Congress-Duma Study Group, chaired on the U.S. side by Chairman Weldon (R-PA). After the September 11 terrorist attack in New York and Washington, the delegation saw an opportunity to reinforce President Bush's coalition building effort and expanded its mission to consult with leaders in the region to gain information that could prove helpful to the Congress and Administration in furthering the war on terrorism. As a result additional stops were scheduled for Rome and Ankara. In addition to the original agenda in Moscow that sought to expand the basis of discussions with the Duma (atch 4, ''A New Time, A New Beginning,'' an eleven point agenda), the delegation prepared and presented to the Russians proposed legislation (atch 5) on counter terrorism that the delegation hopes to see passed in both the Duma and Congress.

In Moscow, representatives of the Duma, Federation Council and executive branch officials were enthusiastic about both the 11-point program proposed for broadened Congress-Duma discussions, and the counter terrorism legislative proposal. All of the Russian officials encouraged the Delegation to pursue its fact-finding opportunity with the exiled Afghan King and United Front/Northern Alliance leadership in Rome.

The main objective of the counter terrorist, fact-finding portion of the trip was to explore recommendations by key allies that would enhance the understanding of Congress by seeking insights into the difficult challenges in the fight against terrorism, especially in Afghanistan. In Rome, the delegation had an in-depth discussion with Zaher Shah and United Front field commanders from diverse areas of Afghanistan provided a detailed briefing on the current military situation. Turkish military and foreign policy leaders, as well as members of Parliament, gave the delegation poignant insights and their perspectives on defeating the Taliban and other terrorist forces.

FINDINGS

In all countries, there appeared to be unanimous support and approval for the President's efforts to build a strong coalition against terrorism and to put an end to Osama bin Laden (OBL) and the extremist Taliban regime. Russian and Turkish leaders supported the delegation's effort to meet with King Zaher Shah, whom they believe can be a unifying figure, as well as the United Front commanders. Both Russia and Turkey recommended that Afghan resistance forces conduct the bulk of the fighting and hunting bin Laden inside of Afghanistan with adequate support from America and our allies. Humanitarian support in areas controlled by the United Front is also a necessary component both during and after the current crisis.

In Rome, the resistance commanders, representing all groups and many regions of Afghanistan—north and south—expressed a willingness to work with the King as a symbol of unity and were confident that with adequate material support and limited air support that they could overturn Taliban rule in a rapid period of time. [There is less than two months before Winter sets in, when snow will prevent offensive actions in much of the country.] Most commanders believe they could root bin Laden and his terrorist forces out of their mountain bases.

Russian and Turkish experts expressed serious concern about instability in Pakistan. The consensus advice to the United States was against basing US forces inside of Pakistan or using Pakistan territory as a support base for military or humanitarian efforts. All parties reminded the delegation that Pakistan facilitated the creation of the Taliban and has been its primary political and military backer.

King Zaher Shah presented a three-part plan for peace in Afghanistan: (1) Conduct a loya jirga of tribal elders inside of Afghanistan; (2) Establish an interim coalition government, including any moderate Taliban, to serve for two years to begin post-war recovery, integrate returning refugees and to write with Constitution; (3) Conduct nationwide elections to choose leaders and to choose a form of government.

King Zaher Shah and the field commanders believe that the Taliban are weak and vulnerable. The Talibs have lost the support of the Afghan people due, in large part, to their brutal rule and the presence of international terrorists as their shock troops. The United Front commanders claim that the core of Taliban forces are some 10,000 international terrorists recruited by bin Laden and some 25,000 Pakistanis. They estimate the Taliban's Afghan troop strength at 40,000. The resistance claims 70,000 to 75,000 total anti-Taliban forces.

The resistance commanders also claim that many Afghan Pashtuns currently allied to the Taliban are in contact with the United Front and plan to switch sides when a coordinated offensive begins. They believe the Taliban could collapse rapidly. In order to begin the offensive before Winter sets in, the United Front requires an immediate infusion of ammunition and other supplies. Essential items include communications gear, long-range artillery, rockets, anti-tank weapons and anti-aircraft capability. The Taliban is estimated to have approximately a dozen fighter aircraft, a limited number of attack helicopters and 20 battle tanks, which must be eliminated if the battle is to be won.

Zaher Shah expressed an openness to direct U.S. military support for the resistance if the United Nations did not respond in a timely manner. Turkish experts recommend that currently an emergency humanitarian aid program is desperately needed. And a much-needed infrastructure development program should be done in a way that would not overwhelm the Afghan people's ability to absorb it. The Under Secretary of the Turkish Foreign Ministry, Ugur Ziyal, said Turkey has accomplished effective programs using limited funding—unlike high-cost and high-overhead UN and USG programs—by working closely with the Afghan people.

Turkish officials expressed a frustration of often being ignored by the West, especially in dealing with their own terrorism problem, which has led to the deaths of over 30,000 citizens during the past two decades. However, Turkey considers the United States as a steadfast friend. As they already have modest humanitarian aid programs in United Front zones of Afghanistan, they would be willing to be a facilitator of US aid.

RECOMMENDATIONS

Avoid placing US forces in Pakistan.

Expedite US assistance to the Afghan United Front to conduct operations before

winter begins. Be prepared to respond to possible rapid changes on the battlefield and in Kandahar and Kabul.

Support the return of King Zaher Shah to Afghanistan as a unifying figure between all ethnic groups and factions and to conduct a loya jirga.

After the Talibs/bin Laden are defeated, cost-effective developmental assistance—not bloated ''nation building''—could go a long way. Turkish experts said $10 to $20 million of targeted aid would do tremendous good if a team of experts worked with indigenous Afghans.

Develop greater intelligence cooperation with turkey. Utilize Turkish NGOs as conduits for some U.S. aid into Northern Alliance zones of Afghanistan.

Establish a Congress-to-Congress working group with Turkey.

Consider forgiveness of Turkey's FMF debt.

CODEL WELDON

Representatives: Curt Weldon, Solomon Ortiz, Bob Clement, Dana Rohrabacher, Clifford Stearns, Robert Cramer, Roscoe Bartlett, Nick Smith, Silvestre Reyes, Brian Kerns, Todd Platts.

Staff: Al Santoli, Office of Rep. Rohrabacher; Xenia Horzczakiwskyj, Office of Rep. Weldon; Doug Roach, Professional Staff Member, Committee on Armed Services.

KEY CONTACTS

Russia: Ambassador Vershbow, U.S. Ambassador to Russia; Lyubov Sliska, 1st Dep. Speaker of the Duma; Andrey Kokoshin, Dep. Chairman of the Committee on Industry, Construction, Industries, and High Technologies (former National Security Advisor to President Yeltsin); Vladimir Lukhin, State Federation Council Chairman, Yablako, Former Chairman International Affairs Committee/Russia Ambassador to the United States; Konstantin Kosachev, Vice Chairman International Affairs Committee; Anatoly Savin, Kommeta Institute; Anatoly Kulikov, Chairman of the Terrorism Task Force, Russian Duma; Valkov, First Dep. Head of Pres. Putin's Advisory Committee; Vladimir Andrianov, Sr. Advisor to Prime Minister; U.S.-Russia Business Council; American Chamber of Commerce; Moscow Petroleum Club.

Italy: Exiled King of Afghanistan, King Mohammad Zaher Shah (86); Prince Mir Wais Zaher (40), youngest son and ''closest aid''; Mostapha Zaher, King's grandson. United Front/Northern Alliance Commanders: Malik Zarin (Konar Province); Haji Nasir (Nangehar Province); Haji Khaleq Ghor (Onazon and Farak Provinces); Commander Arif (Kandahar Province); General Awari (Shomali Plains, Kabul area, and Bagram Airfield, North of Kabul); Commander Kazeni (Parwan Province); Abdul Khalig (Kuman Province); Commander Jegdalak (Kabul Area); Commander Zaman (Nangahar Province); Yunis Kanoni, delegation spokesman (Panjer Valley).

Turkey: Turkish Ministry of Foreign Affairs, Ambassador Ugur Ziyal, Undersecretary (DEPSEC equivalent), (Faruk Logoglu, new Turkish Ambassador to the USA). Turkish General Staff: LTGEN Koksal Karabay, Turkish Gen. Staff (TGS), Turkish Land Forces; LTGEN Turgut, TGS, Turkish Air Forces; MGEN Nusret Tasdeler; COL Kusu, briefer; Namik Tan, American Desk, Dept. Head.

MEETING WITH AMBASSADOR ZIYAL, UNDERSECRETARY OF THE MINISTRY OF FOREIGN AFFAIRS, TURKEY—OCT. 1, 2001

KEY POINTS

The Ambassador lived in Afghanistan in 1948–1952.

There is no ''nation'' of Afghanistan, just a collection of various groups/tribes/clans/warloads. They unite to confront foreigners. It is near impossible to assert central control, but the exiled-King could be a unifying symbol.

The Taliban originated in Pakistan. They were initially welcomed because they established order out of the chaos of the end of the war against the Soviet invasion they ''bring out worst in humanity and Islam'' they are ''hardest on their own'' who deviate from their hard line—viewed as heretics. They were supported by Arab Afghans—''radical Saudis pumped in millions''—and support was provided by other Gulf Arabs.

The Taliban ''became force of evil.'' OBL is a supreme organizer. He created a ''senseless organization of terror.''

The OBL/Taliban network ''recruits the young to brain wash them.'' It is impossible to protect society against suicide bombers.

Turkey has a humanitarian (3 clinics) presence in Northern Alliance areas in Afghanistan.

Turkey had a school in Kabul, but couldn't agree with Taliban on a curriculum and the Turks left—''Taliban wouldn't listen to reason—they are fanatics.''

King is a figurehead. Authority lies with tribal leaders. There could be a role for him as an umbrella, interim leader. Tribal leaders will cooperate if they see it in their interest to do so. Groups change sides very easily—for various reasons: money, power, jealousy.

Rep Bartlett: (Referencing Turkish General Staff Brief: ''There seems to be a bewildering array of terrorist groups. The US is focusing on the Taliban. How much of the ''problem'' is the Taliban?

Ambassador: OBL is 5 percent of the (terrorist) problem.

''US tends to personify issues, for example Saddam and Sadat.'' Particular realities of each nation need to be addressed without regard to what leaders happen to be present at the time.

Is the King's three part plan realistic?

Ambassador: Yes. Local tribal leaders are the only real option, however. Forming a ''Democracy is a tall order—until quality of life versus survival becomes the issue, Afghanistan leaping to a democracy is unlikely.''

Rep Ortiz: Are you concerned about the survival of the Pakistani government?

Ambassador: ''We are concerned.''

On the Peace Process: ''American policy has hurt American standing in the region—Arafat sees he made a mistake.'' We talk to both sides. With Barak, things were close. It is important that Israel be accepted—it would benefit regimes in the area. Saddam has gained ground just by giving lip service/propaganda. Everyone in the area is concerned, even the Omanis. Israeli responses to Palestinian attacks are disproportionate.

Recommended course of action:

The Northern Alliance first needs ammunition and U.S. military strikes against main Taliban armament (10 planes and 20 tanks).

''The U.S. needs to stay involved to raise the quality of life'' Afghans need help to survive what the Taliban has done to them—large sums of money is not required if you employ Afghans to provide assistance to fellow Afghans. (''UN overhead very high''). ''We would be willing to help.''

Chairman Weldon: How much would it take—$10 million—or $20 million?

Ambassador: ''That would go a long way if implemented locally—billions would be a disaster. It could not be absorbed—would only lead to corruption.''

Need allies on the ground—United Front/Northern Alliance—''and they are willing.'' ''They are willing because the Taliban is seen as destroying the country and way of life''

Ambassador felt that Taliban could fall within 30 days. ''If allies of the Taliban see them losing, their allies will desert them.''

Mr. Speaker, this document entitled ''U.S.-Russia-Turkey Partnership: Anti-terrorism in Afghanistan'' has a summary of our trip, the details of who we met with, the specific recommendations, and a call for action.

Mr. Speaker, we also need to understand as Americans that if and when we remove Osama bin Laden, that is not going to eliminate the terrorism problem in America. The government of Turkey identified at least a dozen other major terrorist groups that have killed over 30,000 innocent people in Turkey over the past 10 years.

We need to understand that Osama bin Laden is only one network, accounting for about 5 percent of the international terrorism in the world. We must understand that this is just a beginning. Removing the Taliban and Osama bin Laden, allowing the people of Afghanistan to take back their country, is only the first step in what President Bush has described as a long-term process.

We in the Congress went on this mission in full support of our President. At every stop, we reiterated the fact that we only have one President in America, one Secretary of State, and the 11 Members of Congress who traveled together were in total and complete unanimity that our President speaks for us. We are behind his leadership 100 percent.

I want to thank our colleagues for traveling. They were outstanding Members. I am going to ask each of them now to make comments about their thoughts on the trip. I will simply be here to monitor the time so everyone gets a chance to speak.

Mr. Speaker, I yield to our good friend and colleague, the gentleman from Texas (Mr. ORTIZ), an outstanding senior Member of the Congress who has been in the House for 20 years, a senior member of the Committee on Armed Services.

Mr. ORTIZ. Mr. Speaker, I would like to thank the gentleman from Pennsylvania for his leadership. I think it was a great trip, a very productive trip. We were able to learn things that we were not used to talking about from countries like Turkey, Russia, some of the other countries who have had terrorist acts. For the United States, it was something new.

I think that individually I was able to learn a lot from Turkey. Turkey will continue to play a very, very important role in the defense of this country that is so dear to them. But we feel sometimes that we have neglected Turkey. They are proud citizens, they are proud soldiers. They have stood by our side during almost every conflict that we have been involved in.

One of the things that really impressed me was the relationship that our good chairman, the gentleman from Pennsylvania (Mr. WELDON) has with the officials from Russia and the people of Russia.

We were received with open arms. Not only that, they stated that they were willing to work with us. This legislation that the chairman is talking about is very, very important, not only for the United States, but for the rest of the world. This is a cancer that has to be removed.

Bin Laden, even though we were able to dispose of him, to remove him from power, he has been able to train many young men to conduct the same terrorist acts that have been conducted all over the world. We just hope that the Muslim and Islamic leaders can explain to the rest of the world that this is not Islamic religion, this is not the teachings of the Muslim world; this is hatred, this is murder. Hopefully, we will be in a position to do better as a world, to be more understanding.

I know Muslims do not preach hate. They do not condone the killing. But I am so happy that I went on this trip, because this was really a fact-finding trip, Mr. Speaker. I want to say again, I thank the gentleman for his leadership.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my good friend and colleague for his leadership and support as a co-leader of this delegation. We came away with some very special feelings, and he came away with some special symbols of our relationship. I thank him for the cooperation that he has given me.

I yield to the gentleman from Tennessee (Mr. CLEMENT), our next member of the delegation.

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I returned Monday from a very successful bipartisan congressional delegation that included meetings with the Russian Duma, the exiled king of Afghanistan, representatives of the United Front fighting the Taliban, and Turkish foreign and military affairs officials.

I want to praise my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Texas (Mr. ORTIZ), for chairing this trip. I also want to commend all of my colleagues for their hard work and dedication to these meetings. We had a real team working together, and I think because of our teamwork, we were very successful.

Mr. Speaker, I want to say also that this is not a battle between the East versus West, it is not a battle that is Muslim versus Christian. It comes down to a travesty that happened September 11 that hurt, injured, and lost the lives of many Americans.

But what I learned on this trip when we traveled to Russia and Italy and Turkey is that most of the world has experienced terrorism for a number of years. We have been immune from terrorism, but not anymore. Now we have to face up to our responsibilities, knowing that other countries have had to live with it for many years, and now we, as the superpower.

We are the only superpower now. It used to be the Soviet Union and the United States, so now it has come down to just the United States. It puts us in a position where we must act, and we will act. The United States and our allies will move against the terrorists. It probably is very soon.

But I have also learned from meeting with the other countries that they accept and are excited about the possibilities of the United States working with them to combat terrorism in the world. Because if we do not work together, we cannot solve the problem. Even if we knock out or even if we capture or even if we bring to justice Osama bin Laden, and even if the Taliban regime comes to an end very shortly, which very well could happen, that does not mean it is the end of terrorism, because there are many terrorist groups and organizations, some of which are even operating in the United States, many of which operate in other countries.

But if we work together, if we share our intelligence, if we understand one another, it does not have to happen. People can live in peace, and people do not have to live in fear. But we have to bring these people to justice, and we have to demonstrate to the world that we care about their fellow man.

We know that there are a lot of wonderful Muslims in our own country. They care about their faith, just like we Christians care about our faith. We do have a great country, and it was a great honor, I say to the gentleman from Pennsylvania (Chairman WELDON), to be with him on this wonderful trip, which was a fact-finding trip.

As the gentleman mentioned a while ago, we are going to share this trip with the Secretary of State, with the Defense Department, with the national security agencies, and with a lot of entities, even our fellow Congressmen and U.S. Senators, for them to know what happened, how it happened, and that through our trip, and I really believe this, we are going to save a lot of lives. We are going to minimize the loss of life that could have occurred if we had not taken this trip.

God bless the gentleman and God bless this country.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman from Tennessee (Mr. CLEMENT), our good friend and colleague.

To follow up, we met with the King for 90 minutes at his residence on Sunday, and following that we met for 90 minutes with a dozen or so members of the Unified Front. It was on Monday, the day after we left, that that group came together and publicly announced a solidarity.

We would like to think that our conversations with both of those groups helped to convince them that America was there to work with them as Afghanistani people take over their own country and take back their land from this terrorist operation, this Taliban organization, that does not abide by the rules of civilization, but rather, abides by some commitment to destroying and killing people.

We also said to them, Americans are good people. In fact, we are the largest supplier of humanitarian aid to the Afghan people even today; that assuming we can get rid of the Taliban and Osama bin Laden, and begin to clean up this terrorist network, we are prepared for the long haul to support efforts and endeavors to help them improve their health care, feed their people, take care of their housing and environmental problems; to work with them to join the community of nations.

I think, in fact, this trip did have a significant part of the success in allowing, the day after we left, the King and the opposition leaders to come together in a way that we have not seen up until now.

Mr. Speaker, the gentleman from Michigan is another one of the vital leaders of the task force who was a leader on technology issues in the House. He played a critical role and was involved in both our discussions and in questions, and in engaging in our meetings. We had some 19 meetings in each of our stops.

I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Pennsylvania very much.

Quite often, we in Congress get in partisan debates here, and are, in effect, sort of in a shell. But on this CODEL, 11 Members of Congress broke out of that shell and went on a CODEL to other parts of the world that was totally bipartisan, probably the most effective trip that I have ever taken.

For the record, I say to the gentleman from Pennsylvania (Mr. WELDON), allow me to read in the Members that went on that CODEL.

Of course, the chairman of the CODEL was the gentleman from Pennsylvania (Mr. WELDON).

The cochairman was the gentleman from Texas (Mr. ORTIZ), a Democrat.

Other Members were the gentleman from Tennessee (Mr. CLEMENT), a Democrat; the gentleman from California (Mr. ROHRABACHER), a Republican; the gentleman from Florida (Mr. STEARNS), a Republican; the gentleman from Alabama (Mr. CRAMER), a Democrat; the gentleman from Maryland (Mr. BARTLETT), a Republican; myself, from Michigan; the gentleman from Texas (Mr. REYES), a Democrat; the gentleman from Indiana (Mr. KERNS), a Republican; and the gentleman from Pennsylvania (Mr. PLATTS), a Republican.

Sometimes when legislators go and meet with legislators from other countries, the discussion back and forth is more frank than it is sometimes with the bureaucrats, with the diplomats, who have a more formal agenda. So some of the debate and the discussion and some of the criticism of the United States for things that it might have done in the past I think were more

readily outcoming to end up not only with a frank discussion, but with actual friendship of these legislators in these other countries.

So I think some of the information that we have garnered is going to be the information that the State Department needs to have, as well as the President of the United States. I saw somewhat of a welcoming by these other countries that have experienced terrorism, that finally the United States is taking it seriously enough to help them do something.

□ 2045

Our briefings in Russia were excellent. Our briefings in Italy were excellent, but let me just read a couple paragraphs out of several good briefings that we had in Turkey. And they gave us several booklets on terror because they have been studying and putting up with terror for a long time.

I think it was about eight different terrorists groups. The PKK was one of these groups and the introduction to this book on terrorism or the PKK says, this booklet provides a detailed account of some of the terrorist attacks perpetrated in Turkey by the PKK, which is the Kurdish acronym for the Kurdistan Workers Party, one of the most brutal terror organizations in the world, both in terms of number of the victims of its terror acts.

By the way, these acts have been committed, and they go on to say, as a result of the indiscriminate terrorist attack of the PKK, over 30,000 Turkish citizens have lost their lives since 1984, and among these were thousands of innocent victims that included women and children and the elderly and infants.

We learned that the terrorist organizations are organized throughout the world and the training of these terrorists often begins with orphans that are then taken in by the terrorist groups and started to be indoctrinated into the religion and they are indoctrinated and brainwashed, if you will, not just over a short time period but a longer time period. So what we are dealing with is individuals that have been so indoctrinated over their young lives that it is going to be very difficult to indoctrinate them the other way around.

So the question becomes not only what do we with bin Laden, what do we do with other terrorist leaders, what do we do with all these other individuals that have been so trained that their main goal in life is to get rid of the predicament they are in and cause these murders of people that have that same understanding of democracies that we have in the United States.

It is going to be a huge challenge, but one thing we gain from these meetings in other countries is that other countries are willing to help us. One of their questions was are we going to have the will power, the, if you will, intestinal fortitude in the United States to continue this fight against terrorism, not for just months but possibly for years, possibly for a generation if we are going to be successful because the total economic well-being of all of these citizens of the world depend, I think, on our success in this particular battle against terrorism.

And with that I thank the gentleman from Pennsylvania (Mr. WELDON) for his leadership on this trip.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank our colleague and friend, the gentleman from Michigan (Mr. SMITH) for his comments, for his outstanding contribution on the trip, and for his involvement in the follow-up that is going to be necessary to implement the recommendations that we have, in fact, suggested.

Mr. Speaker, I now yield as much time as he may consume to the gentleman from Texas (Mr. REYES), my good friend on the other side of the aisle and this was truly a bipartisan effort. We are good friends anyway, but when the plane took off the ground, we were all one group working together. This gentleman is the chairman of the Hispanic Caucus, representing all of our Hispanic Members in the House, and besides that, a senior member of the Committee on Armed Services, and someone who is a tireless advocate for defending our country, my good friend from El Paso, Texas.

Mr. REYES. Mr. Speaker, I appreciate the gentleman from Pennsylvania (Mr. WELDON) yielding the time, and Mr. Speaker, this is an important time for our country.

I as well as a number of our colleagues that had the privilege of traveling this weekend and going to Russia, going to Italy, and then winding up the trip in Turkey feel confident that this is one of the most important trips we have taken. This has the ability of redefining the way we look not just at our foreign policy but at the way we deal with the rest of the world.

I want to congratulate our chairman and very good friend Chairman WELDON for his vision and his leadership in putting together a comprehensive document that I hope we will use to define a new relationship between us and Russia.

I had the privilege of participating in a number of the discussions, and it was clear the respect that Chairman WELDON enjoys in Russia, but more than that, I considered it a great privilege to have been part of this trip because at every one of the places that we visited, starting with the visit to Moscow, one of the most poignant moments was driving by the American embassy and seeing huge piles of flowers and wreaths and notes from the citizens of Moscow offering their condolences to a country that lost a number of its citizens on that tragic day of September 11.

Moving on to Rome where we met with a very humble, I thought, king but a committed individual that is willing to do anything and everything, including, he told us, going to Afghanistan the next day. He said I will go back to Afghanistan tomorrow if it makes a difference to my people. A very humble individual that at that point discussed with us his three point plan. A three point plan that includes some very significant recommendations.

The ability to come together in a loya jirga, which is a meeting of the senior members of the Afghanistan leadership in Afghanistan, and he was willing to be there alongside with them, but more important, to put together a plan that they would elect a leader for an interim period of 2 years with the guarantee that they would have democratic elections so they would have a democratic government to lead the people.

Finishing out our trip, we visited in Ankara, Turkey, with our best ally in the region, a very tough neighborhood, a neighborhood that has seen repeatedly a tremendous amount of unrest, a very unstable region of the world, but yet a region of the world where we can always rely and count on the friendship, the support, the commitment of the Turks and the Turkish government. And what an important series of meetings and briefings we held there and listened to their recommendations that essentially, if the chairman will recall, they backed up what we heard from the ground commanders from Afghanistan, and that was we do not need to send American troops on the ground. All we need to do is support the Afghanistan's United Front versus the Northern Alliance that we refer to now. More importantly, the fact that if we do not need to risk American lives on the ground in Afghanistan, we should not do it.

Secondly, we should support the Afghanistan movement. The Northern Alliance, whether we call them the Northern Alliance or the United Front, as they prefer to be called, they know and they explained to us that they have the capability, they have the wherewithal to bring this to a conclusion and defeat the Taliban and its government and take care of Osama bin Laden in the process.

We all know and we have heard from a number of colleagues today that Osama bin Laden and the Taliban are a small part of the bigger challenge we face as we fight terrorism, but a fight worth taking on, a fight that we heard in Moscow, that we heard in Rome, and that we heard in Ankara that it is going to entail a tremendous amount of effort, a tremendous amount of commitment and, ultimately, the benefits will be a safer more prosperous world for everyone.

So I appreciate the opportunity to participate with the chairman on this trip; and more than that, I appreciate the gentleman's confidence and the confidence of the gentleman from Texas (Mr. ORTIZ) in including me in this delegation. I am very proud this evening, jet lag and all, I am proud to stand here before the American people

and tell my colleagues that the kind of dedication and commitment we saw on behalf of our country with this delegation will bring us great results.

Mr. WELDON of Pennsylvania. I thank my distinguished colleague, the gentleman from Texas (Mr. REYES). Besides his intellect, besides his aggressiveness and his common sense, his wit added much to the trip. He kept us all smiling as we went from city to city, plane to plane, nonstop, in trying to accomplish and did accomplish all of our objectives.

So it was great and the gentleman's humor added much to our trip. I thank him.

Mr. REYES. I thank the gentleman.

Mr. WELDON of Pennsylvania. Mr. Speaker, the next member of the delegation who traveled is a senior Member of the House, someone who has earned the respect of our colleagues on both sides of the aisle. He is involved in a number of issues. This, I believe, was his first trip to Moscow; but he was as involved as any other Member and played a key role in helping us articulate our message to the leaders in each of the countries we visited, the gentleman from the State of Florida (Mr. STEARNS).

Mr. STEARNS. I thank the gentleman for yielding to me, and I am delighted to be here. I thought I would select this side of the aisle just to show what a bipartisan effort the gentleman created through his leadership on this very strategic and important trip that we took to Moscow and, of course, the outskirts of Rome to meet with the exiled king of Afghanistan, and then back into Turkey.

I think, as has been expressed by my other colleagues, Turkey has a key role to play here; and we can learn much from what Turkey has done to combat terrorism. More specifically, in the last 20 years, Turkey has had 30,000 people killed by terrorist acts. Certainly this is a menace in the country, but they have put together an entire program to combat terrorism. And we were briefed by the general staff of the Turkish army on what they had done to protect themselves and their country, and they made broad recommendations for the United States and all countries around this globe of ours to put into place what is necessary if we expect to control terrorism.

Turkey, as my colleagues know, is a land between Europe and Asia and is protected by the straits between the Black Sea and the Mediterranean. Turkey is quite simply one of the most important countries in the region. It is interesting to note that some of their neighbors are the most hostile, aggressive people: Syria, Iraq, Iran. Prior to that, of course, they were close to Russia, with Georgia, Armenia, and Azerbaijan. So it is a very difficult, tough neighborhood, and Turkey occupies a strategic position and is of utmost importance to us.

In fact, Incirlik is an Air Force Base we have there; and through the kindness and support of the Turkish government, we have our military planes there, which has a radius which covers all these countries. So it is extremely important to have the friendship of Turkey. I thought I would put into the record some of the recommendations they have suggested for us, and I hope President Bush will take note of some of these recommendations.

President Bush has done an outstanding job of bringing together consensus. The Prime Minister of England today, Tony Blair, gave an outstanding speech, putting in perspective some of the things that we have to cope with as a free democracy, a civilized country, when we deal with terrorists.

The terrorist attacks of September 11 has shown that we need international consensus. There are four things that the Turkish government has recommended. First of all, believe it or not, there is not a common definition of what terrorism is throughout the world. Each country seems to have a little different definition for it. If we cannot define what it is, it is going to be hard to go after it. So the first thing we have to do is to define what terrorism is.

And the second thing the Turkey generals suggested is international law related to terrorism, specifically oriented to reciprocity, so that if we are trying to get a terrorist returned to the country where the crime occurred, there will be the ability to do so.

□ 2100

The third thing they said was to establish an international organization that would actually struggle day to day and work out strategic and tactical efforts to defeat terrorism. Today we have not established either in the European Union or in NATO or any community that encompasses all the countries and international organizations.

The last thing they say we should do is to publicize a list of active terrorist organizations and where they are. I think a lot of Americans would be extremely surprised to find that a lot of the cells of these terrorists organizations are in the free democracies. There are a lot of countries that we think they would try to extricate these cell organization, but indeed they are there. They are being harbored there, and perhaps some of these democratic countries do not know it. But in many cases if these terrorist organizations were listed and were discussed and publicized throughout the free world, the countries that are interested in democracy and freedom, they would try to make greater efforts to rid themselves of this menace.

I would conclude by also saying that the gentleman from Pennsylvania (Chairman WELDON) did an excellent job. My colleague, the gentleman from California (Mr. ROHRABACHER), who came into Congress with me in 1988 did an exceptional job also. The gentleman from California, when he was able to set up some of these appointments and because of his long experience dealing with Turkey and also dealing with Afghanistan, and, in fact, having been over there many times on his own participating, he understood a lot about the nuances of this whole situation. It is nice to have his support.

I hope all my colleagues will read some of the recommendations of our report. I hope tonight the gentleman from Pennsylvania will go through and perhaps touch on some of them. Considering the fact that Turkey has lost so much because of the embargo on Iraq, we might consider forgiveness of Turkey's IMF debt. That is something the gentleman might want to touch on. It will probably be anathema to many Members of Congress; but if you put into perspective some of the sacrifices that Turkey has made, I think there might be some way to help them, because their economy is starting to falter; and we do not need to have that country under that kind of economic stress when we are trying to deal with the terrorists in that area.

Mr. Speaker, I will conclude by saying it was an exceptional trip. I think we have made a difference. Every Member of Congress comes here for one reason and one reason only: he or she wants to make a difference, as small as that might be. Tonight, with this trip I think we just did that. I wanted to praise the chairman and I look forward to working with him on other issues.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank our friend and colleague, the gentleman from Florida (Mr. STEARNS), for his comments and for his outstanding contributions on our trip and in our meetings.

He mentioned a point that we will be following up on, that is, the fact that Turkey, which has been one of our most loyal allies, has approximately $5 billion of foreign military sale debts, that we have sold them equipment to help defend our interests and their interests in the region.

Just by their involvement in Desert Storm where they immediately supported the U.S. President's position against Iraq in 1991, when that occurred, they cut off approximately 2 to $3 billion of sales annually of products to Iraq, resulting in a $30 billion net decrease in their economy. They did that because they are our friends. When our President asked them to respond, they did not hesitate. They immediately cut off contact with Iraq; and they immediately, even though it cost them billions of dollars, they immediately said we are going to stick with America because America stuck with us back at an earlier time when their sovereignty was being threatened.

So the comments of the gentleman about the need for us to consider forgiving that $5 billion of debt, maybe over a period of time, maybe all at once, whatever it might be, I think is an outstanding recommendation and one that I would wholeheartedly support.

Mr. STEARNS. Mr. Speaker, if the gentleman would yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman.

Mr. STEARNS. Mr. Speaker, maybe a forbearance or some type of policy, as you point out, where they are strategically located, and to give us an Air Force Base at that particular site, at Incirlik, and to allow us to have this full freedom with our Air Force is absolutely crucial to that area to protect it.

As I pointed out earlier, their neighbors are hostile and aggressive and their economy is faltering. A lot of the problems they are having is perhaps because of their loyalty to the United States. I think in times of crisis like this, where you have opportunity and danger, it is probably very important to consider how to help them so that their economy is strong and they can continue to support us without any kind of reservation. So some type of forbearance should be thought of by us here in Congress.

Mr. WELDON of Pennsylvania. Mr. Speaker, I agree with the gentleman and thank him for his comments. I would just add that as we found out that Turkey is a 99 percent Muslim state, yet it is 99 percent behind America and the allies in this effort.

That proves the point that President Bush and all of us have been making. This is not a war against Islam. This is not a war against Muslims. This is a war against a radical band of cowards who hide in the hills, right now hiding in the deep caverns of the mountains of Afghanistan because they know they have done wrong and they are afraid to show their faces. They are being hidden and kept their by the Taliban government that is just as bad as they are because they are harboring these terrorists that will not bring them forward.

Turkey is a critical player. I thank the gentleman for raising that point, and I thank him for his comments.

Mr. Speaker, I would like to turn to one of our junior members. When you first come to Congress you are not expected to play a pivotal role. You are expected to be involved and learn and try to sort out what is going on; but this gentleman has hit the ground running. He has been in the House less than a year. He comes from a very dynamic part of Pennsylvania. He jumped at the opportunity to play a role as we asked to have some younger Members in seniority go on the trip with us.

Two freshmen Members traveled on this trip with us. They were outstanding contributors. This gentleman, who should have a seat on the Committee on Armed Services because of his interest on defense and security issues and because of his commitment to America's security, was an outstanding contributor. He was involved in our discussions. He was articulate in asking questions, and he was credible in offering advice in each of our meetings.

Mr. Speaker, it is a great pleasure to welcome the gentleman from the State of Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I appreciate the gentleman yielding time to me and allowing me to share some thoughts. I especially want to thank the gentleman for organizing this delegation trip to Russia, to Rome, and to Turkey, and for including me as a freshman Member. From a personal sense, it provided an exceptional opportunity for me to become much more informed on a number of foreign affairs matters dealing with Russia, dealing with our challenges in Afghanistan, dealing with Turkey in a broad sense but also in a very specific sense.

Mr. Speaker, I felt in our nonstop visits throughout the three nations, I received a crash course in the issues of national security and foreign affairs. I also echo my thanks to the ranking Democratic Member, the gentleman from Texas (Mr. ORTIZ), for his welcoming me into the delegation, and, as a freshman Member, being given this opportunity.

Mr. Speaker, before a couple of comments on the stops, I would like to thank the Air Force and Navy personnel who were critical in making this trip happen. Our Navy liaisons were our escorts at all the stops, the Air Force personnel who assured our safe travel abroad and back, the State Department personnel who played critical roles in our meetings being facilitated. There is a tremendous team of public servants throughout the world doing great work on the Nation's behalf.

I took away from every meeting we had, whether it be with military officials, with civilian elected officials, with private citizens, every person started their conversation with us first with a deep expression of sympathy to our Nation and the loss of lives that we have encountered as a result of the attacks on September 11; and second, from the civilian and military leaders, a strong commitment of support in our war against terrorism, and a strong commitment of support to ensure that justice does prevail as we track down the murderers of our citizens on September 11.

As Americans we have united here at home in this battle against terrorism. Abroad our friends are uniting with us in defeating terrorism and bringing justice to bear against the culprits involved in these attacks.

When I look at the three sites of our stops, I will share some quick comments. In Moscow I came away greatly enthused that the good that we look for in all evil in talking about the attacks on September 11, making sure that we find the good; and one of the good is going to be our relationship with Moscow, specifically relating to joining together and fighting terrorism, and the opportunity to build a strong and lasting relationship with Russia on a whole host of issues: agriculture, energy, national security and defense issue, law and justice issues, environmental issues. The opportunity is extremely important that we move forward and develop much further a relationship with Russia for the good of our Nation and our citizens and Russia and her citizens and the world in total.

From the elected members of the Duma we met with, I could see their sincere commitment in working with us and have our nations grow closer.

The final two stops, Rome, with the Afghan King, King Zahir Shah, his commitment to try to help his people, and to the courageous commitment of the military leaders that came to Rome to meet with the King and with us. Their commitment to return their nation to a nation where their citizens are safe, secure and living in peace, to have an open and free government, returned to that nation; and the King's three-part plan where he wants to lay out and have the tribal leaders come together to pick an interim leader for their state to go forward and replacing the vacuum that will be created when the Taliban government is removed, as it must be removed, for the sake of the Afghan people and for the sake of people around the world being free from the terrorist state that they are harboring in their country.

The Turkish vision was overwhelming. The knowledge that they shared in our visit Sunday and Monday morning, I came away very grateful that we have such a strong and loyal ally in that region, as was referenced by the gentleman from Florida (Mr. STEARNS), how we need to better appreciate their loyalty and friendship in the issue of foreign military sales, and how we should look at forgiveness of that debt, and that is not something that they asked for.

In fact, when it was raised how we can help Turkey, the chairman of their Foreign Affairs Committee in the Grand National Assembly saying in a time of crisis, as we are in today, it would be inappropriate to ask for something in return for our support. We want to help as a friend because it is the right thing to do, not because we will get something for it. We Members brought up that issue as something that they deserve, not just for their support now, but for their loyalty as a great ally of us.

Mr. Speaker, the foreign minister, his insights, I think we need to give great weight; and we have recommended them in our report to the administration. Sometimes as Americans we think that we have all of the answers to the world's problems, and we forget that there are a lot of experts that we need to turn to. The foreign minister had a wealth of knowledge on Afghanistan and the relationships between the Northern Alliance, now the United Front, and Pakistan and how we can be effective in working with the citizens.

Mr. Speaker, a final comment relating to the war on terrorism and how it applies to Afghanistan specifically, is

that the King and the military leaders did not come to us and say, come in and save us and do their work. They came to us and said, help us liberate ourselves. They did not ask us to go into the country to rid them of the evil, but help them in doing it themselves. That is what America has been about, standing up on one's own two feet. That is what they are trying to do. They just need some assistance.

I conclude by saying it was a privilege of being included and being given the opportunity to garner such information and knowledge from this trip.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PLATTS) for his involvement and participation in the trip. He was a vital part of our delegation. He will be a continuing rising star in the Congress.

Mr. Speaker, it is now my honor to introduce another member of our delegation who played the most critical role in the Italian portion of our trip. The expertise of the gentleman from California (Mr. ROHRABACHER) on Afghanistan is broad and deep, and it did not start with the bombing of the World Trade Center. He has traveled to that region of the world on numerous occasions. He has interacted with the leadership of Afghanistan, those in exile and those trying to take back their country, and probably has as good a perspective as anyone in the Congress, if not on the Hill, on Afghanistan. I also appreciate the cooperation and support of his assistant, Al Santoli.

Mr. Speaker, I yield to the gentleman from California (Mr. ROHRABACHER).

□ 2115

Mr. ROHRABACHER. I thank the gentleman very much. We have a very special system of government and we have a very special group of people that live in the United States of America. We are a group of people who are not one race, but we are every race on the planet because we have people who have come here from every ethnic and racial group. We do not represent just one nationality, because we have people who have come here from Europe, from Asia, from Africa, from Spanish-speaking countries and from French-speaking countries.

We have Muslims and we have Buddhists and we have Christians and we have Catholics, and we have about every religion there is, but what ties us together as a people is a love of liberty and justice that was first discovered back about 225 years ago when our Founding Fathers saw that this was something that bound them together as a Nation, and that would be the unifying factor and established this government that we have. How government is made in our country and how policy is made is not just by passing laws like this but, instead, there is a competition of ideas and a national debate that moves forward on any important issue.

What we just did with the leadership of the gentleman from Pennsylvania (Mr. WELDON) or should I say Chairman WELDON, not as chairman of our delegation but chairman in the Committee on Armed Services of a very important subcommittee, but what we did in this delegation is make sure that we became part of the national debate, first by educating ourselves firsthand as to what the people on the scene were experiencing and feeling, what was the information on the front lines, and to try to educate ourselves, and then to be articulate and to speak out on the issues as we see them.

That is what has happened. We are now part of that national debate. I really appreciate the leadership that the gentleman from Pennsylvania has provided on this and, by the way, many of the other issues that I have personally involved myself on, I find the gentleman from Pennsylvania got there first and the gentleman from Pennsylvania was providing some leadership when I just sort of jumped on.

I was very happy that on this trip I was able to contribute because I do have a long-term commitment to the people of Afghanistan, I worked with them while I was in the Reagan White House to help get them the weaponry they needed to defeat the Soviet Union. It was their defeat of Soviet troops in Afghanistan in the 1980s that permitted us in the United States to have an era, a 10-year period of prosperity and happiness and peace. The fact is we were spending $100 billion a year less on military than we did during the Cold War. This, because the Afghan people were so brave. But we walked away from the Afghan people. We walked away and we let them sleep in the rubble. We did not even help them dig up the land mines we had given them to fight the Russians. If there was one, not demand, plea, by the Afghans that we met on this trip, the field commanders who are standing up against the terrorist Taliban regime, the one plea was, please, yes, help us defeat the Taliban by giving us the ammunition we need to do the fighting, but please don't walk away and leave us alone once the fighting has started. Help us build a country where our children can be healthy. Help us build a country where we can have an education system. Help us build a country where people can live decent lives. Don't walk away and abandon us like you did the last time we fought a battle that so benefited the United States as well as benefitting ourselves.

I heard that plea, I have heard that plea a long time before, but I am sure some of our fellow members of this CODEL had not heard that before. We did not do the right thing by Afghanistan, and it came back to hurt us. That was a mistake that we made. I will have to say that is not a partisan mistake. That was made by George W. Bush's father when George Bush, Sr. was President. There were some mistakes made. He made another mistake. One mistake he made is after the Gulf War, instead of finishing the job, he permitted his advisers to convince him not to finish off the Saddam Hussein regime. Well, I am afraid we are beginning to make some of these same mistakes again.

We have now the ability to get rid of this terrorist Taliban regime that has so brutalized the people of Afghanistan, and at the same time, has its fingerprints all over the atrocity that was committed in the death of thousands of our fellow citizens in New York on September 11, this murderous Taliban regime that has been a haven for terrorists, for bin Laden. It has been a regime that has permitted 60 percent of the world's heroin to be grown and distributed from within its borders, a regime that makes a mockery of all human rights and has murdered so many of their own people that their own people are terrorized.

That regime is not that much different than the regime of Saddam Hussein. We left Saddam Hussein in power and now there are those in our own State Department, perhaps some of the same people who advised George W.'s father to permit Saddam Hussein to remain, who are now advising George W. Bush to just demand that bin Laden be handed over and let the Taliban stay in power. That cannot happen. That would be making a lie out of George W.'s tremendous speech that he gave here just a week and a half ago.

Either we rid the world of the terrorist regime, the Taliban regime in Afghanistan, or no dictatorship and no terrorist will take our word and take it for granted that they cannot get away with their evil deeds in the future. We will be encouraging dictatorships and terrorist regimes in the future to believe that they can attack the United States, or harbor and help people who are attacking the United States and get away with it.

No, the Taliban must be overthrown. Bin Laden must die. We learned on this trip that we have the means to do this. We have the means to accomplish this end. We met with the king of Afghanistan who is one of the most beloved people in his country. Poor Commander Masood was assassinated a short time ago right before the attack on the World Trade Center. But the king, he is in his 80s, as we met him, it was clear that he has a very sharp mind, but what is more important is that he is surrounded by the most educated and aggressive young Afghans who are willing to come back and provide the expertise needed to govern that country. The king has promised a temporary transitory regime, a regime that will be just a transition regime that after the overthrow of the Taliban would serve for only 2 years, as I am sure the gentleman has explained this already, and then after 2 years, would give way to some sort of a democratic process that would be put in place so that the Afghan people could control their own destiny through the ballot box.

With our help in rebuilding their country, we can bring a new era of peace to Afghanistan, and instead of being a springboard to destroy the stability of Central Asia and undermine democracy and freedom in Russia and to be a terrorist haven that would murder millions of Americans, or at least thousands of Americans, Afghanistan can become a civilized part of the world community. We have got that opportunity now. We cannot pass it up. Our State Department, I do not know what has gotten into people's heads. I cannot understand the incompetence of people who are still advocating the policy of keeping the Taliban in power.

By the way, we had incompetence as well with our intelligence community who permitted this attack to succeed in the first place. We need to clear out the executive level people in some of these agencies and departments. We need to make sure that we stand firm and that we send a message to the world, if you slaughter Americans, you will pay the price. It is not just rhetoric. We have got to make sure that those words mean something.

It has been my privilege to serve on this delegation with Chairman WELDON. Without Chairman WELDON'S leadership, we could not have, not only had the transportation but we could not have gotten the support we needed to have such a successful mission. Now we are back and we are part of the debate. It is what we are saying here tonight, and what we said out in our press conference today, and what we will say during our briefings to the senior members of this administration, will play a large role in making sure that the President chooses the right path, the path to long-term peace and tranquility which is the path of strength and courage and not dealmaking with tyrants and terrorists.

I am very, very grateful to the gentleman from Pennsylvania. I know all of us learned a lot. I think we have accomplished a lot with this journey to Central Asia, to see our friends in Turkey who are standing with us so solidly and to talk to also those people in Russia who want to be our friends, and in the future, build a better future for both our peoples and for the whole world.

Mr. WELDON of Pennsylvania. I thank our friend and colleague for his comments, for his outstanding leadership, for his involvement on these issues long before September 11.

Mr. Speaker, I would ask our colleagues to read the text of the material that is in this special order, the additions that we have supplied, and get a full sense of understanding of what 11 Members of Congress did over the past 5 days. We will be briefing the administration and our leadership, the Speaker and the minority leader and Members of the other body throughout the next several weeks.

Together, supporting our President, we can win, we can replace Osama bin Laden, we can remove the Taliban and allow the people of Afghanistan to regain control of their homeland.

## NATIONAL SECURITY IN WAKE OF EVENTS OF SEPTEMBER 11

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, first of all I would like to pass some comments on to a former employee, a former reporter here, who is facing some trying times as he sits in the hospital, Bob Cochran. Bob's son works here in the House. Bob, while I cannot speak to the TV audience, I know that if he were here today, all my colleagues would go up, pat him on the back and wish him our very best. He set a good record while he was here. Once again, he faces another challenge. I am sure that he will be successful.

This evening, Mr. Speaker, I want to visit with my colleagues at length about the Nation's security. Obviously that is the issue on everyone's mind since September 11 and the tragedy that we all witnessed on TV. There are a number of issues that I want to visit with Members about this evening. One of them is the description of the events and the battle that we face, given by even Tony Blair today or Rudy Giuliani yesterday when he spoke to the United Nations, the first time a mayor of New York City has spoken to the United Nations in I do not know how many years. And our brothers in thought and our brothers in capitalism and our brothers in democracy, the United Kingdom and Tony Blair and his speech and his remarks this evening, I want to go over a few of those remarks because I think they are very pertinent.

My analogy of the situation, of the challenge that we face, that our President is so ably leading us through at this time, is a battle that you can figure like it is against a cancer. You know that that cancer is there. We know the viciousness of cancer. I can tell you that some people, as time goes on, some people in our country are saying that, well, this is a perfect example, a perfect time for us to turn the other cheek, for us to kiss and make up, and to pretend that that cancer, that you do not have to eradicate it off your arm or eradicate it from your body, that you can love it off your body, that you can pray it off your body.

I have no doubt, I am a Christian, I strongly believe in a supreme being, but I believe that our supreme being expects us to have some self-help, that our supreme being does not think that we think that we can discover a horrible cancer on our body and pray it off, or wish that it was not there and somehow it is going to disappear on its own. Or pat it with your hand and think that that cancer is going to turn friendly. Do not be mistaken. I do not think anybody on this floor is. I hope you are not. But do not be mistaken.

This bin Laden is the most vicious cancer that you have ever encountered. It is not a cancer that you can negotiate. The President of this country has made it very clear we will not negotiate with this cancer. It is a cancer that you have no choice but to eradicate, because if you do not, it will be a battle you wish you would not have lost. We cannot, as an American Nation, we cannot as a free world, any country in this free world, afford to lose this battle.

Do not be taken in by some of the peace protesters across the country who interestingly enough in this country have the right to protest and they are protesting against the action that we should take against bin Laden because of the viciousness that it may involve.

□ 2130

This is against bin Laden, whose very strike at the center of America was not to take American lives. That is not the intent of this cancer that is trying striking us. The intent of that cancer that is striking us, the intent of bin Laden and his followers out there, is to destroy a nation, to see the United States and all countries of democracy buckle at the knees, to take them down, as communism was taken down in Russia. That is what their goal is.

These protestors, who are so strong in their thought, ought to take just a moment to see how bin Laden and his followers treat women, for example, what they think about human rights, what they think about homosexuality, what they think about the ethnic issues and the all-men-are-created-equal type of philosophy. Take a look at the prevalence of class structure, of which bin Laden came from, and which bin Laden rules. It defies everything that these peace protestors believe in.

What he is seeking to do is to destroy the constitutional right that our country allows for people to have the freedom of speech, for people to go out and protest. But yet their vision seems to be shortsighted.

Then there are those who I have seen in the last few days who say, well, somehow we can love this thing off, or we can pray this thing away. Look, we need all the prayers we can get and it will be a strong element of our success, and we need all the love we can gather throughout the world. There is no question about that. In fact, our country has given more foreign aid to Afghanistan than any country in the history of Afghanistan. Our country, of any country in the world, believes in the warmth and the prayer and the need to help other people not so privileged.

But that is not what this is about. This is about a horrible cancer that has attacked everybody in the free world; and, if we are not successful, then logically it will be successful.

Think about the last time you ever saw anybody say that they wanted cancer to be successful. Think about the

last time you ever saw anybody that did not want us to have a battle against cancer be successful. We support cancer research through this country strongly; and, I am telling you, the battle we face now is as threatening to our society as cancer is to the human body.

I want to read a little from Tony Blair, some of the comments he made in his speech today. I think it is very appropriate. Let me just read just a couple of quotes. Again, I am quoting from Tony Blair. ''There is no compromise possible with such people, no meeting of the minds, no point of understanding with such terror.''

Think of the words that Tony Blair said today. Let me repeat them. ''There is no compromise possible with such people, no meeting of the minds, no point of understanding with such terror. There is just one choice.'' And if there were any words I have heard, with the exception of the President's speech given right here on this House floor, these words would come in right behind it. ''Defeat it, or be defeated by it.'' ''Defeat it, or be defeated by it.'' And defeat it we must. That is exactly what Tony Blair said today.

If we do not beat it, it is going to beat us, and the results of it defeating us will be the end of the free world as we know it; the end of democracy, the end of the dreams of the multiple generations, the multiple generations in this country that built this country to the physical strength and to the moral strength that it has, and to the success that this country has. All of that, all of that success, all of that compassion, all of that love, all of that that our predecessors by the hundreds of thousands have laid their lives down for, all of that will be nil if we lose this battle. And that is what Tony Blair says.

He says there is no negotiation. He said, my analysis, you cannot negotiate with cancer. You cannot look at the cancer on your body and say I want to negotiate with it. It has no love, it has no compassion. It only has one goal. Cancer's goal is to destroy your body. That is all it is there for. It is not there to assist your body, it is not there to make your body better, it is not to make your body healthier in some manner. Cancer is in your body for one purpose, and that is to destroy your body, and its ultimate goal is death of the human body.

That is exactly what bin Laden and his radical followers are. I think our President was very careful, as are the national leaders, and thank goodness we have George W. Bush, and we have people like Colin Powell, or Condoleezza Rice, or Donald Rumsfeld, and I could go right on down the list, that are leading our country.

They have been very careful to distinguish, as have many of my colleagues here on the floor, they have been very careful to distinguish that this is not the religion of Islam, that this is not the belief of Islam. Islam does not have in the Koran or anywhere else the destruction of democracy. It is not the belief of the majority of the Muslim population. It certainly is not the belief of the Muslim population that resides as American citizens who are American citizens who have a Muslim background.

One of my close friends is Muslim, he and his family, Dr. Malik and Seme Hassen, Pueblo, Colorado. The other day, I saw, and if Members have an opportunity, the Discovery Channel gave us a tape last week for our personal viewing, and the tape is titled ''Behind the Terror, Understanding the Enemy.'' ''Behind the Terror, Understanding the Enemy.'' If Members have not seen that, they ought to get their constituents together and ought to watch that jointly. It is a 2-hour tape. It is a wonderful production by Discovery. ''Behind the Terror, Understanding the Enemy.''

You will understand the background of what we are talking about. That 2-hour film will give one the equivalent of 1 year of education in a university, in my opinion. It is outstanding.

To go back to my friend, Dr. Hassen and his wife, Seme, I invited them last week to come and sit down with other citizens in Pueblo, their fellow citizens, fellow Americans, and watch this film. Then, after the film, I asked Dr. Hassen and his wife Seme to stand up and give their point of view. I will tell you, I was so proud to listen to these people. The patriotism, the sense of belief in this country and what this country offers, is intense.

So our President's thoughts and our President's words, as well as the words of others, whether it is Condoleezza Rice or Tony Blair or any of the world's leaders, is the very careful distinction between the Muslim population, the majority of the Muslim population, and these radical cancers that we are now dealing with.

Mr. Speaker, let me go on and talk just for a moment about Mayor Giuliani's comments, which I thought were just wonderful. He gave them yesterday at the United Nations. Many of the people, I think, across the country did not get an opportunity to hear the Mayor speak to the United Nations. I am not sure all Members were able to watch it. I thought it was fabulous, and I want to repeat just a few things that the Mayor said.

No Mayor in the history of this country has faced the challenges that Mayor Giuliani has faced and the people of New York City have faced, and they have risen to the challenge. ''They have suffered a horrible, horrible blow; a horrible blow to the persons of New York, a horrible blow to the infrastructure of New York, a horrible blow to the moral senses of every citizen, to the citizens of New York City.'' This is what the Mayor said. These are excerpts from Giuliani's speech to the United Nations.

''Indeed, this vicious attack places in jeopardy the whole purpose of the United Nations.'' So the Mayor talks about the United Nations. What is the purpose of the United Nations? Many of us in these Chambers have questioned the United Nations, when really put to a test, can the United Nations stand up to it? Is the United Nations really a body that really truly will bring together a united solution? Or will they back down at the moment of the test?

Mayor Giuliani's remarks, ''Indeed, this vicious attack places in jeopardy the whole purpose of the United Nations.'' And he goes on. ''The United Nations must hold accountable any country that supports or condones terrorism. Otherwise, you will fail in your primary mission as a peacekeeper.''

Let me repeat that. ''The United Nations must hold accountable.'' It is not should hold accountable. It is not a negotiable process. The Mayor says that the United Nations must, no choice, must hold accountable any country that supports or condones terrorism. Any country, any individual. ''Otherwise, you will fail in your primary mission as a peacekeeper, which is exactly what the primary mission of the United Nations is.''

He says, ''It must ostracize any nation that supports terrorism. Now, that is a test for the United Nations. It must isolate any nation that remains neutral in the fight against terrorism. Now is the time, in the words of your charter, the United Nations charter, to unite our strength to maintain international peace and security.''

So the Mayor has said to the United Nations, now is your time, now is the time; the challenge is here today. This is not a time for further study or vague directives.

Many of us on this floor have debated extensively about how many more directives or how many more studies does the United Nations need before the United Nations does something. It is a collective body of nations throughout the world, but at some point the United Nations needs to make decisions, and now could be the finest hour of the United Nations, or the worst failure of the United Nations, to see how exactly they address September 11, 2001.

Let me go on with Mayor Giuliani's remarks. ''The evidence of terrorism's brutality and inhumanity, of its contempt for life and the concept of peace, of its contempt for life and of the concept of peace, is lying beneath the rubble of the World Trade Center, less than 2 miles from where we meet today.''

He could not have said it any better. For those people who are protesting our fight against this cancer, keep in mind, you ought to go visit that site of rubble. You ought to keep in mind what evidence is still, as we speak this hour, what evidence is still trying to be recovered, to return to the thousands, not the few families, but the thousands of fellow Americans, which include not just fellow Americans, but 80 separate countries throughout this world and every type of ethnic background you

can imagine, including Muslims, that were destroyed and now lay in a pile of rubbish called evidence.

Mayor Giuliani goes on. ''Look at that destruction; that massive, senseless, cruel loss of human life. And then I ask you to look in your hearts and recognize that there is no room for neutrality on the issue of terrorism. There is no room for the issue of neutrality on the issue of terrorism. You are either with civilization or with terrorists. On one side is democracy, the rule of law and the respect for human life,'' Giuliani says. ''On the other side is tyranny, arbitrary executions and mass murder. Mass murder.''

We are right, and they are wrong. That is exactly what Giuliani says. We are right, and they are wrong. No shoulds, no question of deliberation by a jury. It is clear who is right and who is wrong.

Mayor Giuliani says it very well. Let me repeat what Mayor Giuliani says. ''We are right, and they are wrong. It is as simple as that. And by that I mean that America and its allies are right about democracy, about religious, political and economic freedom, and the terrorists are wrong, in fact, evil, in their mass destruction of human life in the name of addressing alleged injustices.''

That paragraph says just about all of it that needs to be said.

Let me continue. ''Let those who say that we must understand the reasons of terrorism, come with me.'' Listen to this. All of you out there willing so quickly to carry up a sign and call America a bully, that say in some way America probably had this coming, that America does not understand these so-called freedom fighters. They are not freedom fighters. They are cancer. That is exactly what they are.

Listen to this paragraph by the Mayor of New York City. ''Let those who say that we must understand, let those who say that we must understand the reasons for terrorism come with me to the thousands of funerals, the thousands of funerals we are having in New York City, thousands, and explain those insane maniacal reasons to the children who will grow up without fathers and mothers, and to the parents who have had their children ripped from them for no reason at all.''

□ 2145

So we can see that Giuliani, the Mayor of New York City, in his address to the United Nations yesterday, and to Tony Blair in his remarks today, we have people who stand strong; and we have people who are willing to say, it is as clear as night and day. There is no question who is right, and there is no question who is wrong. That is what Mayor Giuliani said. The evidence lays 2 miles, less than 2 miles from the United Nations building, from where he gave that speech. I commend the Mayor, all of us commend the Mayor for his actions in New York City; but I commend the Mayor for having the guts and the gumption to show up in front of the United Nations and lay it on the line.

This is not something that we negotiate, as the President has very ably said. It is nonnegotiable. It is a cancer. We do not negotiate with cancer. We need to eradicate cancer. To my left, we could put the word ''cancer'' right across the top of this. Our Nation's security is an imperative requirement for those of us who have responsibilities of leadership, not only to our generation, but for the future generations of this country. The test of our leadership is here today. The test of our will and the strength of our beliefs are being challenged today by a horrible cancer. Can we and will we rise against this, even though it requires patience?

It is not an easy battle, and nobody out there believes it is an easy battle. We were not able to destroy a country. This, we do not believe, was sanctioned by a country, although it appears that Afghanistan is going to continue to shelter the terrorists; and as the President, and I think the belief of the American people have said to that Taliban regime over there, look, you cannot cooperate with this cancer. You have to get out of the way. Our focus is to get the cancer, and if we find you are a contributing cause to the cancer, you need to be eliminated. There is no question about it. If you are not a contributing cause to the cancer, get out of the way so that we can take on the cancer. If you are a contributing cause to the cancer, it must be eliminated; and that is exactly the message.

In our time today, I say to my colleagues, it is perhaps in our career the one deciding point of how well we can exert leadership and our responsibilities as Congressmen of the United States of America.

There are several different issues that we need to be concerned about for the security of this country. One of them that I found very interesting in the last couple of days, just some recommendations I think we should take a look at. The Feinstein proposal, Senator FEINSTEIN. Let me just give the background. She has mentioned, she said, there is no question we have to look at our immigration laws. Our borders are too loose. There has been a lot of focus on our borders. Take a look at what is happening at the borders. What can we do to improve the borders?

Well, we also have to take a look, because we have a big problem once people get inside our borders. What kind of enforcement do we have across this country? My understanding is that the INS has about 2,500 agents for the interior of the United States, for our homeland; and that is what we are talking about. How do we defend the homeland? We have to assume that people will get by those borders, on legitimate reasons perhaps and then turn to illegitimate purposes, or get by those borders through illegitimate means and then they get into the center of the homeland. We have to provide the INS with the type of resources to have a homeland defense against those who violate some of the most liberal immigration laws in the world. Our country stands proud on its open arms to immigrants. Most of us were beneficiaries of that policy. But it does not mean that we should shirk our responsibility or look the other way at the problems that we have with the immigration policies that are in place.

Senator FEINSTEIN, through her proposal, the Feinstein proposal, urges major changes in the United States visa program. This proposal has found its time. These student visas, let me give a little background. This is from the proposal. One of the suicide pilots of American Airlines Flight 77, which crashed into the Pentagon, had enrolled in an Oakland, California, college in November 2000 for an English language course, but never showed up. Mr. Speaker, when a foreigner gets a student visa, they are required, once they get the visa, to go to school; or obviously, they are not using the student visa to go to school, they are using it just to gain access to the country. That is what appeared to happen here. Investigators are also examining whether or not three others, also believed to be involved in the hijacking of Flight 77, attended a community college in San Diego.

Officials estimate that 245,000, 245,000 foreign students have entered the United States this year to pursue a course of study. Between 1999 and 2000, in other words, in a 1-year period of time, the State Department issued 3,370 visas to students from nations on the United States Terrorism Watch List. In other words, the United States keeps a watch list of countries we consider that harbor or otherwise condone terrorism; and from those States, we allow almost 4,000 students to come to college in the finest universities in the world here in the United States.

What are we? Did we just hit our head falling out of a swing? I mean not even the civil libertarians can defend that kind of policy. We have a right to accept students, and we have a right to say no to students; and if we have students who are coming from a regime who have harbored terrorism, in my opinion, that should stop immediately. There should not be one more student, not one more student visa issued to a country on this Nation's terrorism list, not one. And that statement goes further than the Feinstein proposal.

The Feinstein proposal, as I have read it, does not say that. I have said that. I do not think that the United States of America has to give one inch, has to give one inch to any country or any regime in the world that harbors or condones terrorism and allows their young people to come to our Nation for their education. We should not do it. We do not have to do it. It is not a question of being politically correct or not. In fact, being politically correct would say that our primary concern ought to be the national security, the

security for our homeland. It is not being racial or racist by any definition of the word. It simply is saying, look, it is logical, it is common sense. Do not educate the young people in our own country or countries that condone terrorism against our country. Do not take in the enemy's children to educate them and turn them against ourselves. It does not make sense.

Mr. Speaker, let me continue on with the Feinstein proposal. In 1996, Congress approved a Federal law to require the INS to electronically collect data on all international students by 2003; but to date, the system has not yet been set up. They have no funding. It is section 110; it is under the Immigration Reform and Immigrant Responsibility Act of 1996. Zero funding for it. It is not and should not be considered ''politically incorrect'' to talk about the immigration policies of this Nation. What more of a wake-up sound do we need? What kind of an alarm do we need to sound before we start to look at these issues; and the student visas are an excellent place to start, a good place to start. So I think that the Feinstein proposal is something that this Congress ought to look at immediately.

I want to move on to something else that I think is absolutely critical. I want to talk to my colleagues about missile defense. I am appalled that since the September 11 tragedy, that some people have addressed missile defense as something that is not necessary. If ever there was an example of a need to defend the homeland, that September 11 displayed to us that this time it was an airplane, next time it could be a biological weapon or it could be a missile.

I will tell my colleagues something else that people are not thinking about. We not only in this country have zero defense against incoming missiles to this country; but we do not have any defense, not just a missile that is intentionally launched against this country. We frankly do not have a defense against a missile launched against this country by accident. Think about it. Everybody that talks about missile defense puts it in the context of an intentionally launched attack against the United States. I think that that is a high possibility at some point in the future, and I think we have an inherent obligation as Congressmen to defend this country, to defend the homeland, to give us homeland security against a missile defense.

But we also need to broaden our thoughts and think about what would happen if Russia, for example, by accident, not intentionally, but through carelessness or through negligence or by accident, launched a missile against the United States and we do not have a missile defense system to stop it. Would that, because a country, which we could establish was a country, not a terrorist, but a country, fires a missile accidentally, and it hits a major city, and we know what kind of damage a nuclear weapon would do, it would make September 11 look kind of small compared to the damage that a nuclear weapon would do. What do we do, start a war? Every peace advocate in America ought to be some of the strongest proponents in America for missile defense. Why? Because missile defense could help us avoid a future war. Think about that accidental launch as I go through my remarks.

Obviously, what we have to think about is preemptive defense. How do we preempt the challenge that faces us out there? Now, we know, for example, NORAD located in Colorado Springs, we have thought well enough into the future, and our forefathers had the foresight to say we need to have a detection system. We need to detect where the enemy moves around. We need to detect when people who do not have the best interests of this Nation in mind, we need to be able to detect what they are up to. And if they launch aircraft against us, if they launch a balloon against us, a hot air balloon, if they launch a missile against us, we need to track it. We need to have the capability to pick it up very early.

Mr. Speaker, we did that, and NORAD, which is a joint operation with our good neighbors to the north, Canada, put together a system that has incredible detection. We have through this system that we have, that is in place today, we have the capabilities to pick up a missile launch anywhere in the world. We can, within seconds, tell where its target is, we can tell the speed of the missile, we can tell with pretty high probability what the speed of the missile is, whether it has multiple warheads on it; but much beyond that, we cannot do anything else. A lot of citizens out there today are asking questions: How do we defend ourselves? What do we actually have in our arsenal for homeland defense, for national security? Mr. Speaker, we do not have anything for missile defense.

Our President, before September 11, one of the issues that he campaigned on and one of the issues that he has followed through on and has been very aggressive about is that we as a Congress, he as a President, and this Nation as a Nation has the responsibility for future generations to preempt missile attacks against the United States of America.

Probability of events. I have two things listed on this poster. One of them, of course, as we look to my left is the intentional launch. Obviously, at some point in the future, now, people, it could be realistic that a nuclear missile would be launched against this country. Do we think that bin Laden or those terrorists who committed this terrible act, do we think that if they would have had a nuclear weapon in their hands that they would have thought twice about using it?

□ 2200

If they would have had the capability to deliver a missile into this country, that would not have been an airline that hit those towers, that would have been a missile that hit those towers, in my opinion.

The only thing that stopped those people from using a nuclear missile or a nuclear weapon is they did not have it. It was not because, by the way, we would stop it, because it is pretty well known we have no capabilities to stop it. We have the technology that has very rapidly progressed to the point where we think we can develop within this country, in a few short years, a very effective missile defense system. We need to do that. We need to do it today. The time is here, it is now, for a missile defense system.

As I said earlier, again to my left, not necessarily an intentional launch, but take a look about an accidental launch. What if somebody accidentally launched against this country? If we had the capability to stop an accidentally-launched missile as it began to head for this country, if we had the capability to stop it, we may very well have averted a major, major conflict, the likes of which history has never seen.

But if we do not have the capability to stop that missile, what do we do? What do we do if a country accidentally launched a nuclear missile into a major city in the United States, and we lost hundreds of thousands of people? We would feel pretty horrible that we did not take the opportunity we have today to put a missile defense system into place. We would feel pretty horrible that we did not take the time and the money that we have to continue to develop the technology to perfect defense for the United States of America for security for our homeland.

I wanted to point out a few things here, that the terrorist attack of September 11, the terrorist attack of September 11, confirms the growing need for a missile defense. Homeland defense is insufficient without missile defense.

I have heard people say in the last few days, we need to be biologically prepared to fight a biological attack. We need to be prepared to tighten up our airport security so we do not ever see a repeat of what happened on September 11. We have to be prepared for other types of attacks.

Let me tell the Members, one of them that to me is the most dangerous threat for future generations, and frankly, for our generation, but as more countries develop and acquire nuclear weapons, our threat, one of our major threats, not the only threat, and I am not taking anything away from airport security, obviously, I am not taking anything away from biological defense for homeland security, but I am saying, put into that formula a missile defense system, or we will live, I think, I truly believe that my generation will live to see the day that we regretted back in the early part of the 2000's not putting a missile defense system in order.

While systems are in place to thwart terrorism, the Nation still has no defense, and I stress the word ''no,'' the

Nation has no defense against missile attack. Missile attacks will be far more destructive than the September 11 assaults. I do not think anybody questions that.

Terrorist groups, not just states but terrorist groups, have the means to buy ballistic missiles. Missile defenses are needed to shield the United States from retaliation, should it take action against terrorist-harboring states.

Look at that last point. Missile defenses are necessary. If the United States decides to take action against a country that is harboring or condoning terrorism, or actively engaged in terrorism against the United States, one of the critical elements of our offense against terrorism is the ability to defend our Nation from missile attacks that might come back as retaliation. Those are very, very key elements.

The red is nuclear proliferation, nuclear proliferation. That is the red right now. Right now that is what we have. Countries of nuclear proliferation concern, that is the green.

I say to my colleagues, take a look at this map today in 2001, a month after the worst disaster this country has ever suffered. Take a look at this map. If we do not do something about it, if we do not defend against it, take a look at how threatening this map will be just in 10 years. See what happens to these colors, and see how widely they spread throughout the world if we do not take decisive action in the period of time that we now have the opportunity to take decisive action.

We have a little gap in there. We have a window of opportunity to develop this missile defensive system. Right now the countries that would intentionally launch against the United States I do not believe would engage in that kind of conduct within the near future. I do, however, believe, and I think every one of my colleagues would agree with me, that today every country in the world that has nuclear missile capability also has the capability, frankly, to screw up, to fire a missile by mistake.

If that missile comes to the United States, we have an obligation, we have a need for the American people to defend against it. We have this short window of opportunity, a few short years here before this red spreads throughout the world to provide us, to provide Canada, to provide any of our allies or any of our friends defense against missile attack.

Watch this map. Mark this map. A few years from now, a few years from now, take a look at it. By God, if we as a collective body have not, 10 years from now, provided this Nation with a missile defense system, we will have been grossly derelict in our duties. We will have been grossly derelict in our responsibilities for the future survivability of this Nation. That is how much weight I put on this decision to defend against accidental or intentional launches against the United States of America.

Mr. Speaker, ballistic missile proliferation. I just showed Members what was happening with the nuclear spread throughout the world. Now take a look at what has happened with regard to proliferation with regard to ballistic missile capabilities. This is a very, very important chart. This indicates very clearly that when the antiballistic missile treaty was signed, for example, there were two countries in this world capable of attacking each other with nuclear missiles. It was Russia and the United States.

But today, look how this has changed, ballistic missile proliferation. Look at the purple throughout this map. Countries possessing ballistic missiles.

Let me just give some examples. There are Iran. Heard that name lately? There is Iraq, India, Hungary, Libya, Pakistan, Poland, Rumania, Syria, Taiwan, South Africa, Slovakia, Saudi Arabia, Russia, United Kingdom, Vietnam, Algeria, Argentina, Bulgaria, Afghanistan, Afghanistan, Afghanistan.

Mr. Speaker, the capability of nations in this world to develop and to deliver a ballistic missile threat to the United States is no longer a threat in somebody's imagination, it is reality. It is there that we have a demand upon our authority and our power to protect this country to stand up and protect against ballistic missiles, either accidental or intentional, against this country.

When we talk about ballistic missiles, when we talk about missile defense in this country, we obviously have to discuss the treaties that have some type of oversight on missile defense of a particular country. There is only one big treaty out there. It is called the ABM treaty, the Anti-Ballistic Missile Treaty.

Now, some people have said that we cannot break or we cannot abandon the Anti-Ballistic Missile Treaty, that we are walking away, that we are breaching a treaty, that we have broken a treaty, in one of the few times, outside of the Native Americans, one of the few times in international relations the United States has broken a treaty.

That is not the case we face. That is not what the Anti-Ballistic Missile Treaty says. I will go into some detail here in just a minute. The Anti-Ballistic Missile Treaty obviously has a historical story to it. Let us look at that story.

Back 30, 40 years ago, Russia and the United States were worried about Russia and the United States. They were not worried about Pakistan or India or Romania or Slovakia. They were not worried about any of these countries, they were worried about the nuclear capabilities of each other.

So the United States and Russia sat down at a table and said, ''Let us negotiate some type of agreement to minimize the risk of us attacking each other.'' Remember, at that point in time, there was no other Nation in the world, no other Nation in the world that had the capability to deliver a ballistic missile onto the U.S. mainland or onto Russia with a nuclear warhead. Only two countries had it.

So they sat down at that time and they came up with a theory. ''Look,'' the United States says to Russia, and vice versa, Russia says to the United States, ''Let us sign an agreement that will not allow either one of us to defend against the other's missiles.''

Now, that sounds perfectly illogical. I think today it is absolutely crazy. But back then, there were some who thought, hey, that is logical. We will not attack because we are afraid of the retaliation. Since we cannot protect ourselves from the retaliation, the incentive to attack is taken away. That is the fundamental theory upon which this treaty was drafted.

But when they drafted this treaty, both the Russian negotiators and the American negotiators had enough foresight to say, ''Look, treaties protect what is in effect today, as far as we can see into the future, but both countries must have the allowance or the flexibility under this treaty and under the terms of this treaty that if things change in our society, that there is a way to modify or to terminate the agreement.''

So when people tell us the only way we can provide a missile defense is to breach a treaty, they are patently false. It is false on its face, that type of statement. In fact, the treaty itself allows for withdrawal from the treaty.

Let us go over the critical language here that would allow us to withdraw from this treaty. Article 15 of the Anti-Ballistic Missile Treaty, again, the ABM, ''This treaty shall be of unlimited duration. However, each party shall, in exercising its national sovereignty, have the right to withdraw.''

So this is a right contained within the treaty. It is a right, a treaty right. We are not breaching it, we are exercising a right. ''Each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests. It shall give notice of its decision to the other party 6 months prior to the withdrawal from the treaty. Such notice shall include a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests.''

September 11 was a horrible, extraordinary event. That, true, was not caused by a missile, or a missile as we define it. It actually turned an airline into a missile. But the fact is, we have now discovered, unfortunately, we have been rudely awakened to the fact that attacks like this are no longer happening in other countries. It is not terrorist acts that we read in the morning papers or see on the morning TV being committed in the Middle East, it is in the center of our homeland. It is in New York City. It is through the expense of 6,000 or 7,000 lives that we have

now learned that extraordinary and terrible and horrible events can occur within the borders of our country.

It should enhance the determination of every one of my colleagues, every one of us on this floor, that we need to defend against every possible tool of murder that we see existing out there, whether it is by another country or by terrorists. This treaty prevents us from having a missile defense system unless we can show that an extraordinary event has occurred.

Let me give an example of the extraordinary events. Obviously, September 11, 2001, was a horrible, horrible tragedy and an extraordinary event. But let us look at other extraordinary events. Remember the graph I just showed a few minutes ago of the proliferation of ballistic missiles throughout this world? That is an extraordinary event. It is a high-risk event. When this treaty was drafted, nobody ever imagined that the ballistic missile would be found in all of those countries.

Remember the chart I showed before that chart about the proliferation of countries that now possess nuclear capabilities? No one ever imagined when this treaty was drafted that anyone other than Russia and the United States would have nuclear capabilities. Those are extraordinary events.

□ 2215

Those are the kind of events that the negotiators for both Russia and the United States realized there had to be a right contained within the four corners of the treaty that would provide for a country, for its national sovereignty, would provide for that country to provide homeland or national security.

So the treaty itself allows us, contains a right for us to walk away from it if, in fact, extraordinary events have taken place, and I have shown to you that these kind of events have taken place, that our Nation now needs to focus and refocus lots of energy, lots of resources at homeland security. On that list, towards the very top of that list, ought to be a missile defense system.

Let me summarize, go back to some of the comments that I think are so critical this evening for us to talk about.

First of all, I think it was a very meaningful speech that Mayor Giuliani gave to the United Nations yesterday. Mayor Giuliani laid it on the line. He in essence said to the United Nations: today is your test. Today, your ultimate and your whole reason for being peacekeepers is being tested. You cannot remain neutral, United Nations, on this issue. You need to come forward. This is not a negotiable type of event. This is a horrible, tragic event, as the Mayor said, with the evidence buried less than two miles from the United Nations.

As Tony Blair said today in his remarks which were probably next to President Bush's remarks and Giuliani, those three speeches I think will probably go down as three of the finest speeches given in a warlike situation like we have faced and like we face today, and what Tony Blair said is you must defeat it or it will defeat you. Think about it. You must defeat it or it will defeat you.

Think of it like a cancer, and that is exactly what terrorism is. Terrorism is a horrible, horrible cancer. You do not negotiate with cancer. You have to kill cancer. You have to eradicate cancer. It is not negotiable. Cancer does not listen to you. Cancer does not care about your children. Cancer does not care about your future life. Cancer does not care about your youth.

Cancer only cares about one thing, and that is, the destruction of the human body. And terrorism is exactly the same thing. It does not care.

Do you think those terrorists cared about the widows or cared about the children whose parents are gone forever, who cared about the parents whose children are gone forever? You think they cared at all about those people that Time magazine or some of these others have pictures of them intentionally jumping off the World Trade Centers, including one couple that is holding hands as they fall? You think those terrorists cared about that? You think those terrorists cared one iota about the passengers on those airplanes?

You differentiate for me between a terrorist and evilness of cancer. There is no difference, and nations throughout the world today must make that choice. As said by President Bush, as said by Tony Blair, as said by Mayor Giuliani of New York City, the choice must be made. There is no neutral territory here. No, none, zero, zip. It is nonnegotiable. You either defeat it or it defeats you.

I say with due respect to those people who are saying, including some college professors around this country, who are saying that, gosh, the United States has got it coming, because of our bullying, our foreign affairs. Keep in mind, no country in the world, no country in the history of the world has done for its neighbors or for people with less good fortune what the United States of America has done. No country in the world has educated as many students from all countries as America has done. No country in the world has guaranteed in its Constitution, and judiciously followed its Constitution, the rights and civil liberties that America has for its citizens.

No country in the world has seen the economic power that the United States has developed through capitalism. No country in the world has taken its military might to help its allies as often as the United States of America has done. No country in the history of the world has allowed the thousands and thousands of its citizens to give their lives for the defense of a country clear across an ocean like America has done.

No country in the world has done for medical research what America has done. No country in the world has helped Afghanistan as America has done. No country in the world allows immigrants from all parts of the world to come in in an orderly fashion and be able to become Americans and be able to live the American dream.

We have a lot of good things about this country, and of interest, Dr. Hassan said the other day, after we had this town meeting in Pueblo Colorado, Dr. Hassan said, we need to continue to put the message out there. We need to tell people what America is about and how good America is and what fine people America has, and he used an example.

He says, you hear people talked about these terrorists and how dare they say something like freedom fighters. Remember what those terrorists did. In some of the writings that you have seen since that horrible day 3 weeks ago, you have seen people say, well, these people were so devoted to their cause that they gave their lives; these terrorists were on a suicidal mission because they were so devoted to their cause.

What was their cause? Their cause was to bring down the free world. Their cause was to destroy democracy. Their cause was to destroy human rights. Their cause was to destroy the rights of women or the rights of any ethnic race. Their cause was to destroy a society that recognizes the value of its population. As my friend Dr. Hassan said, remember, they were in an airplane and they gave their lives for one reason, to take other lives, to destroy a nation.

Not long after, those terrorists committed suicide in these terrible things they did. But add 300 some New York City firemen and 200 or 300 some New York City police officers who ran into those towers, ran up those towers on what they had to know was a certain death. They knew when they went up those towers they would probably never see their children again, they would probably die a horrible death. And, unfortunately, they did. But when they were running up those towers, giving their lives, they went up those towers to save lives, to save a Nation. And that ought to distinguish pretty clearly the kind of cancer that our President is so capably leading our country towards eliminating.

Now, we have to be patient in our upcoming battle. It will be kind of like a cat on the hunt for a mouse. A cat will sit there patiently and the mouse may go by and the mouse may come back by, but until that mouse is in exactly the right spot, the cat will not strike. And that is what we have to do.

We have no gripe with the Muslim population. We have only a gripe with the cancer that has penetrated that population and penetrated our population. It is like delicate brain surgery. We do not want to blast the entire brain out of the human head. We do not

want to go off half-cocked, and our President is showing us he is not doing it this way. We need to go in very methodically and focused and take that cancer out of that human body. And that is the mission of every one of us on this House floor. And that is what the American people expect of us, what all the world's democracies expect. In fact, it is what the entire world expects of us, nothing less.

## IMMIGRATION AND PROTECTION OF OUR BORDERS

The SPEAKER pro tempore (Mr. ROGERS of Michigan). 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, let me say first of all that as I sat here and observed and listened to the comments of my colleague, the gentleman from Colorado (Mr. MCINNIS), I am taken with the profound nature and the fact that he has for quite some time been a consistent and articulate spokesman for the concept of a missile defense system, which I certainly agree with him now increases in terms of its importance in the context of the defense of the Nation.

I hope he continues to speak on this issue. I hope he continues to be the sort of advance guard for this concept, because, of course, it is one that is being criticized by our opponents. And it needs people like my colleague to defend it.

It is striking because, from my own point of view, it is in a way a metaphor for what I want to talk about tonight. The gentleman talks about the danger we face, among other things, and this was just a part of his presentation, but he was talking about the danger this Nation faces from an outside source, from something coming in, crossing our borders, and attacking our cities. And he talks about the need of the United States to prepare some sort of defense against it. I certainly agree with him that that need is great. But it is a metaphor, as I say, for what I wanted to discuss tonight because I believe the issue of something outside of the United States, or somebody, in my case, outside the United States becoming a dangerous missile directed in our direction.

Whether in the form of a huge massive piece of steel or in the form of an individual who is willing to give his or her life turning an airplane into a missile, the fact is we must protect our borders. We must defend the Nation against these outside incursions. And although I totally and completely support the idea of a missile defense shield, I must add that there is another thing that we are responsible for here in this Congress, something that we are uniquely responsible for in the Congress of the United States, something no State can individually take on for itself, just as they cannot take on the defense of the country individually State by State, but that they rely upon the Federal Government for that purpose, and that is the Federal Government is solely responsible for the control of our borders, for the control of immigration across those borders.

States cannot in any way, shape, or form manage that problem. It is not delegated to them in the Constitution as a responsibility. And, of course, it is not realistic to think that they could take that responsibility on. It is uniquely this body, the Congress of the United States, and the President that have the ability to control that process, entrance into the United States of America.

And what more do we need to know? How much more do we have to see before we come to the conclusion that what we have been doing for the last 20 or 25 years in terms of protecting our borders has simply failed us? The people that took over the planes, the people that did all the preparation, the people that did all the planning, all the cells that are operating inside the United States, or those of which we know anyway and those that have been made public, all of them had as members people who were foreigners to the United States, people who were here on various types of visas or, in some way or other, had come into the United States; but they were not citizens of the United States. They had come across our borders for the purpose of doing us harm. And we allowed them to come across the borders. And we allowed them to stay here, even though, by the way, some of them had given us cause to be concerned.

□ 2230

In a recent article appearing in the New York Times, of all publications, September 27, the headline is ''Suspects in Hijackings Exploited Loopholes in Immigration Policy.''

The article goes on to describe, it says,

> For Hani Hanjour, identified as the pilot who flew the jet that rammed into the Pentagon, blending into the American landscape began in Saudi Arabia with a $110 application for a four week English course in California. He had only to prove that he had $2,285 to pay for the lessons along with room and board. He never turned up for class. Two other men the authorities said plowed jetliners into the World Trade Center, Mohamed Atta and Marwan al-Shehhi, entered the United States on tourist visas. Even without the required student visa, the men studied at the flight school in Florida.
>
> Counselor officers deluged with visa applications say they generally do not have much time to investigate the applicants. Once foreign visitors enter the United States, immigration officers and law enforcement agencies usually have no idea if they are complying with the terms of their visas. United States Immigration officials said the hijackers exploited an immigration system that critics contend is riddled with loopholes.

I am certainly one of those critics and have made my concerns with regard to this particular problem known for many months here on the floor of the House.

Until September 11, that system was geared to ease the way for commerce, whether in the form of tourism, business or study. Experts on tourism said that security precautions often took a back seat to pressures from industry, the concerns of neighboring governments, and even bureaucratic rivalries in the United States Government.

According to the State Department manual for counselor affairs, participating in the planning or execution of terrorist acts would bar a foreigner from getting a visa, but ''mere membership in a recognized terrorist group would not automatically disqualify a person from entering the United States, nor would the advocacy of terrorism disqualify a person from coming into the United States.''

I could go to an embassy in Saudi Arabia, in Syria, in Iran; and I could apply for a visa to the United States, and I could list my membership in a wide variety of terrorist organizations, terrorist organizations that had called for the kind of thing that happened on September 11. But the visa officer in those embassies would not be able to exclude me, would not be able to stop me under the present system of immigration laws we have in the United States from coming here.

If this is not unbelievable to you, Mr. Speaker, I cannot imagine what we can say that could more clearly define the problem than this.

The manual, apparently unchanged since September 11, says that the United States will exclude immigrants who incite for direct terrorist activity but that statements of a general nature that do not directly advance specific acts of terrorism are not automatically a basis for exclusion. Some American investigators have said they believed Mr. Atta, the apparent mastermind of the group, belonged to the Egyptian Islamic jihad, and that he met with Iraqi intelligence officers this year. He apparently entered on valid visas and may have even reentered the country after overstaying his visa on his last trip to the United States.

Mr. Speaker, approximately 30 million people obtain visas to visit the United States every year. Thirty million people come into this country via visas every year. Most of them of course are on tourist visas. Some are on business and education-related visas, but 30 million come in. We have some approximation; we think we have a handle on how many overstay or violate their visas, and it runs at about 40 to 45 percent. So that means that 12, 13, 14 million people a year come into the United States, ignore the visa requirements, and simply stay.

Do you know what happens to them, Mr. Speaker? You know one of the reasons why such a high percentage of these people can and do violate their visa regulations? It is because nobody cares. It is because no one will take any action against them.

The INS will say that it is an overwhelming job for which they are not

sufficiently funded. Perhaps so. It is also true that the INS could not care less about the people who overstay their visas. There is a culture, a way of thinking in the INS, I do not know if it is still there after September 11, but I can guarantee you it was there before then and I think it is still there now, that encourages and it essentially abets the criminals who come into the United States, who come in illegally to begin their stay here or eventually become illegal because they overstay their visas. The INS does not care. It is of no consequence to them. In fact, they want to encourage it.

Mr. Speaker, I was actually in a debate on the radio with a lady who was the regional officer in the Colorado area for the INS. She may have been the public affairs person. She was asked by the host of the program I was on, why is it that the INS does not actually arrest and deport all of the people who are here illegally? Why do they not essentially find them, round them up and send them out of the country? I thought it was a very logical question. By the way, this was before September 11. And she said because that is not our job. She said the INS, it is not our responsibility to deport people who are here illegally. Our job is to figure out a way to get them legalized. I have no idea where she read that, what particular set of rules or regulations or under what law she interpreted her role as an INS agent as simply helping everyone in the world become a U.S. citizen. I suggest that is an inaccurate observation on her part.

It is the case that most people in the INS, many, I should say, many people in the INS have that same sort of idea. They are infused with this concept of open borders. They believe their real task is to get as many people in here as possible, get them legalized, and have them eventually become citizens of the United States. That is not what I consider their role, but that is what they consider their role. They ignore the 12 to 15 million people who overstay their visas. Nobody checks into it. Hence, we end up with people like the ones that I have just identified who became the hijackers and took the lives of thousands of Americans. They had overstayed their visas, many of them. Nobody cared. Nobody checked.

Mr. Speaker, this issue of our ability to control our own borders is extraordinarily important from my point of view. It is true that I have been on this floor many, many hours in defense of a policy that would protect our borders, defend our borders, help us determine who comes in and how long they stay. The right, not just the right but the responsibility of every nation on this planet is to do just what I have described, protect and defend their own borders. Most nations do so, and we do not begrudge them that. Mexico does so. Not 2 months ago Mexico decided to once again put Federal troops, Mexican Federal troops on their southern border with Guatemala. Right before President Fox came here to ask the United States to essentially open our southern border, he made a decision about what was good for Mexico; and he determined that the large number of people coming across the border, the low-skilled people, were causing an economic drain for the Mexican Government, and he determined to put a stop to it.

This is not the first time Mexico made that decision. Mexico in the past essentially rounded up immigrants illegally coming into their country, and I mean that in the literal sense, put them in detention camps or sent them north to get them out of Mexico. Yet the President of Mexico comes here and says it is our responsibility to open our border to his people, to his unemployed because, of course, they choose not to deal with the horrific economic problem and social problems that beset that nation. They would rather have the United States be the sort of safety valve that they need to keep their people moving north and sending money south.

Mr. Speaker, no one is suggesting, certainly I am not suggesting that the events of September 11 were the responsibility of Mexican immigrants. They certainly were not. They were the direct actions taken by people from the Middle East. But my point is this: we must do everything we can to seal our borders except to those people we determine need to and legitimately have a reason to come into the United States. Just because one of those borders happens to be between the United States and Mexico is not the point. It is not anti-Mexican to suggest that we need to deal with the border any more than it is anti-Canadian to say that we must deal with the issue of a porous border on our northern frontier. It does not matter which country we are separating ourselves from, it is the function of this government, it is the legitimate function of this government to in fact ensure the domestic tranquility and provide for the common defense. That means, among other things, the defense of our borders.

Going back to the article that was in the New York Times, it said, ''In spite of elaborate immigration laws and the efforts of the INS,'' which is almost a joke, ''the United States is de facto a country of open borders, the National Commission on Terrorism said in a report last year.'' It is that same report that we now hear spoken of widely as being prophetic. It is that same report that people refer to constantly and say why did we not pay attention. To Mr. Rudman and others who were the authors of the report when they gave it to us, a relatively short time ago, but even before that we had warnings.

In earlier reports, in 1997 we had the Jordan Commission Report. The late Barbara Jordan was not considered to be a raving conservative with attitudes so anachronistic in nature. Barbara Jordan was a very outspoken, very articulate, very liberal individual, politically speaking. It was the report she commissioned that talked about the dangerous nature of our porous borders. It talked about a whole bunch of interesting issues, and I certainly commend it to anyone for their review.

□ 2245

If they think that this issue is simply one of those right-wing conservative, white men issues, Barbara Jordan, an African American, who understood the problems and the dangers we face in this Nation as a result of massive immigration, legal and illegal, as a result of having borders that are completely and totally porous as a result of being unable to defend ourselves and unwilling to defend ourselves in that particular way.

Mr. Speaker, I find myself in a dilemma. It is one with which I have dealt for some time, and it is this: I know that a huge majority, somewhere 75 to 80 percent of the people of this Nation, support our point of view vis-a-vis immigration and immigration reform. A huge majority of the people of this Nation believe that we should reduce immigration, that we should gain control of our borders, that we should do something to stop the flow of illegal immigrants into this country, that we should do something to make sure we know what people who are here on visas are in fact doing. That we in the United States and the Federal Government should take on our responsibility to protect and defend this Nation by protecting and defending its borders.

I know, Mr. Speaker, that a huge majority of Americans agree with this point of view. Believe me, I hear from them. And the dilemma is this: How is it that we can have 75 to 80 percent of the population agreeing that we have to reform our immigration laws and do something to tighten up on the way in which people are able to obtain entrance into this country, why is it that that is the case and that this body is unable or unwilling to reflect that point of view? How is it, Mr. Speaker, that even in light of the events of September 11, that we have a situation where when the administration comes forward with a bill that has relatively few points dealing with immigration and visas, even those points are watered down?

I saw today in the paper that this House, somehow it said, the House has agreed on a new antiterrorism bill. Now, no one has asked me about that yet, but it does not matter, the leadership evidently in both the House and the Senate have come to some conclusion about what the antiterrorism bill should include. And when it got down to the point about immigration, it talked about how watered down that bill had become. It talked about the fact that one of the provisions that was stricken from the measure was the ability to detain people who were here, aliens who were here because we believe that they are connected to some terrorist organization, now we have

only a certain period of time and they can go to court, all the rest of the stuff.

Amazing, Mr. Speaker. Absolutely amazing. We act as though, and we talk as though these people who have come here from foreign countries, whether for good intentions or ill, we talk as though they are American citizens, with the same rights as an American citizen.

Mr. Speaker, they are not, by definition, American citizens. They do not enjoy the same rights as American citizens. Just simply being here, simply being within the, quote, borders of the United States, existing here does not confer upon you any of the rights guaranteed in the Constitution. There are some liberal judges who have interpreted this differently, but I suggest they are incorrect in their analysis. I suggest that if we do not say that there is a difference between people who come here and simply get across the border and exist here and those of us born here or obtain legal citizenship status, if there is no difference, then why do we even have the concept of citizenship? Why do we go through the process of having people raise their hand at a point in time when they come across the borders and swear allegiance to the United States and confer upon them citizenship? What does it matter? Why do we not just end the charade and say if you are here, if you have made it across our borders somehow, you get all of the same benefits as a citizen?

Mr. Speaker, I do not believe that that is what the founders of the Nation intended. And as a result of the fact that the people to whom we are focusing on, whom we are focusing our issue here tonight and were part of the antiterrorism bill, they were not and are not citizens of the United States and, therefore, have absolutely no, quote-unquote, right to any of the protections that the immigration lawyers and our friends on the other side of the aisle forced into this package. But that is the extent to which we in this body have sunk. We are unwilling to confront the proponents of open borders. We are perhaps even willing to risk the security of this Nation in order to gain a political advantage, a political advantage that would accrue to one party who would gain the votes of these people who eventually became citizens.

Now, that is a pretty cynical analysis, but, Mr. Speaker, I cannot, for the life of me, think of what in the world it is other than a cynical reason employed to stop and water down the antiterrorism bill in the area of immigration reform. It is truly amazing. It is almost beyond belief that this could happen today. But it goes to show you the dilemma, the nature of the dilemma that I referred to earlier.

What do I do, Mr. Speaker? What can I do other than what I have been doing, to take this floor at every opportunity, to express myself as clearly as I possibly can about the nature of the danger, about the nature of our responsibility in the face of that danger?

How much more can I say than has been said? How much more of a statement can I make than was made on September 11 to convince my colleagues that something significant has to change in the way of immigration reform? That is why I take this floor as often as I can and address those who may be listening, Mr. Speaker, and others for the purpose of trying to convince them that pure partisan political motives sink below anything that we believe can and should be done in this body to advance the American cause. I cannot think of any other reason why we are so unwilling to deal with this issue of immigration reform.

Even the administration's bill, the original bill, did not go far enough as far as I am concerned, certainly. We should, in fact, impose a moratorium on all immigration for at least 6 months, except for cases of national security. We should give our agencies, the INS, the FBI, immigration authorities throughout the country, we should give them the opportunity to reform themselves, to reconstruct themselves into a true immigration control agency. We cannot do that with something near 300 million people crossing the border, 300 million people annually crossing the border between the United States and Mexico. We cannot do that with 30 million visas being given every single year.

Let me talk for just a second about one special kind of visa, by the way, called diversity visas. We came up with these in the early 1900s and we said, you know, there are some countries that just are not sending enough people, some countries from which we are not getting quite enough immigration. And so we are going to give them a special place in line. We are going to set aside 50,000 diversity visas for these countries, and they are, among others, Egypt, Syria, Libya, they are countries throughout the Middle East who benefit from diversity visas. Now, I have no idea if any of the hijackers were recipients of diversity visas, but I have to ask if this is one of those things we are going to hang on to because of some sort of politically correct concept about who should be able to come into the United States.

Mr. Speaker, before September 11, there were many people who would even actually openly state that it was their desire to see open borders, not just between the United States and Mexico, the United States and Canada, but open borders throughout the world and that we should be sort of the forerunner in that.

You do not hear them anymore. They do not stand up on the floor of this House. They do not even write editorials in the Wall Street Journal anymore. Cato Institute, a very powerful, very influential, libertarian-oriented think tank here in the United States, has for years pushed the idea of open borders. Even they have been, interestingly, quiet in recent weeks. Nobody thinks it is a good idea anymore, Mr. Speaker, to simply walk away from the borders and let anyone walk into this country at any time, stay for as long as they like, do whatever they want, and leave. Nobody thinks that that is judicious.

Well, interestingly, we are still at that point, even after the 11th of September. We are still there. That can still happen. And although people do not take the floor to attack the idea of open borders anymore, they still want it. They still advocate the concept, they just cannot do it openly, for fear of the political and social retribution that would be heaped upon them, and deservedly so.

There is another article to which I wish to refer this evening. It is written by a lady by the name of Ann Coulter, opinion editorial.

She says:

''After the World Trade Center was bombed by Islamic fundamentalists in 1993, the country quickly chalked it up to a zany one-time attack and 5 minutes later decided we were all safe again. We weren't then. We aren't now. They will strike again. Perhaps they will wait another 8 years. Perhaps not. The enemy is in this country right now. And any terrorists who are not already here are free to emigrate. The government has been doing an excellent job in rounding up suspects from the last two attacks. But what about the next attack? We thought there was only one murderous Islamic cell in America the last time. Incorrect. Congress has the authority to pass a law tomorrow requiring aliens from suspect countries to leave. As far as the Constitution is concerned,'' she says, ''aliens, which is to say any noncitizen, are here at this country's pleasure. They have no constitutional right to be here. Congress has, within its power, the ability to prevent the next attack, but it won't,'' she says. ''When the Sears Tower is attacked, the President is assassinated, St. Patrick's Cathedral is vaporized, anthrax is released in the subway systems or Disneyland is nuked, remember, Congress could have stopped it but it didn't. Pious invocations of the Japanese internment are absurd. For one thing, those were U.S. citizens. Citizens cannot be deported.

So far, thank God, almost all the mass murderers of Americans have been aliens. But even more blindingly obvious,'' she says, ''there was no evidence that the attack on Pearl Harbor was staged by Japanese saboteurs living in California. The Japanese internment was a pure land grab implemented by liberal politicians, President Franklin Roosevelt,'' and she mentions others here, Governor Warren.

□ 2300

''The internment was vigorously opposed by J. Edgar Hoover. This time, the very nature of the enemy is that they have infiltrated this country and

passed themselves off as law-abiding, quiet immigrants. The entire modus operandi of this enemy is to smuggle mass murderers to our shores. But the country refuses to respond rationally. Rather, Congress is busily contemplating a series of 'anti-terrorism measures,' most notable for their utter irrelevance to the threat. What precisely would a national ID card accomplish? The hijackers were in this country illegally. A few may have overstayed their visas by a few days, a minor bureaucratic oversight that they surely would have remedied had they not been about to commit suicide in a monstrous attack. One member of the other body,'' she said, ''has bravely proposed that we take the aggressive step of asking aliens in the country to register periodically with the government so we know where they are. That is already the law in Germany. Several of the hijackers in this attack lived in Hamburg. They obediently complied. The mastermind of the most vicious attack in the history of the world, Mohamed Atta, was in Florida on a 'vocational status visa' in order to attend flight school. Let's say Atta had registered. Now what?

''As the entire country has been repeatedly lectured, most Muslims ever amazingly peaceful, deeply religious, wouldn't hurt a fly. Indeed, endless invocations of the pacific nature of most Muslims is the only free speech it is safe to engage in these days. This is a preposterous irrelevancy. Fine. We get it.

''The New York Times can rest assured that every last American has now heard the news that not all Muslims are terrorists. But that is not the point. Not all Muslims may be terrorists, but all the terrorists are Muslims, at least all terrorists capable of assembling a murderous plot against America that leaves 7,000 people dead in under 2 hours.

''How are we to distinguish the peaceful Muslims from the fanatical homicidal Muslims about to murder thousands of our fellow citizens? Are the good Muslims the ones that live quiet lives, pray a lot and obey the laws? So do the architects of Bloody Tuesday's mass murder. Are the peaceful Muslims the ones that loudly proclaim their hatred of Osama bin Laden? Mohamed Atta did that too.

''The only thing we know about them, other than they live among us, is that they are foreign-born and they are Muslims. The government has been remarkably tight-lipped about precisely how many Muslim visitors we are currently accommodating, but from unofficial estimates there appears to be more than 1 million. Even if the Attorney General instigated latter day Palmer raids, it will take years and years to investigate and infiltrate every potential terrorist cell operating on our shores.

''The investigation should not be conducted while the enemy continues residing here, plotting the next attack. It is an extreme measure,'' she says, ''but we face an extreme threat. It is suicidally naive to think we can simply seal off every water supply, all the air vents, food supply and crop dusters from now until the end of time. We cannot search every truck, every passenger, every shopper, every subway, every person entering every building, every American every day. It is impossible to stop Islamic fundamentalists who think that slaughtering thousands of innocent Americans will send them straight to Allah. All we can do is politely ask aliens from suspect nations to leave,'' she says, ''with full expectation of readmittance while we sort the peace-loving immigrants from the murderous fanatics.

''More benefits of the plan next week, but the beauty part of the terrorist deportation plan can't wait. There will be two fail safes. One, Muslim immigrants who agree to spy on the millions of Muslim citizens unaffected by the deportation order can stay, and, two, any Muslim immigrant who gets a U.S. Senator to waive his deportation by name gets to stay.

''This is brutally unfair to Muslim immigrants who do not want to kill us, but it is not our fault. It is the fault of the terrorists who are using their fellow Muslims as human shields. So far, America's response to a calculatingly cold-blooded enemy has been to say, excuse me, you seem to have dropped your box cutter.''

Now, Ms. Coulter's observations are just that, her observations. She is, of course, free to state them. And they are harsh, and I doubt for a second that this body would ever consider such an action as deporting all people who are here as immigrants and who are Muslims.

We are not going to do it, and whether that is good or bad I will leave up to the observer. But I will say this, that there are many things we have an absolute right and ultimate responsibility to do. Putting troops on our border, a scary proposition for some, an absolutely logical one for me. Also, I might add, Mr. Speaker, a logical one for a majority of Americans. They agree it should be done.

The purpose of the military is to defend our borders. We know where our borders are. Let us send them there. We cannot depend upon the INS to protect us. We cannot depend upon the INS to keep people out of the United States who should not come. We cannot depend on the INS to enforce our own laws.

An amazing thing I was told earlier this evening, there are literally hundreds of thousands of orders that have been issued by judges, by immigration judges in this country; orders for the deportation of immigrants who have violated a law, who have come here illegally, or while here have violated some law or have overstayed their visas. Hundreds of thousands of these orders have been issued in the last few years. Yet few, if any, have actually been carried out by the INS.

When the judge raps his or her gavel and says you have been found guilty of violating the law and I hereby issue an order to deport you, that person can simply laugh at the judge, turn around and walk away. We do not hold them, and we do not go after them.

Now, they can in fact enter an appeal. We do not know exactly how many have done that, but we do know that many have done that and again walked away. We are going to try to find out those numbers, but the INS is very tight-lipped about these things.

Literally hundreds of thousands of people have actually put up bond, put up bail, and walked away. They have committed crimes. Some of these crimes are far more serious than simply overstaying their visa or entering the country illegally. Some of these are felonies, and yet the people walk away, because right now the law allows them to do so. And there are literally hundreds, if not thousands, of frustrated Americans serving in the capacity of judges and honest immigration officers who are incredibly frustrated by their inability to stop the ocean with the sieve that we have given them.

We could do something about that tomorrow. We could determine how many people are out there who have skipped out on bail, who have simply walked away from court orders deporting them and have never been looked for by the INS. The INS will tell you that it is a resource issue, but it is more than that, Mr. Speaker. They do not want to look. They do not care.

Some of the time I am told that in some of these cases that come in front of these judges that I have referred to, the immigration lawyer, the lawyer for the government, is actually half the time defending the perpetrator, the plaintiff. And to the judges even, this seems odd and almost incredible, but it is what has happened. For years we did not pay the slightest bit of attention to it. As I say, I and others could get up on this floor and speak to our concerns about immigration, and people really would not want to hear it.

□ 2310

Because no one wants to be considered to be racist or xenophobic, and I certainly do not believe that I fall into either of those two categories. I know that I do not. No one wants to be called those things, and so everybody avoided the discussion of the issue of immigration.

It is too late for us really, in a way. But at least we must now do everything we can, as I said earlier, if it is building a missile defense system, that is fine; but let us do something before it gets here, before that missile or before anyone with the intent of destroying the United States and everything we stand for. Let us do something about it. Even Ms. Coulter suggested, after her rather Draconian measure is employed, to send, to return all Muslims, to send them all out of the United

States, she agrees that they should be allowed to come back in, once some sort of detection mechanism has been set up, once some sort of a system is set up to see if they should be allowed in. I am not advocating that at all. All I am saying is that some measure has to be employed here, some rational approach has to be adopted by this House and by the Senate and signed by the President to deal with this issue of immigration in the poorest nature at our borders.

I do not know, as I say, what more we can possibly add to this case that we are making in front of the people of the United States. I do know this, Mr. Speaker, that unless the people of the United States let their elected representatives know how they feel about this issue, things will not change.

There is a strong lobby here in the Congress of the United States against any immigration reform. It is led oftentimes by immigration lawyers who make their living, of course, out of making sure that we have open borders or at least pursue a policy, a de facto policy, of open borders. Then there is, of course, a large number of people who simply believe in that concept philosophically; they adhere to it. Even if they are out of touch with their constituents, they are going to vote that way, Mr. Speaker, we both know this, unless they hear from those constituents.

That is why when I say I have a dilemma, it is in knowing exactly how to deal with the fact of the incredible irony, if you will, the fact that a huge percentage of the population by every poll agrees with the point of view that I have established here tonight, that some form of immigration reform is necessary, that we should limit the number of people coming into the United States far lower than it is today at a million and a quarter or so legally, and maybe twice or three times that many annually coming, into the United States illegally. People want that reduced. They want illegal immigration stopped. They want us to deal with those people who are here illegally. They do not want them employed.

Certainly, there are a lot of employers who understand the fact that it is good business to pay people maybe even less than the going wage, maybe even less than minimum wage, exploit them because they are here illegally, knowing that they cannot do anything about it. Yes, I know there are employers of course who do that. But I am telling my colleagues that a majority of Americans want people to enter this country legally, want us to have a fair system that allows for diversity, that allows us to continue to enjoy the benefits of diversity, all of the great things that immigration has provided to the United States.

I would never, ever deny the fact that we are richer as a Nation as a result of the many incredible treasures that have been brought to our shores by immigrants. I do not believe that we should forever end all immigration. I simply ask for us to take a rational approach. Let us pause immigration for at least 6 months, a pause. Let us catch our breath. Let us try to create a true immigration agency, one that can actually determine who is coming across our borders and how long they are here, and determine whether or not they are doing something when they are here that they should not be doing. Is that too much to ask for, really? Is it too much to ask for that we probably should not hand out 30 million visas a year, that we maybe should get rid of the diversity visas directed specifically at Middle Eastern countries? Is that too much to ask for?

I am not suggesting Ms. Coulter's remedy. I am saying that far from that, there are many things that we can do, but we must do something. It is incredibly irresponsible for us to ignore the reality here; and the reality is that there are people in this world who are intent upon our destruction. They hate us, Mr. Speaker, for reasons that go far beyond our foreign policy, far beyond the issue of Israel-United States-Palestinian relationships. They hate us because of who we are and what we stand for. Because we are the bastion of Judeo-Christian ideals, among those being the freedom to think.

This is not the kind of world, the one we represent is not the kind of world in which these people, these terrorists, are comfortable; nor is it one in which they can survive or thrive. Their brand of hijacked Islam can never survive in our kind of world, because our world puts them into the marketplace of ideas. It asks them to simply advance their ideas through that marketplace. They cannot survive in that arena. They know it. Therefore, they believe that the only way to advance their cause is by the sword, just as it was centuries ago. This is a continuation of that failed concept, of conquest, of moving a religious issue by the sword. They are not unique in the world. It has happened before. There are many times in the world's history where we have seen this kind of thing happen. The fact is that we are dealing with it now, today, in America; and the perpetrators are fundamental, radical members of Islam, as a result of the fact that there are who-knows-how-many millions of people out there who have our destruction as their main purpose and goal in life.

Mr. Speaker, several things are important for us to do. One is to understand what I just said, that that is their intent. It is not to change our foreign policy, Mr. Speaker. It is not just to get a respite from the atrocities, from the conflict in the Middle East. It is not just an issue of the Palestinians versus the Israelis. It is far, far more serious than that, far deeper. As I say, its roots go back centuries.

Therefore, recognizing that we cannot change it simply by changing foreign policy; recognizing that the mechanisms that can be employed today to bring about our destruction are far more threatening than they ever have been in the history of mankind; recognizing that what happened on September 11 is probably just a teaser, and that the next event could very well be horrendously more devastating. The gentleman from Connecticut (Mr. SHAYS), the chairman of one of the House committees that deals with the issue of security, has said on this floor, said on television, I have seen him, I have heard him and he said more than once, that it is not a matter of if they are going to use weapons of mass destruction; it is a matter of when.

□ 2320

Knowing that, then, Mr. Speaker, why would I not do everything I can, stand up here at this microphone as often as I possibly can, to encourage, to cajole, to talk to this body about the importance of doing this one thing: gaining control of our borders. It is the only thing I can do. It is the only mechanism I have.

I can introduce the legislation, but I assure the Members, it will not pass. I assure Members it will not even be heard by the committee of reference because there is this kind of knee-jerk reaction to anything like this that it is too controversial, that we would make too many enemies in certain communities in this country.

How can we let these things guide our actions today, Mr. Speaker? How can we? It is more important than politics. It is more important than how many votes we are going to get at the next election from any particular ethnic group in the United States.

It is for every ethnic group in the United States that I plead. It is for every human being here, from whatever racial origin. It does not matter who they are, where they come from, but if they are here, if they are American citizens, it is they that I plead for.

I plead for their safety, for their security, for the security of every Mexican-American who just came here and came legally and is a member, or anybody who is even here illegally, it does not matter, I am pleading for their security. I choose not to identify any particular ethnic group.

I know every time we talk about immigration reform, it comes down to this thing. I have read in the paper attacks on me personally because I have called for immigration reform, and the suggestion the other day in the Denver paper, there was someone who wrote an editorial saying, why is he talking about reforming immigration? Why is he talking about shutting off the border? It was not Mexico that attacked the United States.

Of course it was not. Who said it was? It has nothing to do with Mexico; it has everything to do with porous borders between Mexico and the United States and between the United States and Canada, and the United States and the rest of the world. That is the problem. It is not any ethnic group. It is

our inability to control our own destiny because of our inability and unwillingness to control our own borders.

Many philosophers have used the phrase ''demography is destiny,'' many times. I agree. We have an ability to help control our destiny, but it means controlling our borders.

Mr. Speaker, I once again take this microphone and once again suggest that the only way we will ever get immigration reform through this body is for people to rise up and let the Members of this body know how they feel about it. They have to do it directly and quickly and vociferously, and they have to be unwavering in their commitment to get their point across that we desperately need true immigration reform.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today through October 9 on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

## ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

## BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 1, 2001 he presented to the President of the United States, for his approval, the following bill.

H.R. 2510. To extend the expiration date of the Defense Production Act of 1950, and for other purposes.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 3, 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:

3968. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Oklahoma [Docket No. 01–016–2] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3969. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Fruits and Vegetables [Docket No. 00–006–2] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3970. A communication from the President of the United States, transmitting His authorization to transfer from the Emergency Response Fund for emergency and national security activities; (H. Doc. No. 107–128); to the Committee on Appropriations and ordered to be printed.

3971. A communication from the President of the United States, transmitting pursuant to the Air Transportation Safety and System Stabilization Act, funds will be provided to the Department of Transportation's Compensation for Air Carriers account; (H. Doc. No. 107–129); to the Committee on Appropriations and ordered to be printed.

3972. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ''Report on the Performance of Commercial Activities,'' pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3973. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Superintendent of Air Force Academy, Colorado, has conducted a cost comparison of the Civil Engineering, Department of Athletics Facilities, Dean of the Facility Facilties and Training Devices and 34th Training Wing Cadet Housing functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3974. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Commander of Maxwell Air Force Base, Alabama, has conducted a comparison study to reduce the cost of operating the Base Operating Support (BOS), pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3975. A letter from the Deputy Secretary, Department of Defense, transmitting a Report on Proposed Obligations for Weapons Destruction and Non-Proliferation in the Former Soviet Union, pursuant to Public Law 104–106, section 1206(a) (110 Stat. 471); to the Committee on Armed Services.

3976. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of a study on certain function performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3977. A letter from the Director, Defense Finance and Accounting Service, Department of Defense, transmitting a Report on Conversion of Department of Defense Commercial Activity to a Private Contractor; to the Committee on Armed Services.

3978. A letter from the Deputy Secretary, Department of Defense, transmitting a report on Strategic and Competitive Sourcing Programs Workforce Review Cost Savings Report for FY 2000; to the Committee on Armed Services.

3979. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Review of Acquisition Plans for Conventional Ammunition [DFARS Case 2000–D030] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3980. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program [DFARS Case 2001–D006] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3981. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country End Products [DFARS Case 2000–D302] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3982. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Iceland—Newly Designated Country Under Trade Agreements Act [DFARS Case 2001–D008] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3983. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Financial Institutions on DoD Installations (RIN: 0790–AG73) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3984. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations (RIN: 0790–AG74) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3985. A letter from the Under Secretary, Department of Defense, transmitting the Department's Response to Conference Report Accompanying the Floyd D. Spence National Defense Authorization Act for FY 2001; to the Committee on Armed Services.

3986. A letter from the Secretary of Defense, transmitting a letter on the approved retirement of General Henry H. Shelton, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3987. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting a determination to allow

the U.S. Export-Import Bank to finance the sale of defense articles to the Dominican Republic; to the Committee on Financial Services.

3988. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7767] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3989. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–P–7604] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3990. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3991. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–B–7419] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3992. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Truth in Savings—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3993. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Credit Union Service Organizations (CUSOs)—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3994. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

3995. A letter from the Secretary, Department of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act (ERISA) during calendar year 1999, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and the Workforce.

3996. A letter from the Secretary, Department of Commerce, transmitting a draft of proposed legislation to amend section 3007 of the Balanced Budget Act of 1997; to the Committee on Energy and Commerce.

3997. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 01–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3998. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 01–24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3999. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Malaysia for defense articles and services (Transmittal No. 01–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4000. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 12–01 which informs the intent to sign Amendment Number One to Annex D of the Memorandum of Agreement between the United States and Germany, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4001. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective August 2, 2001, the danger pay rate for the Gaza Strip, the West Bank and the Former Yugoslav Republic of Macedonia was designated at the 25% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

4002. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

4003. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report Pursuant to Title VIII of Public Law 101–246 Foreign Relations Authorization Act for FY 1990–91, As Amended; to the Committee on International Relations.

4004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting transmittal No. RSAT–2–01 Notice of Proposed Transfer of Major Defense Equipment between the Government of Germany to the Czech Republic; to the Committee on International Relations.

4005. A letter from the Chairman, Federal Communications Commission, transmitting a report on Auction Expenditures for FY 2000; to the Committee on International Relations.

4006. A letter from the Secretary, Department of Transportation, transmitting the semiannual report of the Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4007. A letter from the Comptroller General, General Accounting Office, transmitting list of all reports issued or released by the GAO in July 2001, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

4008. A letter from the Investment Manager, Treasury Division, Army & Air Force Exchange Service, transmitting the Annuity Plan for Employees of the Army and Air Force Exchange Service; the Supplemental Deferred Compensation Plan for Members of the Executive Management Program; and Retirement Savings Plan and Trust for Employees of the Army and Air Force Exchange Service, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

4009. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting a consolidated report covering both the Annual Report on Audit and Investigative Coverage and the Federal Managers' Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4010. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting an annual report on commercial activities; to the Committee on Government Reform.

4011. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report on activities of the Office of Inspector General for the period ending March 31, 2001, pursuant to 5 app; to the Committee on Government Reform.

4012. A letter from the Inspector General, Department of Defense, transmitting a report on the Department of Defense Superfund Financial Transactions FY 2000; to the Committee on Government Reform.

4013. A letter from the Inspector General, Environmental Protection Agency, transmitting the EPA's Annual Superfund Report for FY 2000, pursuant to 31 U.S.C. 7501 nt; to the Committee on Government Reform.

4014. A letter from the Acting Director, Office of Resource Management, Federal Housing Finance Board, transmitting a report on Commerical Activities Inventory; to the Committee on Government Reform.

4015. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled, ''Growing Leaders: The Presidential Management Intern Program''; to the Committee on Government Reform.

4016. A letter from the Acting Chairman, National Credit Union Administration, transmitting a report on Commerical Activities; to the Committee on Government Reform.

4017. A letter from the Office of Special Counsel, transmitting a report on Commercial Activities Inventory; to the Committee on Government Reform.

4018. A letter from the Inspector General, Railroad Retirement Board, transmitting a report on the budget request fiscal year 2003; to the Committee on Government Reform.

4019. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Sidalcea oregana var. calva (Wenatchee Mountains checker-mallow) (RIN: 1018–AH05) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4020. A letter from the Secretaries, Departments of Commerce and the Interior, transmitting a report entitled, ''A Population Study of Atlantic Striped Bass''; to the Committee on Resources.

4021. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 083001B] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4022. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No. 010112013–1013–06; I.D. 082301C] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4023. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 001121328–1066–03; I.D. 082401D] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic

Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 082301D] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4025. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 080301A] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4026. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fisheries Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Closure [Docket No. 010413094–1094–01; I.D. 080201C] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4027. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Transfer and Fishery Reopening [Docket No. 0102208032–110902–02; I.D. 072301E] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4028. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, Black Sea Bass, Loligo Squid, Illex Squid, Atlantic Mackerel, Butterfish, and Bluefish Fisheries; Framework Adjustment 1 [Docket No. 010710173–1183–02; I.D. 070901C] (RIN: 0648–AO91) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4029. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association's financial audit for the period ending March 31, 2001, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

4030. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on September 1, 1999 as a result of the extreme fire hazards that occurred from August 1, 1999, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4031. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–294–AD; Amendment 39–12416; AD 2001–17–25] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4032. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 2000–NM–378–AD; Amendment 39–12415; AD 2001–17–24] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4033. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2001–NM–258–AD; Amendment 39–12419; AD 2001–17–28] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4034. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 2000–NM–318–AD; Amendment 39–12411; AD 2001–17–20] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4035. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, and -200C Series Airplanes [Docket No. 99–NM–310–AD; Amendment 39–12409; AD 2001–17–18] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4036. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Jackson, WY [Airspace Docket No. 00–ANM–24] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4037. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Sidney, MT [Airspace Docket No. 01–ANM–05] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4038. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Fort Bridger, WY [Airspace Docket No. 00–ANM–26] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4039. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Vernal, UT [Airspace Docket No. 00–ANM–18] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4040. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Springhill, LA [Airspace Docket No. 2001–ASW–14] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4041. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace at Van Nuys Airport; Van Nuys, CA [Airspace Docket No. 01–AWP–12] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4042. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace, Bellingham, WA [Airspace Docket No. 00–ANM–28] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4043. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Lewistown, MT [Airspace Docket No. 00–ANM–27] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay [COTP San Diego 01–006] (RIN: 2115–AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay [COTP San Diego 01–008] (RIN: 2115–AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4046. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay [COTP San Diego 01–009] (RIN: 2115–AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4047. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ackerman Engagement Fireworks Display Westhampton Beach, NY [CGD01–01–133] (RIN: 2115–AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4048. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zones; Port Huron Tall Ship Celebration, St. Clair River, MI [CGD09–01–116] (RIN: 2115–AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4049. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Algoma Shanty Days 2001, Algoma Harbor, Wisconsin [CGD09–01–121] (RIN: 2115–AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4050. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amend Legal Description of Federal Airway V–611 [Docket No. FAA–2001–10178; Airspace Docket No. 01–ANM–10] (RIN: 2120–AA66) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Jet Routes and VOR Federal Airways; FL [Docket No. FAA–2001–10002; Airspace Docket No. 00–ASO–25] (RIN: 2120–AA66) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4052. A letter from the Chairman, International Trade Commission, transmitting a report entitled, ''Certain Circular Welded Carbon Quality Line Pipe: Monitoring Developments in the Domestic Industry''; to the Committee on Ways and Means.

4053. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting a determination authorizing the use of funds made available under Chapter 3 of Part I of the Foreign Assistance Act in order to provide a contribution to the United Nations Guards Contingent in Iraq; jointly to the Committees on International Relations and Appropriations.

4054. A letter from the Secretary, Department of State, transmitting notification of intent to reprogram funds from FY 2001 and FY 2000 from within the International Organizations and Programs account; jointly to the Committees on International Relations and Appropriations.

4055. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2000, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1992. A bill to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; with an amendment (Rept. 107–225). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 248. Resolution providing for consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011 (Rept. 107–226). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAMSTAD (for himself and Mrs. THURMAN):

H.R. 2973. A bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the Medicare Program and to establish an Office of Technology and Innovation within the Centers for Medicare & Medicaid Services; 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 Mr. MCGOVERN (for himself, Mr. SOUDER, Mr. TIAHRT, Mr. COYNE, Mrs. TAUSCHER, and Mr. GEORGE MILLER of California):

H.R. 2974. A bill to provide for the protection of paleontological resources on Federal lands, to promote the systematic compilation of baseline paleontological resource data, science-based decisionmaking, and accurate public education, to provide for a unified management policy regarding paleontological resources on Federal lands, to promote legitimate public access to fossil resources on Federal lands, to encourage informed stewardship of the resources through educational, recreational, and scientific use of the paleontological resources on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. HYDE, Mr. COBLE, Mr. GOODLATTE, Mr. JENKINS, Ms. JACKSON-LEE of Texas, Mr. CANNON, Mr. MEEHAN, Mr. GRAHAM, Mr. BACHUS, Mr. WEXLER, Mr. HOSTETTLER, Mr. KELLER, Mr. ISSA, Ms. HART, Mr. FLAKE, Mr. SCHIFF, Mr. THOMAS, Mr. GOSS, Mr. RANGEL, Mr. BERMAN, and Ms. LOFGREN):

H.R. 2975. A bill to combat terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself and Mr. HANSEN):

H.R. 2976. A bill to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes; to the Committee on Resources.

By Mr. KUCINICH:

H.R. 2977. A bill to preserve the cooperative, peaceful uses of space for the benefit of all humankind by permanently prohibiting the basing of weapons in space by the United States, and to require the President to take action to adopt and implement a world treaty banning space-based weapons; to the Committee on Science, and in addition to the Committees on Armed Services, and 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 Mrs. ROUKEMA:

H.R. 2978. A bill to strengthen existing Federal laws and provide law enforcement agencies with enhanced enforcement tools necessary to combat money laundering, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and 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 Mrs. ROUKEMA:

H.R. 2979. A bill to enhance the ability of law enforcement to combat money laundering, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. FOSSELLA, and Mr. SIMMONS):

H.R. 2980. A bill to amend title XVIII of the Social Security Act to stabilize and improve 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 Mr. UPTON (for himself, Mr. GREEN of Texas, Mr. BURR of North Carolina, Mr. GILLMOR, Mr. TAUZIN, Mr. STEARNS, Mr. GREENWOOD, Mr. BARTON of Texas, Ms. HARMAN, Mr. CAMP, Mr. ARMEY, Mr. RAMSTAD, Mr. BASS, Mr. BILIRAKIS, Mr. LAHOOD, Mr. RADANOVICH, Mr. SMITH of New Jersey, Mr. SESSIONS, Mr. PORTMAN, Mr. BOEHNER, Mr. WHITFIELD, Mr. HOEKSTRA, Mr. OSE, Mr. BOEHLERT, Mr. BOUCHER, Mr. GOODLATTE, Mrs. KELLY, Ms. PRYCE of Ohio, Mr. DREIER, Ms. DUNN, Mr. FOLEY, Mr. TOM DAVIS of Virginia, Mrs. BONO, Mr. DELAY, Mr. WATTS of Oklahoma, and Mr. SHIMKUS):

H.R. 2981. A bill to amend the Internal Revenue Code of 1986 to establish a 2-year recovery period for depreciation of computers and other technological equipment, a 24-month useful life for depreciation of computer software, and a 7-year useful life for depreciation of certain auction-acquired telecommunications licenses; to the Committee on Ways and Means.

By Mr. TURNER (for himself, Mr. HANSEN, Mr. NADLER, Mr. SHAYS, Mr. BENTSEN, Mr. LAMPSON, Mr. RAHALL, Mr. WICKER, Ms. WATERS, Mr. MORAN of Virginia, Mr. SAXTON, Mr. FROST, Mr. WOLF, Mr. SANDERS, Mr. PITTS, Mr. KENNEDY of Minnesota, Mr. WYNN, Mr. KING, Mr. CAMP, Mr. ENGLISH, Mr. MEEKS of New York, Mr. SIMMONS, Mr. GILMAN, Mr. WALSH, Mr. BONIOR, Mr. SHOWS, Mr. GEPHARDT, Ms. SLAUGHTER, Ms. PELOSI, Mr. MALONEY of Connecticut, Ms. HOOLEY of Oregon, Mr. SHIMKUS, Ms. DELAURO, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. MORAN of Kansas, Mr. WELDON of Pennsylvania, Mr. LAHOOD, Mr. PORTMAN, Mr. DAVIS of Illinois, Ms. WOOLSEY, Mr. ORTIZ, Mr. SANDLIN, Mr. ISRAEL, Mr. DEFAZIO, Mr. LANGEVIN, Mr. BACA, Mrs. TAUSCHER, Mr. PASCRELL, Mr. RODRIGUEZ, Ms. HARMAN, Mr. ROSS, Mr. HILL, Mr. PETERSON of Minnesota, Mr. HOLDEN, Mr. BERRY, Mr. MATHESON, Mr. LUCAS of Kentucky, Mr. MCINTYRE, Ms. SANCHEZ, Mr. JOHN, Mr. BOYD, Mr. LEWIS of Georgia, Mr. STENHOLM, Mrs. CAPPS, Mr. CROWLEY, Mr. BRADY of Texas, Mr. CAPUANO, Mr. TANNER, Mr. ANDREWS, Mr. COSTELLO, Mr. GORDON, Mr. BARRETT, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. SPRATT, Mr. BOSWELL, Mr. HOYER, Mr. PALLONE, Mr. GREEN of Texas, and Mr. MEEHAN):

H.R. 2982. A bill to authorize the establishment of a memorial within the area in the District of Columbia referred to in the Commemorative Works Act as ''Area I'' or ''Area II'' to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial, and for other purposes; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. BARTON of Texas, Mr. NORWOOD, Mrs. TAUSCHER, Mr. FOSSELLA, Mr. BLUNT, Mr. BURR of North Carolina, Mr. WELLER, and Mr. WHITFIELD):

H.R. 2983. A bill to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2984. A bill to amend the Immigration and Nationality Act to ensure that aliens provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act are counted, for purposes of determining whether the numerical limitation on the provision of such status has been reached, in a manner that is accurate, fair, and takes into account only those aliens who actually commence employment as such a nonimmigrant; to the Committee on the Judiciary.

By Mr. BASS (for himself, Mr. DEAL of Georgia, Mr. STEARNS, Mr. TOWNS,

Mr. DAVIS of Illinois, Mr. GORDON, Mrs. MORELLA, Mr. CASTLE, Mr. WALSH, Mr. DOYLE, Mrs. KELLY, Mr. FILNER, and Mr. SCHROCK):

H.R. 2985. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Energy and Commerce.

By Mr. BASS (for himself, Mr. DEAL of Georgia, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. GORDON, Mrs. MORELLA, Mr. CASTLE, Mr. WALSH, Mr. DOYLE, Mrs. KELLY, Mr. FILNER, and Mr. SCHROCK):

H.R. 2986. A bill to amend title 18, United States Code, to provide additional punishments for offenders committing fraud aimed at taking advantage of a national emergency, and for other purposes; to the Committee on the Judiciary.

By Mr. CAPUANO:

H.R. 2987. A bill to amend title 10, United States Code, to fully integrate the beneficiaries of the Individual Case Management Program into the TRICARE program, to provide long-term health care benefits under the TRICARE program and otherwise to improve the benefits provided under the TRICARE program, and for other purposes; to the Committee on Armed Services.

By Mr. DEUTSCH (for himself, Mr. KINGSTON, Mr. FORD, Mr. SIMMONS, and Mr. FROST):

H.R. 2988. A bill to amend title 49, United States Code, to provide for the regulation of flight schools and flight school applicants for the purposes of enhancing national security and aviation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. EMERSON (for herself, Mr. GRAVES, Mr. GIBBONS, Mr. CLAY, Mr. HULSHOF, Mr. SKELTON, Mr. SIMMONS, Ms. MCCARTHY of Missouri, and Mr. SHIMKUS):

H.R. 2989. A bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HINOJOSA (for himself, Mr. BONILLA, Mr. GONZALEZ, Mr. ORTIZ, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 2990. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes; to the Committee on Resources.

By Ms. KAPTUR (for herself, Mr. NADLER, Mr. MORAN of Virginia, Mr. MURTHA, Mr. CROWLEY, Mr. ENGEL, Mr. GILMAN, Mrs. MALONEY of New York, Mr. MCHUGH, Mr. SERRANO, Mr. TOWNS, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. BORSKI, Mr. ENGLISH, Mr. BARCIA, Mr. BONIOR, Mr. CONYERS, Mr. DAVIS of Florida, Ms. DELAURO, Mrs. EMERSON, Mr. FARR of California, Mr. FROST, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HOYER, Ms. KILPATRICK, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mrs. MINK of Hawaii, Mrs. MORELLA, Mrs. NAPOLITANO, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. SANDERS, Mr. SMITH of New Jersey, Mr. TERRY, and Mrs. THURMAN):

H.R. 2991. A bill to direct the Architect of the Capitol to establish, as part of the Capitol Visitors Center, a garden designated as the ''Spirit of America Garden'' as a living memorial to the victims of the terrorist attacks on the United States on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself and Mr. GILMAN):

H.R. 2992. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to clarify the application of the mental health parity provisions to annual and lifetime visit or benefit limits, as well as dollar limits; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mrs. CAPPS, and Mr. LUTHER):

H.R. 2993. A bill to amend the Consumer Product Safety Act and the Federal Hazardous Substances Act regarding repair, replacement, or refund actions, civil penalties, and criminal penalties under those Acts; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Ms. NORTON):

H.R. 2994. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Ms. NORTON, Ms. WATSON, and Mr. FATTAH):

H.R. 2995. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001, to establish a reporting event notification system to assist Congress and the District of Columbia in maintaining the financial stability of the District government and avoiding the initiation of a control period, to provide the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform.

By Mr. OSE:

H.R. 2996. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. ANDREWS, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. HOLT, Mr. LOBIONDO, Mr. MENENDEZ, Mr. PASCRELL, Mr. PAYNE, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 2997. A bill to designate the facility of the United States Postal Service located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building''; to the Committee on Government Reform.

By Mr. ROYCE (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. LEACH, Mr. SMITH of New Jersey, Mr. KIRK, Ms. MILLENDER-MCDONALD, Mr. PITTS, and Mr. HOEFFEL):

H.R. 2998. A bill to authorize the establishment of Radio Free Afghanistan; to the Committee on International Relations.

By Ms. SCHAKOWSKY (for herself, Ms. LEE, Mr. SANDERS, Mr. LAFALCE, Ms. WOOLSEY, Mr. WAXMAN, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. OWENS, Mr. HINCHEY, Mr. RUSH, Mr. KUCINICH, and Mrs. JONES of Ohio):

H.R. 2999. A bill to amend the Internal Revenue Code of 1986 to modify the highest marginal income tax rates and to increase the estate tax deduction for family-owned business interests, to repeal certain sections of the Economic Growth and Tax Relief Reconciliation Act of 2001 related to personal exemptions, itemized deductions, and the estate tax, to establish a legislative task force to determine when and whether certain critical national priorities have been accomplished, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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. SHOWS:

H.R. 3000. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for the development of low-to-moderate income housing for home ownership, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. MORAN of Virginia, Mr. KING, Mr. BORSKI, Ms. HART, Mr. HALL of Ohio, Mr. FORD, and Mr. CALVERT):

H.R. 3001. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payments from gross income and to allow a refundable credit for job training expenses of older long-time employees who are laid off; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 3002. A bill to provide for the establishment of an alien nonimmigrant student tracking system; to the Committee on the Judiciary.

By Ms. WATERS (for herself, Mr. HILLIARD, Mr. KANJORSKI, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. WYNN, and Mr. CLYBURN):

H.R. 3003. A bill to increase the assistance made available under certain economic development programs; to the Committee on Financial Services, and in addition to the Committees on Small Business, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS:

H. Con. Res. 238. Concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of potentially visually impaired individuals; to the Committee on Transportation and Infrastructure.

By Mr. JONES of North Carolina:

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism; to the Committee on Education and the Workforce.

By Ms. KAPTUR (for herself, Mr. MCGOVERN, Mr. HALL of Ohio, Ms.

MCKINNEY, and Mr. FARR of California):

H. Con. Res. 240. Concurrent resolution expressing the sense of Congress with respect to the urgency of providing food and agricultural development assistance to civilian men, women, and children in Afghanistan, including Afghan refugees, and to the civilian populations of other countries in the central Asia region, including Pakistan, Iran, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan; to the Committee on International Relations.

By Mr. EHRLICH (for himself, Mrs. MORELLA, Mr. HOYER, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CUMMINGS, Mr. RADANOVICH, Mr. COBLE, Mr. LARGENT, Mr. WATTS of Oklahoma, Ms. PELOSI, Mr. BEREUTER, Mr. TOM DAVIS of Virginia, Mr. ARMEY, and Mr. DELAY):

H. Res. 247. A resolution honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation; to the Committee on Government Reform. considered and agreed to.

By Mr. PORTMAN:

H. Res. 249. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BARTON of Texas (for himself and Mr. BOUCHER):

H. Res. 250. A resolution urging the Secretary of Energy to fill the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Ms. ROYBAL-ALLARD:

H. Res. 251. A resolution recognizing the League of United Latin American Citizens for sponsoring LULAC Senior Citizens Week in California, and commending the League for providing more than 70 years of service to Hispanic Americans of all ages; to the Committee on Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mrs. KELLY, Ms. ROS-LEHTINEN, Ms. MILLENDER-MCDONALD, Mr. OSE, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mrs. MORELLA, Mrs. EMERSON, Ms. RIVERS, Ms. NORTON, Mrs. NAPOLITANO, and Mr. ETHERIDGE.

H.R. 61: Mr. REYNOLDS.

H.R. 64: Mr. BERRY.

H.R. 116: Mr. TRAFICANT.

H.R. 200: Mr. UDALL of Colorado.

H.R. 203: Ms. MILLENDER-MCDONALD and Mr. PASCRELL.

H.R. 218: Mr. MCINTYRE and Mr. TERRY.

H.R. 239: Mr. HINCHEY.

H.R. 250: Mr. HONDA.

H.R. 274: Mr. SIMMONS.

H.R. 324: Mrs. BIGGERT.

H.R. 344: Mr. WAXMAN.

H.R. 439: Mr. DEFAZIO.

H.R. 547: Mr. MALONEY of Connecticut.

H.R. 600: Mr. BORSKI.

H.R. 665: Mr. UDALL of New Mexico.

H.R. 760: Mr. MCHUGH.

H.R. 817: Mr. BARTLETT of Maryland.

H.R. 848: Mr. PASTOR, Mr. LEWIS of Kentucky, Mrs CAPITO, Mr. WELDON of Pennsylvania, and Mr. KANJORSKI.

H.R. 902: Mrs. WILSON.

H.R. 921: Mr. SOUDER.

H.R. 978: Mrs. BIGGERT.

H.R. 984: Mr. CARSON of Oklahoma.

H.R. 1007: Mr. LEVIN.

H.R. 1090: Mr. STUPAK, Mr. TIERNEY, Mr. REHBERG, Mr. MEEHAN, Mr. GOODLATTE, Mr. WYNN, and Mr. EVANS.

H.R. 1114: Mrs. ROUKEMA.

H.R. 1170: Mr. LUTHER.

H.R. 1193: Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. OBEY, Ms. ESHOO, Ms. DEGETTE, Mr. SCHIFF, Mr. WAXMAN, Mr. DEUTSCH, Mr. SAWYER, Mr. LANTOS, Ms. BERKLEY, Mr. BLUMENAUER, Ms. RIVERS, Mr. HOYER, Mr. HALL of Ohio, Mr. FATTAH, Mr. PALLONE, Mr. ALLEN, Mr. KILDEE, Mr. WEXLER, Mr. LEVIN, Ms. DELAURO, Mr. ROEMER, Mr. SERRANO, Mr. MORAN of Virginia, Ms. SANCHEZ, Mrs. CAPPS, Ms. VELAZQUEZ, Mr. BLAGOJEVICH, Mr. CARDIN, Mr. DEFAZIO, Mrs. LOWEY, Mr. SHOWS, Mr. BECERRA, Mr. MEEHAN, Ms. BALDWIN, Mr. ACKERMAN, Mrs. MINK of Hawaii, Mr. BERRY, Mr. SANDERS, Mr. FROST, Mr. SPRATT, Mr. GEPHARDT, Mr. CLEMENT, Ms. KAPTUR, Ms. HOOLEY of Oregon, Mrs. JONES of Ohio, Mr. WYNN, Mr. Meeks of New York, Mrs. CLAYTON, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, Mr. KENNEDY of Rhode Island, Mr. JEFFERSON, Mrs. TAUSCHER, Ms. SLAUGHTER, Mr. HONDA, Ms. HARMAN, Mr. MARKEY, Mr. WU, Mr. LAMPSON, Mr. COSTELLO, Mr. MENENDEZ, Mr. Bosewll, Mr. SHERMAN, Mr. NADLER, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Mr. CLYBURN, Ms. WATSON, Mr. CUMMINGS, Ms. WATERS, Mrs. MEEK of Florida, Mr. PAYNE, Ms. LEE, Mr. CLAY, Mr. WATT of North Carolina, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. FORD, Mr. FILNER, Mr. LEWIS of Georgia, Mr. FARR of California, Ms. MCKINNEY, Mr. KUCINICH, Mr. FRANK, Ms. WOOLSEY, Mr. BONIOR, Mr. Rodriquez, Mr. GUTIERREZ, Ms. PELOSI, Mr. OLVER, Mr. DELAHUNT, Mr. RANGEL, Mr. PASCRELL, Mr. ABERCROMBIE, Mr. MATSUI, and Mr. HOLDEN.

H.R. 1254: Mr. ANDREWS and Mr. THOMPSON of California.

H.R. 1262: Mr. DOYLE and Mr. WAXMAN.

H.R. 1296: Mr. HALL of Texas, Ms. MCCOLLUM, Mr. BONILLA, Mrs. CAPITO, and Mr. GEPHARDT.

H.R. 1305: Mr. KENNEDY of Minnesota.

H.R. 1307: Mr. MOORE.

H.R. 1358: Mr. FLETCHER.

H.R. 1362: Mr. FRANK, Mr. ANDREWS, and Mrs. NAPOLITANO.

H.R. 1377: Mr. GREENWOOD.

H.R. 1405: Mr. FILNER.

H.R. 1412: Mr. LAMPSON and Mr. HONDA.

H.R. 1421: Mr. HOEFFEL, Mrs. DAVIS of California, Mrs. CAPPS, Mrs. BIGGERT, and Mr. LARSON of Connecticut.

H.R. 1436: Mr. MATHESON, Mr. FATTAH, Mr. TAYLOR of Mississippi, Mr. MALONEY of Connecticut, Ms. HART, Mr. CASTLE, and Mr. GANSKE.

H.R. 1501: Mr. FATTAH.

H.R. 1509: Mr. MCGOVERN, Mr. LEVIN, and Ms. HOOLEY of Oregon.

H.R. 1543: Mr. WELDON of Florida, Ms. RIVERS, and Mr. ANDREWS.

H.R. 1605: Mr. BAIRD, and Mr. WEXLER.

H.R. 1609: Mr. BEREUTER and Mr. POMEROY.

H.R. 1616: Mr. ISSA.

H.R. 1682: Mr. CAPUANO.

H.R. 1700: Mr. RYUN of Kansas.

H.R. 1723: Mr. DAVIS of Florida and Mrs. NAPOLITANO.

H.R. 1744: Mr. LANGEVIN, Mr. CROWLEY, and Mr. ACKERMAN.

H.R. 1773: Mr. SCHAFFER and Mr. LUCAS of Kentucky.

H.R. 1782: Mr. ANDREWS.

H.R. 1798: Mr. PRICE of North Carolina.

H.R. 1810: Mr. GUTIERREZ.

H.R. 1862: Mr. MASCARA, Mrs. LOWEY, and Mr. BEREUTER.

H.R. 1904: Ms. HART.

H.R. 1919: Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. BRADY of Texas, Mr. STUPAK, Mr. CROWLEY, Mr. HORN, Mr. FALEOMAVAEGA, Mr. WELDON of Pennsylvania, Mr. GANSKE, Mr. MCNULTY, Mr. KILDEE, Mr. CALVERT, and Mr. GREENWOOD.

H.R. 1948: Mrs. MINK of Hawaii.

H.R. 1987: Ms. PRYCE of Ohio, Ms. MCCOLLUM, Mr. CRANE, Mr. RUSH, Mr. STUMP, and Mr. SCHAFFER.

H.R. 1992: Mr. SHIMKUS, Mr. KILDEE, Mr. HORN, Mr. DEMINT, Mrs. BIGGERT, Mr. OSBORNE, Mr. DOYLE, Mr. STRICKLAND, and Mr. RAMSTAD.

H.R. 2014: Mr. REYNOLDS and Mrs. CUBIN.

H.R. 2037: Mrs. BONO, Mr. THOMPSON of California, Mr. GORDON, and Mr. WOLF.

H.R. 2074: Mr. SANDLIN and Mr. LARSEN of Washington.

H.R. 2125: Mr. CARDIN, Mr. CROWLEY, Mr. TERRY, Mr. ROTHMAN, Mr. POMEROY, Mr. KOLBE, Mr. BONIOR, Mr. STUMP, Mrs. CAPITO, Mr. CANTOR, Mr. STUPAK, Mr. DEFAZIO, Mr. TAYLOR of Mississippi, and Mr. BROWN of South Carolina.

H.R. 2148: Mr. PALLONE.

H.R. 2152: Mr. UDALL of Colorado, Mr. INSLEE, and Mr. KILDEE.

H.R. 2162: Mr. ORTIZ, Mr. BACA, and Mr. UNDERWOOD.

H.R. 2163: Mr. LANGEVIN, Mr. PLATTS, and Mr. UNDERWOOD.

H.R. 2173: Mr. GANSKE.

H.R. 2212: Mr. OTTER and Mr. SOUDER.

H.R. 2220: Mr. QUINN, Mr. OSBORNE, Ms. JACKSON-LEE of Texas, and Mr. HONDA.

H.R. 2243: Mr. CUMMINGS.

H.R. 2254: Mr. FROST.

H.R. 2286: Mr. MCGOVERN.

H.R. 2308: Mr. SCHAFFER and Mr. LUCAS of Kentucky.

H.R. 2332: Mr. KUCINICH and Mr. GILLMOR.

H.R. 2335: Mr. FILNER.

H.R. 2339: Mr. KIRK.

H.R. 2349: Mrs. CAPPS, Mr. LANTOS, Mr. QUINN, Mr. ACEVEDO-VILA, Mr. FATTAH, and Mr. LANGEVIN.

H.R. 2354: Ms. DUNN, Mr. MATSUI, Mr. DOOLEY of California, Ms. MILLENDER-MCDONALD, Mr. GALLEGLY, and Mr. HINCHEY.

H.R. 2357: Mr. OTTER, Mr. REHBERG, and Mr. GOODLATTE.

H.R. 2374: Mrs. THURMAN, Mr. CRANE, and Mr. LEWIS of Kentucky.

H.R. 2462: Mr. HOLT and Mr. FILNER.

H.R. 2484: Mr. HINCHEY, Mr. CROWLEY, Mr. ACKERMAN, Mr. KUCINICH, Mrs. CAPITO, Mr. COYNE, Mr. BONIOR, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. UPTON, Ms. MCKINNEY, Ms. HART, Mr. SOUDER, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Mr. MASCARA, Mr. MCNULTY, Ms. BALDWIN, Mr. BORSKI, Mr. CLAY, Ms. MCCOLLUM, Ms. KILPATRICK, and Mr. COOKSEY.

H.R. 2485: Mr. RYAN of Wisconsin.

H.R. 2553: Ms. MCKINNEY, Mr. COLLINS, and Mr. BARR of Georgia.

H.R. 2574: Mr. CALVERT.

H.R. 2598: Mrs. NAPOLITANO.

H.R. 2610: Ms. DELAURO, Mr. FROST, Mr. BRADY of Pennsylvania, Ms. ESHOO, Mr. DOYLE, Mr. FATTAH, Mr. OBERSTAR, and Mr. SOUDER.

H.R. 2611: Mr. MCGOVERN.

H.R. 2623: Mr. CROWLEY.

H.R. 2667: Ms. MCKINNEY and Ms. HART.

H.R. 2670: Mr. MARKEY.

H.R. 2674: Mr. GILLMOR.

H.R. 2677: Mr. COYNE.

H.R. 2709: Mr. STARK and Mr. MEEHAN.

H.R. 2718: Mr. UDALL of New Mexico.

H.R. 2719: Mr. OTTER.

H.R. 2750: Mr. WELDON of Florida and Mr. BORSKI.

H.R. 2765: Mr. SNYDER.

H.R. 2768: Mr. MCHUGH.

H.R. 2794: Mr. FROST, Mr. SMITH of Texas, Mr. RADANOVICH, and Mr. GANSKE.

H.R. 2812: Mr. GUTIERREZ.

H.R. 2847: Mr. MCHUGH.

H.R. 2866: Mr. BERMAN and Mr. HILLIARD.

H.R. 2896: Mr. TERRY, Ms. HART, and Mr. DOOLITTLE.

H.R. 2899: Mr. WAMP.

H.R. 2902: Mr. DAVIS of Illinois, Mr. BORSKI, Mr. PAYNE, Mr. BACA, Ms. ROS-LEHTINEN, and Ms. LEE.

H.R. 2907: Mrs. THURMAN. Mr. FALEOMAVAEGA, Mrs. LOWEY, Mr. FATTAH, Mr. KUCINICH, Mrs. CLAYTON, and Mr. CARSON of Oklahoma.

H.R. 2940: Mr. FOSSELLA, Mr. FORD, Mr. MCGOVERN, Mr. MCINTYRE, Mr. SKELTON, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. ROSS, Mr. BOUCHER, Mr. OXLEY, and Mr. HONDA.

H.R. 2945: Mr. SIMMONS and Mr. SAWYER.

H.R. 2946: Mr. TOWNS, Mr. MCGOVERN, Mr. SANDERS, Ms. PELOSI, Mr. PASTOR, Mr. KUCINICH, Ms. MCKINNEY, Mr. HALL of Ohio, Mr. CAPUANO, Mr. ETHERIDGE, Mr. GILMAN, Mr. BACA, Mr. BLAGOJEVICH, Ms. VELAZQUEZ, Mr. FOLEY, Ms. HARMAN, Ms. LEE, Mr. ROTHMAN, Mr. PAYNE, Mr. SCOTT, Mr. DAVIS of Illinois, Ms. NORTON, Mrs. CAPPS, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Mr. CLAY, Mr. MEEKS of New York, and Ms. WOOLSEY.

H.R. 2951: Mrs. ROUKEMA, Mr. BONIOR, Mr. STRICKLAND, Mr. FORD, and Mr. SWEENEY.

H.R. 2955: Mr. BERMAN, Mr. PALLONE, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. LANGEVIN.

H.R. 2961; Mr. GUTIERREZ and Mr. UNDERWOOD.

H.R. 2965: Mr. LATOURETTE, Mr. GREENWOOD, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. LIPINSKI, Mr. KANJORSKI, Mrs. JOHNSON of Connecticut, and Mr. SIMMONS.

H.R. 2969: Ms. LEE, Mrs. JONES of Ohio, Mr. HINCHEY, Mr. BEREUTER, Mr. HILLIARD, and Mr. KANJORSKI.

H. Con. Res. 46: Mr. BONIOR, Mr. TERRY, and Mrs. MINK of Hawaii.

H. Con. Res. 104: Mr. WAMP, Mr. FORBES, Mrs. MCCARTHY of New York, Ms. DELAURO, and Mr. ORTIZ.

H. Con. Res. 162: Mr. MEEHAN.

H. Con. Res. 180: Mr. WAXMAN and Ms. HOOLEY of Oregon.

H. Con. Res. 188: Mr. KIRK.

H. Con. Res. 212: Mr. PASTOR.

H. Con. Res. 216: Mr. MCGOVERN.

H. Con. Res. 228: Mrs. NAPOLITANO, Mr. BONIOR, Ms. SCHAKOWSKY, and Mr. MORAN of Virginia.

H. Con. Res. 232: Mr. WALSH, Mr. SHAW, Mr. BALLENGER, Mr. PLATTS, Mr. FORD, Ms. ROS-LEHTINEN, Mr. GREENWOOD, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. MCHUGH, Ms. BALDWIN, Mr. FERGUSON, Mr. WOLF, Mr. TIBERI, Ms. JACKSON-LEE of Texas, Mr. GOSS, Mr. HOLT, Mr. CARSON of Oklahoma, Mrs. ROUKEMA, Ms. WATSON, Mr. WYNN, Mr. MCGOVERN, Mr. FROST, Mr. SANDERS, Mr. HERGER, and Mr. KENNEDY of Minnesota.

H. Con. Res. 233: Mr. FALEOMAVAEGA, Mr. TAYLOR of Mississippi, Mr. CUNNINGHAM, Ms. RIVERS, Mr. WATT of North Carolina, Mr. SERRANO, Mr. KOLBE, Mr. FLETCHER, Ms. BALDWIN, Mrs. MINK of Hawaii, Mr. BLUMENAUER, Mrs. JONES of Ohio, Mr. DOOLEY of California, Mr. MCKEON, Ms. WATSON, Mr. KUCINICH, and Mr. BONIOR.

H. Con. Res. 234: Mr. VISCLOSKY, Mr. KUCINICH, and Mr. ENGLISH.

H. Res. 65: Mr. ENGLISH.

H. Res. 115: Mr. KNOLLENBERG, Ms. RIVERS, and Mr. UDALL of Colorado.

H. Res. 198: Mr. BEREUTER.

H. Res. 235: Mr. WYNN, Mr. MCNULTY, Mr. FILNER, Mr. MCGOVERN, Mr. BACA, and Mr. KUCINICH.

H. Res. 243: Mr. DIAZ-BALART, Mr. FATTAH, Mr. SHAYS, Mr. SIMMONS, Mr. SKEEN, Ms. SLAUGHTER, Ms. HART, Mr. GREENWOOD, Mr. HOEFFEL, Mrs. MINK of Hawaii, Mr. CROWLEY, Mr. WEINER, Mr. DAVIS of Illinois, Mr. LAHOOD, Mr. ACKERMAN, Mr. STUPAK, Mr. GEKAS, Mr. TAYLOR of Mississippi, Mr. BONIOR, Mr. FROST, Ms. ROS-LEHTINEN, Ms. MCKINNEY, Mr. PRICE of North Carolina, Mr. PASTOR, Mr. TIBERI, Mr. CALVERT, and Mr. KENNEDY of Minnesota.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2646

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 2: At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. ____. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.**

Title III of the Packers and Stockyards Act, 1921, (7 U.S.C. 201 et seq.) is amended by adding at the end the following:

**"SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.**

''(a) DEFINITIONS.—In this section:

''(1) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to kill an animal by mechanical, chemical, or other means that immediately render the animal unconscious, with this state remaining until the animal's death.

''(2) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any livestock that is unable to stand and walk unassisted.

''(b) UNLAWFUL PRACTICES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

''(2) EXCEPTIONS.—

''(A) NON-GIPSA FARMS.—Paragraph (1) shall not apply to any farm the animal care practices of which are not subject to the authority of the Grain Inspection, Packers, and Stockyards Administration.

''(B) VETERINARY CARE.—Paragraph (1) shall not apply in a case in which nonambulatory livestock receive veterinary care intended to render the livestock ambulatory.

''(c) APPLICATION OF PROHIBITION.—Subsection (b) shall apply beginning one year after the date of the enactment of the Farm Security Act of 2001. By the end of such period, the Secretary shall promulgate regulations to carry out this section.''.

H.R. 2646

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 3: At the end of subtitle F of title II, insert the following:

**SEC. ____. PROVISION OF ASSISTANCE FOR REPAUPO CREEK TIDE GATE AND DIKE RESTORATION PROJECT, NEW JERSEY.**

(a) IN GENERAL.—Notwithstanding section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide assistance for planning and implementation of the Repaupo Creek Tide Gate and Dike Restoration Project in the State of New Jersey.

(b) FUNDING.—Of the funds available for the Emergency Watershed Protection Program, not to exceed $600,000 shall be available to the Secretary of Agriculture to carry out subsection (a).

H.R. 2646

OFFERED BY: MR. BEREUTER

*[References are to the amendment in the nature of a substitute]*

AMENDMENT NO. 4: In section 212(a)—

(1) strike ''and'' at the end of paragraph (1);

(2) strike the last period at the end of paragraph (2) and insert ''; and''; and

(3) add at the end the following:

(3) by adding after and below the end the following flush sentence:

''Notwithstanding the preceding sentence (but subject to subsection (c)), the Secretary may not include in the program established under this subchapter any land that has not been in production for at least 4 years, unless the land is in the program as of the effective date of this sentence.''.

H.R. 2646

OFFERED BY: MR. BEREUTER

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.01]*

AMENDMENT NO. 5: At the end of subtitle B of title I (page 66, after line 3), insert the following new section:

**SEC. 132. ALTERNATIVE LOAN RATES UNDER FLEXIBLE FALLOW PROGRAM.**

(a) DEFINITION OF TOTAL PLANTED ACREAGE.—In this section, the term ''total planted acreage'' means the cropland acreage of a producer that for the 2000 crop year was—

(1) planted to a covered commodity;

(2) prevented from being planted to a covered commodity; or

(3) fallow as part of a fallow rotation practice with respect to a covered commodity, as determined by the Secretary.

(b) ELECTION TO PARTICIPATE.—In lieu of receiving a loan rate under section 122 with respect to production eligible for a loan under section 121, a producer may elect to participate in a flexible fallow program for any of the 2002 through 2011 crops under which annually—

(1) the producer determines which acres of the total planted acreage are assigned to a specific covered commodity;

(2) the producer determines—

(A) the projected percentage reduction rate of production of the specific covered commodity based on the acreage assigned to the covered commodity under paragraph (1); and

(B) the acreage of the total planted acreage of the producer to be set aside under subparagraph (A), regardless of whether the acreage is on the same farm as the acreage planted to the specific covered commodity;

(3) based on the projected percentage reduction rate of production as a result of the acreage set aside under paragraph (2), the producer receives the loan rate for each covered commodity produced by the producer, as determined under subsection (c); and

(4) the acreage planted to covered commodities for harvest and set aside under this section is limited to the total planted acreage of the producer.

(c) LOAN RATES UNDER PROGRAM.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of a producer of a covered commodity that elects to participate in the flexible fallow program under this section, the loan rate for a marketing assistance loan under section 121 for a crop of the covered commodity shall be based on the projected percentage reduction rate of production determined by the producer under subsection (b)(2), in accordance with the following table:

| Projected Percentage Reduction Rate | Corn commodity Rate ($/bushel) | Wheat Loan Rate ($/bushel) | Soybean Loan Rate ($/bushel) | Upland Cotton Loan Rate ($/pound) | Rice Loan Rate ($/hundredweight) |
|---|---|---|---|---|---|
| 0% | 1.89 | 2.75 | 4.72 | 0.5192 | 6.50 |
| 1% | 1.91 | 2.78 | 4.77 | 0.5268 | 6.60 |
| 2% | 1.93 | 2.81 | 4.81 | 0.5344 | 6.70 |
| 3% | 1.95 | 2.83 | 4.86 | 0.5420 | 6.80 |
| 4% | 1.97 | 2.86 | 4.91 | 0.5496 | 6.90 |
| 5% | 1.99 | 2.89 | 4.96 | 0.5572 | 7.00 |
| 6% | 2.01 | 2.92 | 5.01 | 0.5648 | 7.10 |
| 7% | 2.03 | 2.95 | 5.06 | 0.5724 | 7.20 |
| 8% | 2.05 | 2.98 | 5.11 | 0.5800 | 7.30 |
| 9% | 2.07 | 3.01 | 5.16 | 0.5876 | 7.40 |
| 10% | 2.09 | 3.04 | 5.21 | 0.5952 | 7.50 |
| 11% | 2.12 | 3.08 | 5.29 | 0.6028 | 7.60 |
| 12% | 2.15 | 3.13 | 5.36 | 0.6104 | 7.70 |
| 13% | 2.18 | 3.17 | 5.43 | 0.6180 | 7.80 |
| 14% | 2.21 | 3.22 | 5.51 | 0.6256 | 7.90 |
| 15% | 2.24 | 3.27 | 5.58 | 0.6332 | 8.00 |
| 16% | 2.28 | 3.31 | 5.65 | 0.6408 | 8.10 |
| 17% | 2.31 | 3.36 | 5.73 | 0.6484 | 8.20 |
| 18% | 2.34 | 3.41 | 5.81 | 0.6560 | 8.30 |
| 19% | 2.37 | 3.46 | 5.88 | 0.6636 | 8.40 |
| 20% | 2.41 | 3.51 | 5.96 | 0.6712 | 8.50 |
| 21% | 2.44 | 3.55 | 6.04 | 0.6788 | 8.60 |
| 22% | 2.47 | 3.60 | 6.12 | 0.6864 | 8.70 |
| 23% | 2.51 | 3.65 | 6.19 | 0.6940 | 8.80 |
| 24% | 2.54 | 3.70 | 6.27 | 0.7016 | 8.90 |
| 25% | 2.57 | 3.75 | 6.35 | 0.7092 | 9.00 |
| 26% | 2.61 | 3.80 | 6.43 | 0.7168 | 9.10 |
| 27% | 2.64 | 3.85 | 6.51 | 0.7244 | 9.20 |
| 28% | 2.68 | 3.90 | 6.60 | 0.7320 | 9.30 |
| 29% | 2.71 | 3.95 | 6.68 | 0.7396 | 9.40 |
| 30% | 2.75 | 4.01 | 6.76 | 0.7472 | 9.50. |

(2) COUNTY AVERAGE YIELDS.—

(A) IN GENERAL.—The loan rate for a marketing assistance loan made to a producer for a crop of a covered commodity under paragraph (1) shall apply with respect to the production of the crop of the covered commodity by the producer in a quantity that does not exceed the historical county average yield for the covered commodity established by the National Agricultural Statistics Service, adjusted for long-term yield trends.

(B) EXCESS PRODUCTION.—The loan rate for a marketing assistance loan made to a producer for a crop of a covered commodity under paragraph (1) with respect to the production of the crop of the covered commodity in excess of the historical county average yield for the covered commodity described in subparagraph (A) shall be equal to the loan rate established for a 0% projected percentage reduction rate for the covered commodity under paragraph (1).

(C) DISASTERS.—

(i) IN GENERAL.—If the production of a crop of a covered commodity by a producer is less than the historical county average yield for the covered commodity described in subparagraph (A) as a result of damaging weather, an insurable peril, or related condition, the producer may receive a payment on the lost production that shall equal the difference between—

(I) the maximum quantity of covered commodity that could have been designated for the loan rate authorized under this section for the producer; and

(II) the quantity of covered commodity the producer was able to produce and commercially market.

(ii) CALCULATION OF PAYMENT.—The payment described in clause (i) shall be equal to the loan deficiency payment the producer could have received on the lost production on any date, selected by the producer, on which a loan deficiency payment was available for that crop of the covered commodity.

(3) OTHER COVERED COMMODITIES.—In the case of a producer of a covered commodity not covered by paragraphs (1) and (2) that elects to participate in the flexible fallow program under this section, the loan rate for a marketing assistance loan under section 121 for the crop of the covered commodity shall be based on—

(A) in the case of grain sorghum, barley, and oats, such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn;

(B) in the case of extra long staple cotton, such level as the Secretary determines is fair and reasonable; and

(C) in the case of oilseeds other than soybeans, such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except that the rate for the oilseeds (other than cottonseed) shall not be less than the rate established for soybeans on a per-pound basis for the same crop.

(d) CONSERVATION USE OF SET-ASIDE ACREAGE.—To be eligible for a loan rate under this section, a producer shall devote all of the acreage set aside under this section to a conservation use approved by the Secretary and manage the set-aside acreage using management practices designed to enhance soil conservation and wildlife habitat. The Secretary shall prescribe the approved management practices for a county in consultation with the relevant State technical committee.

(1) LIMITED GRAZING.—The Secretary may permit limited grazing on the set-aside acreage when the grazing is incidental to the gleaning of crop residues on adjacent fields.

(e) CERTIFICATION.—To be eligible to participate in the flexible fallow program for any of the 2002 through 2011 crops, a producer shall certify to the Secretary (by farm serial number) the total planted acreage assigned, planted, and set aside with respect to each covered commodity.

H.R. 2646

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 6: At the end of title IX, insert the following new section:

**SEC. ____. AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.**

There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing industry. Sums are specifically earmarked to hire litigating attorneys to allow the Grain Inspection, Packers and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

H.R. 2646

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 7: At the end of title V, insert the following:

**SEC. ____. AUTHORITY TO MAKE BUSINESS AND INDUSTRY GUARANTEED LOANS FOR FARMER-OWNED PROJECTS THAT ADD VALUE TO OR PROCESS AGRICULTURAL PRODUCTS.**

Section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) is amended by inserting ''(and in areas other than rural communities, in the case of insured loans, if a majority of the project involved is owned by individuals who reside and have farming operations in rural communities, and the project adds value to or processes agricultural commodities)'' after ''rural communities''.

H.R. 2646

OFFERED BY: MR. BLUMENAUER

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 8: At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. 932. PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.**

(a) PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.—Section 26(d) of the Animal Welfare Act (7 U.S.C. 2156(d)) is amended to read as follows:

''(d) ACTIVITIES NOT SUBJECT TO PROHIBITION.—This section does not apply to the selling, buying, transporting, or delivery of an animal in interstate or foreign commerce for any purpose, so long as the purpose does not include participation of the animal in an animal fighting venture.''.

(b) EFFECTIVE DATE.—The amendment made by this section take effect 30 days after the date of the enactment of this Act.

In the table of contents, after the item relating to section 931 (page 8, before line 1), insert the following new item:

Sec. 932. Prohibition on interstate movement of animals for animal fighting.

H.R. 2646

OFFERED BY: MR. BLUMENAUER

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 9: At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. 932. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.**

(a) PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (e)—

(A) by inserting ''PENALTIES.—'' after ''(e)'';

(B) by striking ''$5,000'' and inserting ''$15,000''; and

(C) by striking ''1 year'' and inserting ''2 years''; and

(2) in subsection (g)(2)(B), by inserting at the end before the semicolon the following: ''or from any State into any foreign country''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect 30 days after the date of the enactment of this Act.

In the table of contents, after the item relating to section 931 (page 8, before line 1), insert the following new item:

Sec. 932. Penalties and foreign commerce provisions of the Animal Welfare Act.

H.R. 2646

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 10: Strike title II and insert the following:

## TITLE II—CONSERVATION

### Subtitle A—Farm and Ranch Preservation

**SEC. 201. FARMLAND PROTECTION PROGRAM.**

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) is amended to read as follows:

**''SEC. 388. FARMLAND PROTECTION PROGRAM.**

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the ''Secretary'') shall carry out a farmland protection program for the purpose of protecting farm and ranch lands with prime, unique, or other productive uses and agricultural lands that contain historic or archaeological resources, by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

''(1) permanent conservation easements in such lands; or

''(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

''(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

''(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement under subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

''(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

''(1) An agency of a State or local government.

''(2) A federally recognized Indian tribe.

''(3) Any organization that is organized for, and at all times since its formation has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

''(A) is described in section 501(c)(3) of the Code;

''(B) is exempt from taxation under section 501(a) of the Code; and

''(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

''(e) GRANT FACTORS.—Among the factors the Secretary shall consider in making grants under this section, the Secretary shall consider the extent to which States are encouraging or adopting measures to protect farmland and ranchland from conversion to non-agricultural uses.

''(f) TITLE; ENFORCEMENT.—An eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

''(g) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

''(h) FUNDING.—

''(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—The Secretary shall use not more than $100,000,000 in fiscal year 2002, $200,000,000 in fiscal year 2003, $350,000,000 in fiscal year 2004, $450,000,000 in fiscal year 2005, and $500,000,000 in each of fiscal years 2006 through 2011, of the funds of the Commodity Credit Corporation to carry out this section.

''(2) LIMITATION ON TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary may use not more than 10 percent of the amount made available for any fiscal year under paragraph (1).

''(i) GRANTS AND ASSISTANCE TO ENHANCE FARM VIABILITY.—For each year for which funds are available for the program under this section, the Secretary may use not more than $10,000,000 to provide matching market development grants and technical assistance to farm and ranch operators who participate in the program. As a condition of receiving such a grant, the grantee shall provide an amount equal to the grant from non-Federal sources.''.

**SEC. 202. SOCIALLY DISADVANTAGED FARMERS.**

Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) is amended—

(1) by striking ''$10,000,000'' and inserting ''$15,000,000 from the Commodity Credit Corporation''; and

(2) by adding at the end the following: ''Any agency of the Department of Agriculture may participate jointly in any grant or contract entered in furtherance of the objectives of this section if it agreed that the objectives of the grant or contract will further the authorized programs of the contributing agency.''.

### Subtitle B—Environmental Stewardship On Working Lands

**SEC. 211. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.**

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) by striking ''to—'' and all that follows through ''provides'' and inserting ''to provide'';

(2) inserting ''air'' after ''that face the most serious threats to'';

(3) by redesignating the subparagraphs (A) through (D) that follow the matter amended by paragraph (2) of this section as paragraphs (1) through (4), respectively;

(4) by moving each of such redesignated provisions 2 ems to the left; and

(5) by striking ''farmers and ranchers'' each place it appears and inserting ''producers''.

**SEC. 212. DEFINITIONS.**

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended—

(1) in paragraph (1)—

(A) by inserting ''nonindustrial private forest land,'' before ''and other land''; and

(B) by striking all after ''poses a serious threat to'' and inserting ''air, soil, water, or related resources.''; and

(2) in paragraph (4), by inserting '', including nonindustrial private forestry'' before the period.

**SEC. 213. ESTABLISHMENT AND ADMINISTRATION.**

(a) REAUTHORIZATION.—Section 1240B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)(1)) is amended by striking ''2002'' and inserting ''2011''.

(b) INCENTIVE PAYMENTS.—Section 1240B of such Act (16 U.S.C. 3839aa–2) is amended by adding at the end the following:

''(h) WATERSHED QUALITY INCENTIVE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall create a program to improve water quality in individual watersheds nationwide. Except as otherwise provided in this subsection, the program shall be administered in accordance with the terms of the Environmental Quality Incentives Program.

''(2) CONSISTENCY WITH WATERSHED PLAN.—In allocating funds under this subsection, the Secretary shall consider the extent to which an application for the funds is consistent with a locally developed watershed plan, in addition to the other factors established by section 1240C.

''(3) CONTRACTS.—The Secretary shall enter into contracts in accordance with this section with producers whose activities affect water quality, including the quality of public drinking water supplies, to implement and maintain nutrient management, pest management, soil erosion practices, and other conservation activities that protect water quality and protect human health. The contracts shall—

''(A) describe the nutrient management, pest management or soil loss practices to be implemented, maintained, or improved;

''(B) contain a schedule of implementation;

''(C) address water quality priorities of the watershed in which the operation is located to the greatest extent possible; and

''(D) contain such other terms as the Secretary determines to be appropriate.

''(4) VOLUNTARY WATER QUALITY BENEFITS EVALUATION.—On approval of the producer, the Secretary may include the cost of water quality benefits evaluation as part of a contract entered into under this section.

''(5) DRINKING WATER SUPPLIERS PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a pilot program in 15 watersheds to improve water quality in cooperation with local water utilities.

''(B) PILOT PROGRAM.—The Secretary shall select the watersheds and make available funds to be allocated to producers in partnership with drinking water utilities in the watersheds, provided that drinking water utilities measure water quality and target incentives payments to improve water quality.

''(6) NUTRIENT REDUCTION PILOT PROGRAM.—The Secretary shall use up to $100,000,000 annually of the funds provided under this subsection in 5 impaired watersheds each year to provide incentives for agricultural producers to reduce nitrogen and phosphorous applications by at least 15 percent below the average rates used by comparable farms in the State. Incentive payments shall reflect the extent to which producers reduce nitrogen and phosphorous applications.

''(7) RECOGNITION OF STATE EFFORTS.—The Secretary shall recognize the financial contribution of States, among other factors, during the allocation of funding under this subsection.''.

(c) NON-FEDERAL ASSISTANCE.—Section 1240B(g) of such Act (16 U.S.C. 3839aa–2(g)) is amended—

(1) by inserting ''drinking water utility'' after ''forestry agency,''; and

(2) by inserting '', cost-share payments, and incentives'' after ''technical assistance''.

**SEC. 214. EVALUATION OF OFFERS AND PAYMENTS.**

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended to read as follows:

**''SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.**

''The Secretary shall establish a ranking process and benefits index to prioritize technical assistance, cost-share payments, and incentives payments to producers to maximize soil and water quality and wildlife habitat and other environmental benefits per dollar expended. The ranking process shall be weighted to ensure that technical assistance, cost-share payments, and incentives are provided to small or socially-disadvantaged farmers (as defined in section 8(a)(5) of the Small Business Act). The Secretary shall consult with local, State, and Federal public and private entities to develop the ranking process and benefits index.''.

**SEC. 215. LIMITATION ON PAYMENTS.**

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$10,000'' and inserting ''$30,000''; and

(B) in paragraph (2), by striking ''$50,000'' and inserting ''$150,000'';

(2) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to share the cost of digesters.''; and

(3) by striking subsection (c).

**SEC. 216. REAUTHORIZATION OF FUNDING.**

Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking ''2002'' and inserting ''2011''.

**SEC. 217. FUNDING.**

Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended—

(1) by striking ''$130,000,000'' and all that follows through ''2002'' and inserting ''$200,000,000 for fiscal year 2001, $1,000,000,000 in fiscal years 2002 and 2003, and $1,000,000,000 for each of fiscal years 2004 through 2011'';

(2) by inserting ''(other than under section 1240B(h))'' before the period; and

(3) by adding at the end the following: ''In addition, the Secretary shall make available for the program under section 1240B(h), $450,000,000 for fiscal years 2002 and 2003, $500,000,000 for fiscal year 2004, $650,000,000 for fiscal year 2005, and $700,000,000 for each of fiscal years 2006 through 2011, to provide incentive payments to producers who implement watershed quality incentive contracts.''.

**SEC. 218. ALLOCATION FOR LIVESTOCK AND OTHER CONSERVATION PRIORITIES.**

(a) IN GENERAL.—Section 1241(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(2)) is amended—

(1) by striking ''2002'' and inserting ''2011''; and

(2) by inserting ''(other than under section 1240B(h))'' before ''shall''.

(b) AGRICULTURAL SUSTAINABILITY.—Section 1241(b) of such Act (16 U.S.C. 3841(b)) is amended by adding at the end the following:

''(3) TARGETING OF PRACTICES TO PROMOTE AGRICULTURAL SUSTAINABILITY.—

''(A) To the maximum extent practicable, the Secretary shall attempt to dedicate at least 10 percent of the funding in this subsection to each of the following practices to promote agricultural sustainability:

''(i) Managed grazing.

''(ii) Innovative manure management.

''(iii) Surface and groundwater conservation through improved irrigation efficiency and other practices.

''(iv) Pesticide and herbicide reduction, including practices that reduce direct human exposure.

''(B) DEFINITIONS.—In subparagraph (A):

''(i) MANAGED GRAZING.—The term 'managed grazing' means practices which frequently rotate animals on grazing lands to enhance plant health, limit soil erosion, protect ground and surface water quality, or benefit wildlife.

''(ii) INNOVATIVE MANURE MANAGEMENT.—The term 'innovative manure management' means manure management technologies which—

''(I) eliminate the discharge of animal waste to surface and groundwaters through direct discharge, seepage, and runoff;

''(II) substantially eliminate atmospheric emissions of ammonia;

''(III) substantially eliminate the emission of odor;

''(IV) substantially eliminate the release of disease-transmitting vectors and pathogens;

''(V) substantially eliminate nutrient heavy metal contamination; or

''(VI) encourage reprocessing and cost-effective transportation of animal waste.

''(ii) IMPROVED IRRIGATION EFFICIENCY.—The term 'improved irrigation efficiency' means the use of new or upgraded irrigation systems that conserve water, including the use of—

''(I) spray jets or nozzles which improve water distribution efficiency;

''(II) irrigation well meters;

''(III) surge valves and surge irrigation systems; and

''(IV) conversion of equipment from gravity or flood irrigation to sprinkler or drip irrigation, including center pivot systems.''.

## Subtitle C—Preservation of Wildlife Habitat

**SEC. 221. WILDLIFE HABITAT INCENTIVES PROGRAM.**

(a) EXTENSION AND FUNDING INCREASE.—Section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a) is amended to read as follows:

''(c) FUNDING.—To carry out this section, there shall be made available $200,000,000 for fiscal years 2002 and 2003, $350,000,000 for fiscal year 2004, $450,000,000 for fiscal year 2005, $500,000,000 for each of the fiscal years 2006 through fiscal year 2009, $400,000,000 for fiscal year 2010, and $200,000,000 for fiscal year 2011.''.

(b) ADDITIONAL INCENTIVES FOR WILDLIFE CONSERVATION.—Section 387(b) of such Act (16 U.S.C. 3836(b)) is amended by inserting '', or for other costs relating to wildlife conservation,'' before ''approved by the Secretary''.

(c) PROGRAM MODIFICATIONS.—Section 387 of such Act (16 U.S.C. 3836a) is amended by adding at the end the following:

''(d) INCENTIVE PAYMENTS.—The Secretary may provide incentive payments to landowners in exchange for the implementation of land management practices designed to create or preserve wildlife habitat. The payments may be in an amount and at a rate determined by the Secretary to be necessary to encourage a landowner to engage in the practice.

''(e) FUNDING PRIORITY.—The Secretary shall give priority to landowners whose lands contain important habitat for imperiled species or habitat identified by State conservation plans, where available.

''(f) CONSULTATION.—To the extent practicable, the Secretary shall consult with local, State, Federal and private experts, as considered appropriate by the Secretary, to ensure that projects under this section maximize conservation benefits and are regionally equitable.

''(g) ACQUISITION OF EASEMENTS.—Beginning with fiscal year 2003, not more than 10 percent of the funds available shall be used to acquire permanent easements, provided that land enrolled in an easement is not land taken out of agricultural production''.

**SEC. 222. WETLANDS RESERVE PROGRAM.**

(a) ENROLLMENT AUTHORITY.—Section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)) is amended to read as follows:

''(1) ENROLLMENT.—The Secretary shall enroll in the wetlands reserve program a total of not less than 250,000 acres in fiscal years 2002 and 2003, and not less than 250,000 acres in each of fiscal years 2004 through 2011.''.

(b) REGIONAL EQUITY.—Section 1237 of such Act (16 U.S.C. 3837) is amended by adding at the end the following:

''(h) Not later than 60 days after the date of the enactment of this sentence, the Secretary shall devise a plan to promote wetlands conservation in all regions where opportunities exist for wetlands restoration.''.

**SEC. 223. CONSERVATION RESERVE PROGRAM.**

(a) ENROLLMENT AUTHORITY.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a)—

(A) by striking ''2002'' and inserting ''2011''; and

(B) by striking ''and water'' and inserting '', water, and wildlife'';

(2) in subsection (d)—

(A) by striking ''36,400,000'' and inserting ''45,000,000''; and

(B) by striking ''2002'' and inserting ''2011''; and

(3) in subsection (h)(1), by striking ''and 2002'' and inserting ''through 2011''.

(b) ELIGIBILITY.—Section 1231(b) of such Act (16 U.S.C. 3831(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) pasture, hay, and rangeland if the land will be restored as a wetland, or is within 300 feet of a riparian area and will be restored in native vegetation; and''; and

(2) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the following:

''(A) if the Secretary determines that—

''(i) the lands contribute to the degradation of soil, water, or air quality, or would pose an on-site or off-site environmental threat to soil, water, or air quality if permitted to remain in agricultural production; and

''(ii) soil, water, and air quality objectives with respect to the land cannot be achieved under the environmental quality incentives program established under chapter 4;'';

(B) by striking ''or'' at the end of subparagraph (C);

(C) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(D) by adding at the end the following:

''(E) if the Secretary determines that enrollment of the lands would contribute to conservation of ground or surface water.

For purposes of the program under this subchapter, buffer strips on lands used for the production of fruits, vegetables, sod, orchards, or specialty crops shall be considered cropland.''.

(c) ENVIRONMENTALLY SENSITIVE LANDS AND BUFFER STRIPS.—Section 1231(d) of such Act (16 U.S.C. 3831(d)) is amended by adding at the end the following: ''Until December 31, 2007, of the acreage authorized for enrollment, not less than 7,000,000 acres shall be used to enroll environmentally sensitive lands through the continuous enrollment program and the conservation reserve enhancement program.''.

(d) LIMITED PERMANENT EASEMENT AUTHORITY.—Section 1231(e) of such Act (16 U.S.C.

3831(e)) is amended by adding at the end the following:

''(3) PERMANENT EASEMENTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary may enroll up to 3,000,000 acres in the conservation reserve using permanent easements to protect critically important environmentally sensitive lands (including 1,000,000 acres for isolated wetlands) and habitats such as native prairies, native shrublands, small wetlands, springs, seeps, fens, and other rare and declining habitats. The terms of the easement shall be consistent with section 1232(a).

''(B) LIMITATIONS ON TRANSFERABILITY.—The Secretary may transfer a permanent easement established under subparagraph (A) to a State or local government or a qualified nonprofit conservation organization. The holder of such a permanent easement may not transfer the easement to an entity other than a State or local government or a qualified nonprofit conservation organization.''.

(e) CONTINUOUS ENROLLMENT OF BUFFER STRIPS.—Section 1231 of such Act (16 U.S.C. 3831) is amended by adding at the end the following:

''(i) CONTINUOUS ENROLLMENT OF BUFFER STRIPS.—The Secretary shall allow continuous enrollment of buffers whose width and vegetation is designed to provide significant wildlife or water quality benefits, as determined by the Secretary.

''(j) IRRIGATED LANDS.—Irrigated lands shall be enrolled at irrigated land rates unless the Secretary determines that other compensation is appropriate.

''(k) EXCEPTION TO PAYMENT LIMITATION.—Payments made in connection with the enrollment of lands pursuant to the continuous enrollment or the conservation reserve enhancement program shall not be subject to any payment limitations under section 1239c(f)(1).

''(l) LIMITED EXCEPTIONS TO PROHIBITIONS ON ECONOMIC USES.—Notwithstanding the prohibitions on economic use on lands enrolled in the Conservation Reserve Program under section 1232(a), the Secretary may permit on such lands the collection of native seeds and the use of wind turbines, so long as such activities preserve the conservation values of the land and take into account wildlife and wildlife habitat.''.

**SEC. 224. CONSERVATION OF PRIVATE GRAZING LANDS.**

Section 386 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2005b) is amended by striking subsection (f) and inserting the following:

''(f) INCENTIVE PAYMENTS.—The Secretary may enter into 5-year, 10-year and 20-year contracts with landowners to provide financial assistance for landowner efforts to improve the ecological health of grazing lands, including practices that reduce erosion, employ prescribed burns, restore riparian area, control or eliminate exotic species, reestablish native grasses, or otherwise enhance wildlife habitat.

''(g) AUTHORIZATION OF FUNDING.—The Secretary shall make available $20,000,000 for each of the fiscal years 2002 through 2011 from the Commodity Credit Corporation to carry out this section.''.

**SEC. 225. GRASSLAND RESERVE AND ENHANCEMENT PROGRAM.**

Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830–3837f) is amended by adding at the end the following:

**''Subchapter D—Grassland Reserve and Enhancement Program**

**''SEC. 1238. GRASSLAND RESERVE AND ENHANCEMENT PROGRAM.**

''(a) ESTABLISHMENT.—The Secretary shall establish a program to use contracts and easements to protect 3,000,000 acres of environmentally critical grasslands, shrubs, and blufflands. Beginning in fiscal year 2002, the Secretary shall conduct outreach to inform the public of the program.

''(b) ENROLLMENT CONDITIONS.—

''(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the program shall not exceed 3,000,000 acres. The Secretary shall enroll lands using permanent easements to meet demand, but in no case shall more than 50 percent of the available acreage be enrolled in permanent easements, and the balance shall be enrolled in contracts through which the Secretary shall provide assistance and incentive payments.

''(2) TERMS OF CONTRACTS OR EASEMENTS.—The Secretary shall enroll in the program for a willing owner not less than 100 contiguous acres of land west of the 100th meridian or not less than 50 contiguous acres of land east of the 90th meridian through 10-year or 20-year contracts or permanent easements.

''(c) ELIGIBLE LAND.—Land shall be eligible to be enrolled in the program if the Secretary determines that—

''(1) the land is natural grass or shrubland;

''(2) the land—

''(A) is located in an area that has been historically dominated by natural grass or shrubland; and

''(B) has potential to serve as habitat for animal or plant populations of significant ecological value if the land is restored to natural grass or shrubland; or

''(3) the land is adjacent to land described in paragraph (1) or (2), and the Secretary determines it is necessary to maintain or restore native grassland or shrubland under this section.

''(d) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there shall be available for each of fiscal years 2002 through 2011 such sums as may be necessary from the funds of the Commodity Credit Corporation.

**''SEC. 1238A. CONTRACTS AND AGREEMENTS.**

''(a) REQUIREMENTS OF LANDOWNER.—To be eligible to enroll land in the program, the owner of the land shall—

''(1) agree to comply with the terms of the contract and related restoration agreements; and

''(2) agree to the suspension of any existing cropland base and allotment history for the land under any program administered by the Secretary.

''(b) TERMS OF CONTRACT OR EASEMENT.—A contract or easement under subsection (a) shall—

''(1) permit—

''(A) common grazing practices on the land in a manner that is consistent with maintaining the viability of natural grass and shrub species indigenous to that locality;

''(B) haying, mowing, or haying for seed production, except that such uses shall not be permitted until after the end of the nesting and brood-rearing season for birds in the local area which are in significant decline or are conserved pursuant to State or Federal law, as determined by the Natural Resources Conservation Service State conservationist;

''(C) construction of fire breaks and fences, including placement of the posts necessary for fences; and

''(D) practices that reduce erosion, restore native species, control and eradicate exotic species, enhance habitat for native wildlife, and improve the health of riparian areas;

''(2) prohibit—

''(A) forestry and the production of any agricultural commodity (other than hay);

''(B) unless allowed under subsection (d), the conduct of any other activity that would disturb the surface of the land covered by the contract or easement; and

''(C) the development of homes, businesses or other structures on land subject to the contract or easement; and

''(3) include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the administration of this subchapter.

''(c) RANKING APPLICATIONS.—

''(1) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for contracts under this subchapter.

''(2) EMPHASIS.—In establishing the criteria, the Secretary shall emphasize support for native grass and shrubland, grazing operations, and plant and animal biodiversity.

''(d) RESTORATION AGREEMENTS.—The Secretary shall prescribe the terms by which grassland that is subject to a contract under the program shall be restored. The agreement shall include duties of the land owner and the Secretary, including the Federal share of restoration payments and technical assistance.

''(e) VIOLATIONS.—On the violation of the terms or conditions of a contract or restoration agreement entered into under this section—

''(1) the contract shall remain in force; and

''(2) the Secretary may require the owner to refund all or part of any payments received by the owner under this subchapter, with interest on the payments as determined appropriate by the Secretary.

**''SEC. 1238B. DUTIES OF SECRETARY.**

''(a) IN GENERAL.—In return for the granting of a contract by an owner under this subchapter, the Secretary shall make contract payments and payments of the Federal share of restoration and provide technical assistance to the owner in accordance with this section. The Secretary shall base the amount paid for an easement on the fair market value of the easement.

''(b) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to the owner of not more than—

''(1) in the case of virgin (never cultivated) grassland, 90 percent of the costs of carrying out measures and practices necessary to restore grassland functions and values; or

''(2) in the case of restored grassland, 75 percent of such costs.

''(c) TECHNICAL ASSISTANCE.—A landowner who is receiving a benefit under this subchapter shall be eligible to receive technical assistance in accordance with section 1243(d) to assist the owner or operator in carrying out a contract entered into under this subchapter.

''(d) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.''.

**Subtitle D—Organic Farming**

**SEC. 231. PROGRAM TO ASSIST TRANSITION TO ORGANIC FARMING.**

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (in this section referred to as the ''Secretary'') shall expand the National Organic Program to include a voluntary program to assist agricultural producers in making the transition from conventional to organic farming and to assist existing organic farmers. Under the program, the Secretary may make payments to cover all or a portion of—

(1) production and marketing losses;

(2) conservation practices related to organic food production;

(3) certification costs;

(4) technical assistance by qualified third parties;

(5) educational materials; or

(6) farm-to-consumer market development.

(b) LIMITATION ON EXPENDITURES.—Payments to individual farm and ranch operators under this section shall not exceed $10,000 per year, and such payments shall not be made to individuals operating a conventional farm or ranch in more than 3 fiscal years.

(c) ORGANIC CERTIFICATION REIMBURSEMENT PROGRAM.—The Secretary shall reimburse producers for the cost of organic certification. To expedite certification, farmers seeking certification shall be eligible for a direct reimbursement of up to $500 by the Secretary of certification costs, so long as producers present an organic certificate and receipt.

(d) FUNDING.—Of the funds of the Commodity Credit Corporation, there shall be available to the Secretary to carry out this section $20,000,000 for fiscal years 2002 and 2003, $40,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $50,000,000 for fiscal year 2006, $50,000,000 for fiscal year 2007, $50,000,000 for fiscal year 2008, and $0 for fiscal years 2009 through 2011.

## Subtitle E—Forestry

### SEC. 241. URBAN AND COMMUNITY FORESTRY.

Section 9(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(i)) is amended to read as follows:

''(i) FUNDING.—The Secretary shall use $50,000,000 of the funds of the Commodity Credit Corporation to carry out this section for each of the fiscal years 2002 through 2011. In addition, there are authorized to be appropriated to the Secretary not more than $50,000,000 to carry out this section for each of the fiscal years 2002 through 2011. As determined by the Secretary, socially disadvantaged foresters shall be eligible for funding under this section.''.

### SEC. 242. WATERSHED FORESTRY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary shall establish a program for the purpose of providing financial assistance to enhance the quality of municipal water supplies and to encourage the long-term sustainability of private forestland.

(b) EASEMENTS.—The Secretary shall annually use $75,000,000 from the Commodity Credit Corporation to be matched equally by any non-Federal source for each of the fiscal years 2002 through 2011 to acquire permanent easements that promote watershed protection. The Secretary shall establish a system to fairly compensate landowners for the value of an easement entered into under this section.

(c) LAND-USE PRACTICES.—The Secretary shall annually use $25,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011 to share equally with any non-Federal source the cost of land management practices on nonindustrial forestland that protect municipal drinking water supplies and other conservation purposes. The Secretary shall consider, among other factors, the extent to which projects are identified in a regional or watershed conservation plan. Practices that are eligible for funding under this section include the following:

(1) Natural forest regeneration.

(2) Prescribed burns.

(3) Native species restoration.

(4) Stream and watershed restoration.

(5) Road retirement.

(6) Riparian restoration.

(7) Other practices that improve water quality and wildlife habitat, as determined by the Secretary.

(d) REGIONAL AND WATERSHED PLANNING.—The Secretary shall establish a program to make grants not exceeding $10,000 to develop and implement regional and watershed-based conservation plans to comply with existing laws and meeting water quality standards. The Secretary shall consider, among other factors, the extent to which applicants develop interjurisdictional conservation plans, protect nationally significant resources, engage the public, and demonstrate local support. The Secretary shall use not more than $10,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011 to carry out this subsection.

## Subtitle F—Technical Assistance

### SEC. 251. CONSERVATION TECHNICAL ASSISTANCE.

(a) Section 6 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590f) is amended—

(1) by striking the 1st undesignated paragraph and inserting the following:

''(a) The Secretary shall make available $200,000,000 each fiscal year from the Commodity Credit Corporation, and such additional sums as may be appropriated by the Congress, to carry out this Act.''; and

(2) by desginating the 2nd undesignated paragraph as subsection (b).

(b) Section 7 of such Act (16 U.S.C. 590g) is amended by striking ''and (7)'' and inserting ''(7) any of the purposes of agricultural conservation programs authorized by Congress, and (8)''.

### SEC. 252. REIMBURSEMENT FOR PROGRAM ADMINISTRATION.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841–3843) is amended—

(1) by inserting ''(1)'' before the first unnumbered paragraph;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (B);

(3) by moving the newly designated subparagraphs (A) through (B) three ems to the right;

(4) by adding at the end the following:

''(2) For each of fiscal years 1996 through 2011, the Secretary shall use the funds of the Commodity Credit Corporation for the provision of technical assistance to allow for full reimbursement of actual costs for delivering all conservation programs funded through the Commodity Credit Corporation for which technical assistance is required.''.

### SEC. 253. CONSERVATION TECHNICAL ASSISTANCE BY THIRD PARTIES.

Section 1243(d) of the Food Security Act of 1985 (16 U.S.C. 3843(d)) is amended—

(1) by striking ''In the preparation'' and inserting the following:

''(1) IN GENERAL.—In the preparation''; and

(2) by adding at the end the following:

''(2) ESTABLISHMENT OF TRAINING CENTERS.—To facilitate the training and certification of Federal and non-Federal employees and qualified third parties, the Secretary may establish training centers in the following locations:

''(A) Fresno, California.

''(B) Platteville, Wisconsin.

''(C) Lincoln, Nebraska.

''(D) Ithaca, New York.

''(E) Pullman, Washington.

''(F) Orono, Maine.

''(G) Gainesville, Florida.

''(H) College Park, Maryland.

''(3) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

''(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall, by regulation, establish a system for approving persons to provide technical assistance pursuant to this title. In the system, the Secretary shall give priority to a person who has a memorandum of understanding regarding the provision of technical assistance in place with the Secretary.

''(B) EXPERTISE REQUIRED.—In prescribing such regulations, the Secretary shall ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, environmental engineering, including commercial entities, qualified nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of such technical assistance.

''(C) QUALIFIED NONPROFIT ORGANIZATIONS.—Qualified nonprofit organizations shall include organizations whose missions primarily promote the stewardship of working farmland and ranchland.

''(4) QUALITY ASSURANCE PROGRAM.—The Secretary shall establish a program to assess the quality of the technical assistance provided by third parties.''.

### SEC. 254. CONSERVATION PRACTICE STANDARDS.

The Secretary of Agriculture shall—

(1) revise standards and, when necessary, establish standards for eligible conservation practices to include measurable goals for enhancing natural resources, including innovative practices;

(2) within 6 months after the date of the enactment of this section, revise the National Handbook of Conservation Practices and field office technical guides; and

(3) not less frequently than once every 5 years, update the Handbook and technical guides to reflect the best available science.

## Subtitle G—Miscellaneous Conservation Provisions

### SEC. 261. CONSERVATION PROGRAM PERFORMANCE REVIEW AND EVALUATION.

(a) IN GENERAL.—The Secretary shall establish a grant program to evaluate the benefits of the conservation programs under title XII of the Food Security Act of 1985 and under sections 242 and 262 of this Act.

(b) GRANTS.—The Secretary shall make grants to land grant colleges and other research institutions whose applications are highly ranked under subsection (c) to evaluate the economic and environmental benefits of conservation programs, and shall use such research to identify and rank measures needs to improve water quality, fish and wildlife habitat, and other environmental goals of conservation programs.

(c) SCIENTIFIC PANELS.—The Secretary shall establish a panel of independent scientific experts to review and rank the grant applications submitted under subsection (a).

(d) FUNDING.—The Secretary shall use $10,000,000 from the Commodity Credit Corporation for each of fiscal years 2002 through 2011 to carry out this section.

### SEC. 262. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation other appropriate Federal agencies may carry out the Great Lakes Basin Program for Soil Erosion and Sediment Control.

(b) ASSISTANCE.—In carrying out the Program, the Secretary shall—

(1) provide project demonstration grants, provide technical assistance, and carry out information and education programs to improve water quality in the Great Lakes Basin by reducing soil erosion and improving sediment control; and

(2) provide a priority for projects and activities that directly reduce soil erosion or improve sediment control.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2003 through 2011.

(2) ADMINISTRATIVE COSTS.—

(A) COMMISSION.—The Great Lakes Commission may use not more than 10 percent of the funds made available for a fiscal year under paragraph (1) to pay administrative costs incurred by the Commission in carrying out this section.

(B) SECRETARY.—None of the funds made available under paragraph (1) may be used by the Secretary to pay administrative costs incurred by the Secretary in carrying out this section.

**Subtitle H—Conservation Corridor Program**

**SEC. 271. CONSERVATION CORRIDOR PROGRAM.**

(a) PURPOSE.—The purpose of this subtitle is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) ESTABLISHMENT.—The Secretary of Agriculture (in this subtitle referred to as the ''Secretary'') shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) MEMORANDUM OF AGREEMENT.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

**SEC. 272. CONSERVATION ENHANCEMENT PLAN.**

(a) PREPARATION.—To be eligible to participate in the program under this subtitle, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems or watersheds within the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) SUBMISSION AND REVIEW.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this subtitle if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) CRITERIA FOR PARTICIPATION.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) APPROVAL AND IMPLEMENTATION.—Within 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) PRIORITY.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

**SEC. 273. FUNDING REQUIREMENTS.**

(a) COST-SHARING.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 272, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) EXCEPTION.—The Secretary may reduce the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) COORDINATION.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) RESERVATION OF FUNDS.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) ADMINISTRATION.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

**Subtitle I—Funding Source and Allocations**

**SEC. 281. FUNDING FOR CONSERVATION FUNDING.**

(a) REDUCTION IN FIXED DECOUPLED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Notwithstanding sections 104 and 105, the Secretary of Agriculture (in this subtitle referred to as the ''Secretary'') shall reduce by $1,900,000,000 the total amount otherwise required to be paid under such sections in each of fiscal years 2002 through 2011, in accordance with this section.

(b) MAXIMUM TOTAL PAYMENTS BY TYPE AND FISCAL YEAR.—In making the reductions required by subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $3,425,000,000 in fiscal year 2002; or

(B) $4,325,000,000 in any of fiscal years 2003 through 2011; and

(2) the total amount paid under section 105 does not exceed—

(A) $3,332,000,000 in fiscal year 2003;
(B) $4,494,000,000 in fiscal year 2004;
(C) $4,148,000,000 in fiscal year 2005;
(D) $3,974,000,000 in fiscal year 2006;
(E) $3,701,000,000 in fiscal year 2007;
(F) $3,222,000,000 in fiscal year 2008;
(G) $2,596,000,000 in fiscal year 2009;
(H) $2,057,000,000 in fiscal year 2010; or
(I) $1,675,000,000 in fiscal year 2011.

(c) LIMITATIONS TO PROTECT SMALLER FARMERS, PRESERVE TRADE AGREEMENTS, AND ENSURE PROGRAM AND REGIONAL BALANCE.—In making the reductions required by subsection (a), the Secretary shall—

(1) accomplish all of the reductions required with respect to a fiscal year by making pro rata reductions in the amounts otherwise payable under sections 104 and 105 to the 10 percent (or, if necessary, such greater percentage as the Secretary may determine) of recipients who would otherwise receive the greatest total payments under such sections in the fiscal year; and

(2) to the maximum extent practicable, ensure that—

(A) the resulting payments under such sections pose the least amount of risk to the United States of violating trade agreements to reduce subsidies; and

(B) the reductions are made in a manner that achieves balance among programs and regions.

**SEC. 282. ALLOCATION OF CONSERVATION FUNDS BY STATE.**

(a) STATE ALLOCATION.—To the maximum extent practicable in each of fiscal years 2002 through 2011, the Secretary, subject to the rules of the conservation programs administered by the Secretary, shall ensure that each State receives at a minimum the State's share of the $1,900,000,000 based on the State's share of the total agricultural market value of production, with each State receiving not less than 0.52 percent and not more than 7 percent of such amount annually.

(b) TRANSITION AND UNOBLIGATED BALANCES.—If the offices of the United States Department of Agriculture in each respective State cannot expend all funds allocated in this title within 2 consecutive fiscal years for the programs identified in this title, the funds shall be remitted to the Secretary for reallocation as the Secretary deems appropriate among States to address unmet conservation needs through the programs in this title, except that in no event shall these unobligated balances be used to fund technical assistance.

(c) REGIONAL EQUITY.—Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended by adding at the end the following:

''(d) REGIONAL EQUITY.—In carrying out the ECARP, the Secretary shall recognize the importance of regional equity, and the importance of accomplishing many conservation objectives that can sometimes only be achieved on land of high value.''.

**Subtitle J—Rural Development**

**SEC. 291. EXPANSION OF STATE MARKETING PROGRAMS.**

(a) FEDERAL-STATE MARKET INCENTIVE PAYMENTS.—Section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623) is amended by striking ''such sums as he may deem appropriate'' and inserting ''$10,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011''.

(b) MARKET DEVELOPMENT GRANTS.—Section 203(e)(1) of such Act (7 U.S.C. 1622(e)(1)) is amended by adding at the end the following: ''The Secretary shall transfer to State departments of agriculture and other State marketing offices at least 10 percent of the funds appropriated for a fiscal year for this subsection to facilitate the development of local and regional markets for agricultural products, including direct farm-to-consumer markets.''.

Amend the table of contents accordingly.

H.R. 2646

OFFERED BY: MRS. BONO

*[Page and line numbers refer to the amendment in the nature of a substitute]*

AMENDMENT NO. 11: At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. ___. COUNTRY OF ORIGIN LABELING OF PERISHABLE AGRICULTURAL COMMODITIES.**

(a) ESTABLISHMENT OF LABELING REQUIREMENT.—The Perishable Agricultural Commodities Act, 1930, is amended by inserting after section 17 (7 U.S.C. 499q) the following new section:

**''SEC. 18. COUNTRY OF ORIGIN LABELING OF PERISHABLE AGRICULTURAL COMMODITIES.**

''(a) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—Except as provided in subsection (b), a retailer of a perishable agricultural commodity shall inform consumers, at the final point of sale of the perishable agricultural commodity to consumers, of the country of origin of the perishable agricultural commodity. This requirement shall apply to imported and domestically produced perishable agricultural commodities.

''(b) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.—

''(1) EXEMPTION.—Subsection (a) shall not apply to a perishable agricultural commodity to the extent that the perishable agricultural commodity is—

''(A) prepared or served in a food service establishment; and

''(B) offered for sale or sold at the food service establishment in normal retail quantities or served to consumers at the food service establishment.

''(2) DEFINITION.—In this subsection, the term 'food service establishment' means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility, which is operated as an enterprise engaged in the business of selling foods to the public.

''(c) METHOD OF NOTIFICATION.—

''(1) IN GENERAL.—The information required by subsection (a) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the perishable agricultural commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

''(2) LABELED COMMODITIES.—If a perishable agricultural commodity is already individually labeled regarding country of origin by a packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

''(d) VIOLATIONS.—If a retailer fails to indicate the country of origin of a perishable agricultural commodity as required by subsection (a), the Secretary of Agriculture may assess a civil penalty on the retailer in an amount not to exceed—

''(1) $1,000 for the first day on which the violation occurs; and

''(2) $250 for each day on which the same violation continues.

''(e) DEPOSIT OF FUNDS.—Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.''.

(b) APPLICATION OF AMENDMENT.—Section 18 of the Perishable Agricultural Commodities Act, 1930, as added by subsection (a), shall apply with respect to a perishable agricultural commodity offered for retail sale after the end of the six-month period beginning on the date of the enactment of this Act.

H.R. 2646

OFFERED BY: MR. BOSWELL

AMENDMENT NO. 12: At the end of title IX, insert the following new section:

**SEC. ___. RENEWABLE ENERGY RESERVE.**

(a) PURPOSES.—It is the purpose of this section to create a reserve of agricultural commodities to—

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) ESTABLISHMENT.—During fiscal years 2002 through 2011, the Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) NAME.—The agricultural commodity reserve established under this section shall be known as the ''Renewable Energy Reserve''.

(d) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) LIMITATION.—Purchases under this section shall be limited to—

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes;

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) FUNDING OFFSET.—The Secretary shall reduce expenditures under title I as necessary to offset all expenditures to be made by the Secretary under this section.

H.R. 2646

OFFERED BY: MR. BOSWELL

AMENDMENT NO. 13: At the end of title IX, insert the following new section:

**SEC. ___. RENEWABLE ENERGY RESERVE.**

(a) PURPOSES.—It is the purpose of this section to create a reserve of agricultural commodities to—

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) ESTABLISHMENT.—During fiscal years 2002 through 2011, the Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) NAME.—The agricultural commodity reserve established under this section shall be known as the ''Renewable Energy Reserve''.

(d) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) LIMITATION.—Purchases under this section shall be limited to—

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes;

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary,

when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) REDUCTION IN FIXED, DECOUPLED PAYMENTS FOR FUNDING OFFSET.—Notwithstanding section 104, the Secretary shall reduce the total amount payable under such section as fixed, decoupled payments, on a pro rata basis across covered commodities, so that the total amount of such reductions equals $277,000,000 in fiscal year 2004, $93,000,000 in fiscal year 2005, $80,000,000 in fiscal year 2006, $88,000,000 in fiscal year 2007, $96,000,000 in fiscal year 2008, $95,000,000 in fiscal year 2009, $96,000,000 in fiscal year 2010, and $97,000,000 in fiscal year 2011.

H.R. 2646

OFFERED BY: MR. BOSWELL

AMENDMENT NO. 14: At the end of title IX, insert the following new section:

**SEC. ___. RENEWABLE ENERGY RESERVE.**

(a) PURPOSES.—It is the purpose of this section to create a reserve of agricultural commodities to—

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) ESTABLISHMENT.—The Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) NAME.—The agricultural commodity reserve established under this section shall be known as the ''Renewable Energy Reserve''.

(d) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) LIMITATION.—Purchases under this section shall be limited to—

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes;

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—In such amounts as are provided in advance in appropriation Acts, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) FUNDING OFFSET.—The Secretary shall reduce expenditures under title I as necessary to offset the expenditures to be made by the Secretary under this section.

H.R. 2646

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 15: At the end of the bill add the following:

**TITLE X—USE OF AMOUNTS PROVIDED FOR FIXED, DECOUPLED PAYMENTS TO PROVIDE NECESSARY FUNDS FOR RURAL DEVELOPMENT PROGRAMS.**

**SEC. 1001. USE OF AMOUNTS PROVIDED FOR FIXED, DECOUPLED PAYMENTS TO PROVIDE NECESSARY FUNDS FOR RURAL DEVELOPMENT PROGRAMS.**

(a) IN GENERAL.—Notwithstanding section 104 of this Act, in each of fiscal years 2002 through 2011, the Secretary of Agriculture shall—

(1) reduce the total amount payable under section 104 of this Act, on a pro rata basis, so that the total amount of such reductions equals $100,000,000; and

(2) expend—

(A) $45,000,000 for grants under 306A of the Consolidated Farm and Rural Development Act (relating to the community water assistance grant program);

(B) $45,000,000 for grants under 613 of this Act (relating to the pilot program for development and implementation of startegic regional development plans); and

(C) $10,000,000 for grants under section 231(a)(1) of the Agricultural Risk Protection Act of 2000 (relating to value-added agricultural product market development grants).

(b) RELATED AMENDMENTS.—Section 613 of this Act is amended—

(1) in subsection (a)(1), by striking ''select 10 States'' and inserting '', on a competitive basis, select States'';

(2) in subsection (a)(3)(A), by inserting '', plus 2/13 of the amounts made available by section 1001(a) of the Farm Security Act of 2001 for grants under this section,'' after ''Corporation''; and

(3) in subsection (b)(2)(A), insert '', plus 11/13 of the amounts made available by section 1001(a) of the Farm Security Act of 2001 for grants under this section,'' after ''Corporation''.

H.R. 2646

OFFERED BY: MR. CONYERS

AMENDMENT NO. 16: In title V, strike section 517 and redesignate succeeding sections (and amend the table of contents) accordingly.

At the end of title IX, insert the following;

**SEC. 9_____. TRANSPARENCY AND ACCOUNTABILITY FOR MINORITY AND DISADVANTAGED FARMERS.**

(a) PURPOSE.—The purpose of this section is to ensure compilation and public disclosure of data critical to assessing and holding the Department of Agriculture accountable for the equitable participation of minority, limited resource, and women farmers and ranchers in programs of the Department.

(b) USE OF TARGET PARTICIPATION RATES IN ALL DEPARTMENT OF AGRICULTURE PROGRAMS FOR FARMERS AND RANCHERS.—

(1) ESTABLISHMENT.—For each county and State in the United States, the Secretary of Agriculture shall establish an annual target participation rate equal to the number of socially disadvantaged residents in the political subdivision in proportion to the total number of residents in the political subdivision. In this section, the term ''socially disadvantaged resident'' means a resident who is a member of a socially disadvantaged group (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act).

(2) COMPARISON WITH ACTUAL PARTICIPATION RATES.—The Secretary shall compute annually the actual participation rates of socially disadvantaged and women farmers and ranchers as a percentage of the total participation of all farmers and ranchers, for each program of the Department of Agriculture in which a farmer or rancher may participate. In determining these rates, the Secretary shall consider the number of socially disadvantaged farmers and ranchers of each race or ethnicity, and the number of women participants in each county and State in proportion to the total number of participants in each program.

(c) COMPILATION OF ELECTION PARTICIPATION DATA, AND PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.—Effective 90 days after the date of the enactment of this section, section 8(a)(5)(B) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 509h(a)(5)(B)) is amended by adding at the end the following:

''(v)(I) The committee shall publicly announce at least 10 days in advance the date, time, and place where ballots will be opened and counted. No ballots may be opened until such time, and anyone may observe the opening and counting of ballots.

''(II) Within 20 days after the elections, the committee shall compile and report to the State and national offices the number of eligible voters in the county and in each open local administrative area or at large district, the number of ballots counted, the number and percentage of ballots disqualified, and the proportion of eligible voters compared to votes cast. The committee shall further compile, in each category above, the results aggregated by race, ethnicity, and gender, as

compared to total eligible voters and total votes. The committee shall also report as provided above, the number of nominees for each open seat and the election results, aggregated by race, ethnicity and gender, as well as the new composition of the county or area committee.

''(III) The Secretary shall, within 90 days after the election, compile a report which aggregates all data collected under subclause (II) and presents results at the national, regional, State, and local levels.

''(IV) The Secretary shall analyze the data compiled in subclauses (II) and (III) and within 1 year after the completion of the report referred to in subclause (III), shall prescribe (and open to public comment) uniform guidelines for conducting elections for members and alternates of county committees, including procedures to allow appointment as voting members of groups, or methods to assure fair representation of groups who would be demographically underrepresented in that county.''.

(d) REQUIREMENTS FOR ELECTRONIC, WEB, AND PRINTED DISCLOSURE OF DATA.—The Secretary shall compile the actual number of farmers and ranchers, classified by race or ethnicity and gender, for each county and State with national totals. The Secretary shall, for the current and each of the 4 preceding years, make available to the public on websites that the Department of Agriculture regularly maintains, and in electronic and paper form, the above information, as well as all data required under subsection (b) of this section and section 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allotment Act, at the county, State, and national levels in a manner that allows comparisons among target and actual program and election participation rates, among and between agricultural programs, among and between demographically similar counties, and over time at the county, State and national levels.

(e) REPORT TO CONGRESS.—The Secretary shall maintain and make readily available to the public all data required under subsections (b) and (d) of this section and section 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allotment Act collected annually since the most recent Census of Agriculture. After each Census of Agriculture, the Secretary shall report to Congress and the public the rate of loss or gain in participation by each group, by race, ethnicity, and gender, since the previous Census of Agriculture.

(f) ACCOUNTABILITY.—The Secretary may also use the above data, including comparisons with demographically similar counties and with national averages, to monitor and evaluate election and program participation rates and agricultural programs, and civil rights compliance, and in county committee employee and Department of Agriculture employee performance reviews, and in developing outreach and other strategies and recommendations to assure agriculture programs and services meet the needs of socially disadvantaged and women producers.

(g) CONFORMING AMENDMENT.—Section 355(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2005(c)(1)) is amended to read as follows:

''(1) ESTABLISHMENT.—In paragraph (2), the term 'target participation rate' means, with respect to a State, the target participation rate established for purposes of subtitle B of this title pursuant to section 9___(c)(1) of the Farm Security Act of 2001.''.

H.R. 2646

OFFERED BY: MR. DELAY

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 17: In section 183(a), strike paragraph (3) and the amendment made by such paragraph (page 131, lines 6 through 13), and insert the following:

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—

''(A) GENERAL RULE.—The total amount of counter-cyclical payments that a person may receive during any crop year shall not exceed the amount specified in paragraph (2), as in effect on the day before the date of the enactment of the Farm Security Act of 2001.

''(B) SPECIAL RULE.—This subparagraph shall apply only with regard to counter-cyclical payments attributable to rice contract acreage (as defined in section 102(3) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202(3))) in a State in which rice plantings on such contract acreage declined by more than 30 percent in the 2001 crop year in comparison to the 1995 crop year. Notwithstanding section 1001A(b)(3)(A), the total amount of counter-cyclical payments, on a per-acre basis, that a landowner who is not actively engaged (consistent with section 1001A(b)(2)) in the production of a covered commodity on such acreage may receive during any crop year shall not exceed an amount that is equal to the greater of—

''(i) the proportionate share of the payment that is commensurate to the proportion that the contribution of the land represents to the operation on such contract acres, as determined by the appropriate county committee; or

''(ii) the proportionate share of the payment that is commensurate with the share of the crop that the landowner would have received under a normal and customary share rent contract for the production of a covered commodity in the area, as determined by the county committee.''.

H.R. 2646

OFFERED BY: MR. DOOLEY OF CALIFORNIA

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 18: At the end of subtitle A of title I (page 29, after line 12), insert the following new section:

**SEC. 111. ELIMINATION OF FUNDING FOR COUNTER CYCLICAL FARM PAYMENTS TO PROVIDE ADDITIONAL FUNDS FOR NONRECOURSE MARKETING ASSISTANCE LOANS.**

Notwithstanding any other provision of this subtitle, the Secretary of Agriculture shall not make counter-cyclical payments for covered commodities so that funds are available to provide nonrecourse marketing assistance loans under subtitle B for covered commodities with the following loan rate terms in lieu of the rates under section 122:

(1) For the 2002 crop year, the loan rate shall be set at 100 percent of simple three-year average market price for the 1996 through 1998 crop years.

(2) For each crop year thereafter through the 2011 crop year, the three-year average would be recalculated by dropping the first of the three years and by adding the next crop year in sequence.

In section 750, strike the subparagraph (C) being added by subsection (a) (page 306, lines 8 through 11), and insert the following new subparagraphs:

''(C) ADDITIONAL DEPOSIT.—For each of the fiscal years 2002 through 2011, the Secretary of Agriculture shall also deposit $100,000,000 of funds of the Commodity Credit Corporation into the Account. The amounts deposited under this subparagraph are in addition to the amounts deposited under subparagraph (A).

''(D) AVAILABILITY OF FUNDS.—Amounts deposited into the Account pursuant to subparagraphs (A) and (C) shall remain available until expended.''.

H.R. 2646

OFFERED BY: MR. DOOLEY OF CALIFORNIA

*[page and line numbers refer to the amendment in the nature of a substitute, combes.011]*

AMENDMENT NO. 19: At the end of title VII (page 321, after line 23), insert the following new subtitle:

**Subtitle F—Funding Sources**

**SEC. 793. USE OF PORTION OF FUNDS FOR FIXED, DECOUPLED PAYMENTS TO INSTEAD FUND ADDITIONAL COMPETITIVE RESEARCH EFFORTS.**

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 104, for each of fiscal years 2002 through 2011, the Secretary of Agriculture shall use $100,000,000 of the funds that would otherwise be provided to producers in the form of fixed, decoupled payments for that fiscal year to make an additional deposit into the Initiative for Future Agriculture and Food Systems account.

(b) GRANTS.—

(1) IN GENERAL.—For each of fiscal years 2002 through 2011, the Secretary of Agriculture shall make grants under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) to the faculty of institutions eligible to receive grants under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, West Virginia State College, 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note)), and Hispanic-serving institutions (as defined in section 1404(9) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(9)).

(2) AMOUNT OF GRANTS.—The total amount of grants awarded under paragraph (1) for each fiscal year shall be not less than ten percent of the total amount deposited into the Initiative for Future Agriculture and Food Systems account during that fiscal year.

H.R. 2646

OFFERRED BY: MR. ENGLISH

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 20: At the end of subtitle B of title I (page 66, after line 3), insert the following new section:

**SEC. . PRODUCER RETENTION OF ERRONEOUSLY PAID LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.**

Notwithstanding any other provision of law, the Secretary of Agriculture and the Commodity Credit Corporation shall not require producers in Erie County, Pennsylvania, to repay loan deficiency payments and marketing loan gains erroneously paid or determined to have been earned by the Commodity Credit Corporation for certain 1998 and 1999 crops under subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.). In the case of a producer who has already made the repayment on or before the date of the enactment of this Act, the Commodity Credit Corporation shall reimburse the producer for the full amount of the repayment.

H.R. 2646

OFFERRED BY: MR. ETHERIDGE

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 21: At the end of section 164 (page 113, after line 5), add the following new subsection:

(g) INCREASE IN TARGET PRICE.—

(1) INCREASE.—Notwithstanding subsection (c), the target price for peanuts shall be equal to $500 per ton rather than $480 per ton.

(2) CORRESPONDING REDUCTION.—To offset the increase in the target price for peanuts

under paragraph (1), the maximum number of acres that may be enrolled in the conservation reserve program is hereby reduced to 38,000,000 acres.

H.R. 2646

OFFERED BY: MR. ETHERIDGE

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 22: Page 181, line 8, insert ''(a) IN GENERAL.—'' before ''Section''.

Page 181, after line 15, insert the following:

(b) COMMODITY ELIGIBILITY.—Section 1302(b)(3) of the Agricultural Reconciliation Act of 1993 (7 U.S.C. 5623 note) is amended by inserting ''; other than leaf tobacco'' after ''tobacco''.

H.R. 2646

OFFERED BY: MR. GILCHREST

AMENDMENT NO. 23: At the end of title II, insert the following:

**Subtitle H—Conservation Corridor Program**

**SEC. 271. CONSERVATION CORRIDOR PROGRAM.**

(a) PURPOSE.—The purpose of this subtitle is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) ESTABLISHMENT.—The Secretary of Agriculture (in this subtitle referred to as the ''Secretary'') shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) MEMORANDUM OF AGREEMENT.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

**SEC. 272. CONSERVATION ENHANCEMENT PLAN.**

(a) PREPARATION.—To be eligible to participate in the program under this subtitle, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems or watersheds within the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) SUBMISSION AND REVIEW.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this subtitle if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) CRITERIA FOR PARTICIPATION.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) APPROVAL AND IMPLEMENTATION.—Within 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) PRIORITY.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

**SEC. 273. FUNDING REQUIREMENTS.**

(a) COST-SHARING.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 272, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) EXCEPTION.—The Secretary may reduce the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) COORDINATION.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) RESERVATION OF FUNDS.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) ADMINISTRATION.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

Amend the table of contents accordingly.

H.R. 2646

OFFERED BY: MR. GILCHREST

AMENDMENT NO.24: At the end of the bill, insert the following:

**TITLE X—CONSERVATION CORRIDOR PROGRAM**

**SEC. 1001. CONSERVATION CORRIDOR PROGRAM.**

(a) PURPOSE.—The purpose of this title is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) ESTABLISHMENT.—The Secretary of Agriculture (in this title referred to as the ''Secretary'') shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) MEMORANDUM OF AGREEMENT.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

**SEC. 1002. CONSERVATION ENHANCEMENT PLAN.**

(a) PREPARATION.—To be eligible to participate in the program under this title, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems or watersheds within the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) SUBMISSION AND REVIEW.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this title if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) CRITERIA FOR PARTICIPATION.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) APPROVAL AND IMPLEMENTATION.—Within 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) PRIORITY.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

**SEC. 1003. FUNDING REQUIREMENTS.**

(a) COST-SHARING.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 1002, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) EXCEPTION.—The Secretary may reduce the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) COORDINATION.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) RESERVATION OF FUNDS.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) ADMINISTRATION.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

Amend the table of contents accordingly.

H.R. 2646

OFFERED BY: MR. GILMAN

*[Page and line numbers refer to the amendment in the nature of a substitute]*

AMENDMENT NO. 25: Strike section 928 (page 351, beginning line 17), and insert the following new section:

**SEC. 928. EQUAL TREATMENT OF POTATOES, SWEET POTATOES, AND STORAGE ONIONS.**

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended by striking ''and potatoes'' and inserting '', potatoes, sweet potatoes, and storage onions (as defined for purposes of this title)''.

H.R. 2646

OFFERED BY: MR. HALL OF OHIO

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.0110)]*

AMENDMENT NO. 26: In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(8) by striking section 206 (7 U.S.C. 1726);

In section 307, insert after paragraph (11) as redesignated (page 189, after line 21) the following (and conform the subsequent paragraphs accordingly):

(12) in section 407(c)(1) (7 U.S.C. 1736a(c)(1))—

(A) by striking ''The Administrator'' and inserting ''(A) The Administrator''; and

(B) by adding at the end the following:

(B) In the case of commodities made available for nonemergency assistance under title II or III for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

H.R. 2646

OFFERED BY: MR. HALL OF OHIO

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]*

AMENDMENT NO. 27: In section 312, insert before subsection (a) (page 198, after line 6) the following (and conform the subsequent subsections accordingly and make such other technical and conforming changes as may be necessary):

(a) SHORT TITLE; FINDINGS; SENSE OF CONGRESS.—

(1) SHORT TITLE.—This section may be cited as the ''George McGovern–Robert Dole International Food for Education and Child Nutrition Program Act''.

(2) FINDINGS.—Congress finds the following:

(A) The Global Food for Education Initiative of the Department of Agriculture has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

(B) The Initiative was inspired in a bipartisan fashion by former Senators George McGovern and Robert Dole and established by the Department of Agriculture under existing authority through the Commodity Credit Corporation.

(C) The new George McGovern-Robert Dole International Food for Education and Child Nutrition Program will be established under this section beginning on the date of the enactment of this Act.

(D) However, there is a possible gap between the termination of funding for the Global Food for Education Initiative and the commencement of appropriated funding for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program established under this section.

(E) The General Accounting Office is completing a review of the Global Food for Education Initiative and will suggest recommendations for the continuation and improvement of the Program.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Secretary of Agriculture should continue to operate the Global Food for Education Initiative until such time as amounts are appropriated to carry out the George McGovern-Robert Dole International Food for Education and Child Nutrition Program established under this section; and

(B) the Secretary should implement recommendations for improvement of the Global Food for Education Initiative as contained in the review of the program by the General Accounting Office in a timely manner.

H.R. 2646

OFFERED BY: MR. HALL OF OHIO

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]*

AMENDMENT NO. 28: In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(8) by striking section 206 (7 U.S.C. 1726);

In section 307, insert after paragraph (11) as redesignated (page 189, after line 21) the following (and conform the subsequent paragraphs accordingly):

(12) in section 407(c)(1) (7 U.S.C. 1736a(c)(1))—

(A) by striking ''The Administrator'' and inserting ''(A) The Administrator''; and

(B) by adding at the end the following:

(B) In the case of commodities made available for nonemergency assistance under title II or III for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

In section 312, insert before subsection (a) (page 198, after line 6) the following (and conform the subsequent subsections accordingly and make such other technical and conforming changes as may be necessary):

(a) SHORT TITLE; FINDINGS; SENSE OF CONGRESS.—

(1) SHORT TITLE.—This section may be cited as the ''George McGovern–Robert Dole International Food for Education and Child Nutrition Program Act''.

(2) FINDINGS.—Congress finds the following:

(A) The Global Food for Education Initiative of the Department of Agriculture has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

(B) The Initiative was inspired in a bipartisan fashion by former Senators George McGovern and Robert Dole and established by the Department of Agriculture under existing authority through the Commodity Credit Corporation.

(C) The new George McGovern-Robert Dole International Food for Education and Child Nutrition Program will be established under this section beginning on the date of the enactment of this Act.

(D) However, there is a possible gap between the termination of funding for the Global Food for Education Initiative and the commencement of appropriated funding for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program established under this section.

(E) The General Accounting Office is completing a review of the Global Food for Education Initiative and will suggest recommendations for the continuation and improvement of the Program.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Secretary of Agriculture should continue to operate the Global Food for Education Initiative until such time as amounts are appropriated to carry out the George McGovern-Robert Dole International Food for Education and Child Nutrition Program established under this section; and

(B) the Secretary should implement recommendations for improvement of the Global Food for Education Initiative as contained in the review of the program by the General Accounting Office in a timely manner.

H.R. 2646

OFFERED BY: MR. HOLT

AMENDMENT NO. 29: At the end of title IX, insert the following new section:

**SEC. ___. PROGRAM OF PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.**

(a) PUBLIC INFORMATION CAMPAIGN.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a program to communicate with the public regarding the use of biotechnology in producing food for human consumption. The information provided under the program shall include the following:

(1) Science-based evidence on the safety of foods produced with biotechnology.

(2) Scientific data on the human outcomes of the use of biotechnology to produce food for human consumption.

(b) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2002 through 2011 there are authorized to be appropriated such sums as may be necessary to carry out this section.

H.R. 2646

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 30: In section 925 (page ____, beginning line ____), insert ''(other than organically grown caneberries)'' after ''caneberries'' each place it appears.

H.R. 2646

OFFERED BY: MR. INSLEE

AMENDMENT NO. 31: At the end of the bill, add the following new title:

**TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS**

**SEC. 1001. RENEWABLE ENERGY RESOURCES.**

(a) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa), as amended by section 231 of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4); and

(3) by adding at the end the following:

''(5) assistance to farmers and ranchers for the assessment and development of their on-farm renewable resources, including biomass for the production of power and fuels, wind, and solar.''.

(b) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—The Secretary of Agriculture, through the Cooperative State Research, Education, and Extension Service and, to the extent practicable, in collaboration with the Natural Resources Conservation Service, regional biomass programs under the Department of Energy, and other appropriate entities, may provide education and technical assistance to farmers and ranchers for the development and marketing of renewable energy resources, including biomass for the production of power and fuels, wind, solar, and geothermal.

H.R. 2646

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 32: At the end of Subtitle C of title VII (page 313, after line 10), insert the following new section:

**SEC. ___. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR THE DEVELOPING WORLD.**

(a) GRANT PROGRAM.—The Secretary of Agriculture shall establish a program to award grants to entities described in subsection (b) for the development of agricultural biotechnology with respect to the developing world. The Secretary shall administer and oversee the program through the Foreign Agricultural Service of the Department of Agriculture.

(b) PARTNERSHIPS.—(1) In order to be eligible to receive a grant under this section, the grantee must be a participating institution of higher education, a nonprofit organization, or consortium of for profit institutions with in-country agricultural research institutions.

(2) A participating institution of higher education shall be an historically black or land-grant college or university, an Hispanic serving institution, or a tribal college or university that has agriculture or the biosciences in its curricula.

(c) COMPETITIVE AWARD.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(d) USE OF FUNDS.—The activities for which the grant funds may be expended include the following:

(1) Enhancing the nutritional content of agricultural products that can be grown in the developing world to address malnutrition through biotechnology.

(2) Increasing the yield and safety of agricultural products that can be grown in the developing world through biotechnology.

(3) Increasing through biotechnology the yield of agricultural products that can be grown in the developing world that are drought and stress-resistant.

(4) Extending the growing range of crops that can be grown in the developing world through biotechnology.

(5) Enhancing the shelf-life of fruits and vegetables grown in the developing world through biotechnology.

(6) Developing environmentally sustainable agricultural products through biotechnology.

(7) Developing vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically engineered agricultural products.

(e) FUNDING SOURCE.—Of the funds deposited in the Treasury account known as the Initiative for Future Agriculture and Food Systems on October 1, 2003, and each October 1 thereafter through October 1, 2007, the Secretary of Agriculture shall use $5,000,000 during each of fiscal years 2004 through 2008 to carry out this section.

H.R. 2646

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]*

AMENDMENT NO. 33: In section 441, add at the end (page 217, line 7) the following: ''Of the amount made available to carry out section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) for each of the fiscal years 2002 through 2011, the Secretary of Agriculture shall make available $25,000,000 for the provision of commodities to child nutrition programs providing food service under section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e).

H.R. 2646

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 34: Page ____, line ____, insert the following new section:

**SEC. ___. FAMILY FARMER COOPERATIVE MARKETING.**

(a) DEFINITIONS.—

(1) PRODUCER.—Subsection (b) of section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(A) by inserting ''poultryman,'' after ''dairyman,''; and

(B) by adding at the end the following: ''The term includes a person furnishing labor, production management, facilities, or other services for the production of an agricultural product.''.

(2) ASSOCIATION OF PRODUCERS.—Subsection (c) of such section is amended by inserting ''that engages in the marketing of such agricultural products or of agricultural services described in the second sentence of subsection (b), including associations'' before ''engaged in''.

(3) ADDITIONAL DEFINITIONS.—Such section is further amended by striking subsection (e) and inserting the following new subsections:

''(e) The term 'accredited association' means an association of producers accredited by the Secretary of Agriculture in accordance with section 6.

''(f) The term 'designated handler' means a handler that is designated pursuant to section 6.

''(g) The terms 'bargain' and 'bargaining' mean the performance of the mutual obligation of a handler and an accredited association to meet at reasonable times and for reasonable periods of time for the purpose of negotiating in good faith with respect to the price, terms of sale, compensation for products produced or services rendered under contract, or other provisions relating to the products marketed, or the services rendered, by the members of the accredited association or by the accredited association as agent for the members.''.

(b) PROHIBITED PRACTICES.—Section 4 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2303) is amended—

(1) in the matter preceding the subsections, by striking ''the following practices;'' and inserting ''any of the following practices:''

(2) in subsection (a), by inserting ''interfere with, restrain, or'' before ''coerce'';

(3) by striking ''or'' at the end of subsections (a), (b), (c), (d), and (e) and inserting a period; and

(4) by adding at the end the following new subsections:

''(g) To refuse to bargain in good faith with an accredited association, if the handler is designated pursuant to section 6.

''(h) To dominate or interfere with the formation or administration of any association of producers or to contribute financial or other support to an association of producers.''.

(c) BARGAINING IN GOOD FAITH.—Section 5 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2304) is amended to read as follows:

**''SEC. 5. BARGAINING IN GOOD FAITH.**

''(a) CLARIFICATION OF OBLIGATION.—The obligation of a designated handler to bargain in good faith shall apply with respect to an accredited association and the products or services for which the accredited association is accredited to bargain. The good-faith bargaining required between a handler and an accredited association does not require either party to agree to a proposal or to make a concession.

''(b) EXTENSION OF SAME TERMS TO ACCREDITED ASSOCIATION.—If a designated handler purchases a product or service from producers under terms more favorable to such

producers than the terms negotiated with an accredited association for the same type of product or services, the handler shall offer the same terms to the accredited association. Failure to extend the same terms to the accredited association shall be considered to be a violation of section 4(g). In comparing terms, the Secretary of Agriculture shall take into consideration (in addition to the stipulated purchase price) any bonuses, premiums, hauling or loading allowances, reimbursement of expenses, or payment for special services of any character which may be paid by the handler, and any sums paid or agreed to be paid by the handler for any other designated purpose than payment of the purchase price.

''(c) MEDIATION AND ARBITRATION.—The Secretary of Agriculture may provide mediation services with respect to bargaining between an accredited association and a designated handler at the request of either the accredited association or the handler. If an impasse in bargaining has occurred (as determined by the Secretary), the Secretary shall provide assistance in proposing and implementing arbitration agreements between the accredited association and the handler. The Secretary may establish a procedure for compulsory and binding arbitration if the Secretary finds that an impasse in bargaining exists and such impasse will result in a serious interruption in the flow of an agricultural product to consumers or will cause substantial economic hardship to producers or handlers involved in the bargaining.''.

(d) ACCREDITATION OF ASSOCIATIONS AND DESIGNATION OF HANDLERS.—The Agricultural Fair Practices Act of 1967 is amended—

(1) by redesignating sections 6 and 7 (7 U.S.C. 2305, 2306) as sections 9 and 11, respectively; and

(2) by inserting after section 5 (7 U.S.C. 2304) the following new section:

**''SEC. 6. ACCREDITATION OF ASSOCIATIONS AND DESIGNATION OF HANDLERS.**

''Not later than ____ after the date of the enactment of this section, the Secretary shall establish procedures—

''(1) to accredit associations seeking to bargain on behalf of producers on an agricultural product or service; and

''(2) for designation of handlers with whom producer associations seek to bargain.''.

(e) INVESTIGATIVE POWERS OF SECRETARY.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 6 (as added by subsection (d)(2)) the following new section:

**''SEC. 7. INVESTIGATIVE POWERS OF SECRETARY.**

''(a) INVESTIGATIVE POWERS.—The Secretary of Agriculture shall have the following powers to carry out the objectives of this Act, including the conduct of any investigations or hearings:

''(1) The Secretary may require any person to establish and maintain such records, make such reports, and provide such other information as the Secretary may reasonably require.

''(2) The Secretary and any officer or employee of the Department of Agriculture, upon presentation of credentials and a warrant or such other order of a court as may be required by the Constitution—

''(A) shall have a right of entry to, upon, or through any premises in which records required to be maintained under paragraph (1) are located, and

''(B) may at reasonable times have access to and copy any records, which any person is required to maintain or which relate to any matter under investigation or in question.

''(b) TREATMENT OF RECORDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any records, reports, or information obtained under this section shall be available to the public.

''(2) EXCEPTION.—Upon a showing satisfactory to the Secretary of Agriculture that records, reports, or information acquired under this section, if made public, would divulge confidential business information, the Secretary shall consider such record, report, or information or particular portion thereof confidential in accordance with section 1905 of title 18, United States Code, except that the Secretary may disclose such record, report, or information to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

''(c) POWERS RELATED TO HEARINGS.—

''(1) ATTENDANCE OF WITNESSES.—In making inspections and investigations under this Act, the Secretary of Agriculture may require the attendance and testimony of witnesses and the production of evidence under oath.

''(2) SUBPOENA POWER.—The Secretary, upon application of any party to a hearing held under section 9, shall forthwith issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence requested in such application. Within five days after the service of a subpoena on any person requiring the production of any evidence in the possession of the person or under the control of the person, the person may petition the Secretary to revoke such subpoena. The Secretary shall revoke such subpoena if in the opinion of the Secretary the evidence whose production is required does not relate to any matter in question, or if such subpoena does not describe with sufficient particularity the evidence whose production is required.

''(3) OATHS AND OTHER MATTERS.—The Secretary, or any officer or employee of the Department of Agriculture designated for such purpose, shall have power to administer oaths, sign and issue subpoenas, examine witnesses, and receive evidence. Witnesses shall be paid the same fees and mileage allowance as are paid witnesses in the courts of the United States.

''(d) FAILURE TO COMPLY.—In the case of any failure or refusal of any person to obey a subpoena or order of the Secretary of Agriculture under this section, any district court of the United States, within the jurisdiction of which such person is found or resides or transacts business, upon the application by the Secretary shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered to give testimony relating to the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt of court.''.

(f) ADMINISTRATIVE PROCEEDINGS TO PREVENT PROHIBITED PRACTICES.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 7 (as added by subsection (e)) the following new section:

**''SEC. 8. ADMINISTRATIVE PROCEEDINGS TO PREVENT PROHIBITED PRACTICES.**

''(a) PETITION.—Any person complaining of any violation of section 4 or other provision of this Act may apply to the Secretary of Agriculture by petition, which shall briefly state the facts serving as the basis for the complaint. If, in the opinion of the Secretary, the facts contained in the petition warrant further action, the Secretary shall forward a copy of the petition to the accredited association or handler named in the petition, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

''(b) INVESTIGATION AND COMPLAINT.—If there appears to be, in the opinion of the Secretary, reasonable grounds for investigating a complaint made under subsection (a), the Secretary of Agriculture shall investigate such complaint or notification. In the opinion of the Secretary, if the investigation substantiates the existence of a violation of section 4 or other provision of this Act, the Secretary may cause a complaint to be issued. The Secretary shall have the complaint served by registered mail or certified mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the subject of the complaint is engaged in business.

''(c) HEARING.—The person complained of shall have the right to file an answer to the original and any amended complaint and to appear in person or otherwise and give testimony. The person who filed the charge shall also have the right to appear in person or otherwise and give testimony. Any such proceeding shall, as far as practicable, be conducted in accordance with the rules of evidence and the rules of civil procedure applicable in the district courts of the United States.

''(d) ORDERS.—If, upon a preponderance of the evidence, the Secretary of Agriculture is of the opinion that the person subject to the complaint has violated section 4 or other provision of this Act, the Secretary shall issue an order containing the Secretary's findings of fact and requiring the person to cease and desist from such violation. The Secretary may order such further affirmative action, including an award of damages to compensate the person filing the petition for the damages sustained, as will effectuate the policies of this Act and make the person filing the petition whole.

''(e) COMPLAINTS INSTITUTED BY SECRETARY.—The Secretary of Agriculture may at any time institute an investigation under subsection (b) if there appears to be, in the opinion of the Secretary, reasonable grounds for the investigation and the matter to be investigated is such that a petition is authorized to be made to the Secretary. The Secretary shall have the same power and authority to proceed with any investigation instituted under this subsection as though a petition had been filed under subsection (a), including the power to make and enforce any order.

''(f) JUDICIAL REVIEW.—

''(1) OBTAINING REVIEW.—Any person aggrieved by a final order of the Secretary of Agriculture issued under subsection (d) may obtain review of such order in the United States Court of Appeals for the District of Columbia by submitting to such court within 30 days from the date of such order a written petition praying that such order be modified or set aside.

''(2) TREATMENT OF FINDINGS.—The findings of the Secretary with respect to questions of fact, if supported by substantial evidence on the record, shall be conclusive.

''(3) EFFECT OF FAILURE TO SEEK TIMELY REVIEW.—If no petition for review, as provided in paragraph (1), is filed within 30 days after service of the Secretary's order, the order shall not be subject to review in any civil or criminal proceeding for enforcement, and the findings of fact and order of the Secretary shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such period. In any such case, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the person named in the complaint.

''(4) EFFECT ON ORDERS OF THE SECRETARY.—The commencement of proceedings

under this section shall not operate as a stay of an order of the Secretary under subsection (d), unless specifically ordered by the court.''.

(g) PREEMPTION.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 9 (as redesignated by subsection (d)(1)) the following new section:

**''SEC. 10. PREEMPTION.**

''This Act shall not invalidate the provisions of any existing or future State law dealing with the same subjects as this Act, except that such State law may not permit any action that is prohibited by this Act. This Act shall not deprive the proper State courts of jurisdiction under State laws dealing with the same subjects as this Act.''.

H.R. 2646

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 35: At the end of the bill, insert the following:

**TITLE X—BIOFUELS ENERGY INDEPENDENCE ACT OF 2001**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the ''Biofuels Energy Independence Act of 2001''.

**SEC. 1002. FINDINGS.**

The Congress finds as follows:

(1) Currently the United States annually consumes about 164,000,000,000 gallons of vehicle fuels and 5,600,00,000 gallons of heating oil. In 2000, 52.9 percent of these fuels were imported, yielding a $109,000,000,000 trade deficit with the rest of the world.

(2) This Act would shift America's dependence away from foreign petroleum as an energy source toward alternative, renewable, domestic agricultural sources.

(3) Strategic Petroleum Reserve policy should encourage domestic production to the greatest extent possible.

(4) 92.2 percent of the Strategic Petroleum Reserve has been purchased from foreign sources: 41.9 percent from Mexico, 24 percent from the United Kingdom, and over 20 percent from OPEC nations.

(5) Strategic Petroleum Reserve policy also should encourage the development of alternatives to the Nation's reliance on petroleum such as biomass fuels.

(6) The benefits of biofuels are as follows:

(A) ENERGY SECURITY.—

(i) With agricultural commodity prices reaching record lows and petroleum prices reaching record highs, it is clear that more can and should be done to utilize domestic surpluses of biobased oils to enhance the Nation's energy security.

(ii) Biofuels can be manufactured using existing industrial capacity.

(iii) Biofuels can be used with existing petroleum infrastructure and conventional equipment.

(iv) Biofuels can start to address our dependence on foreign energy sources immediately.

(B) ECONOMIC SECURITY.—

(i) With continued dependence upon imported sources of oil, our Nation is strategically vulnerable to disruptions in our oil supply.

(ii) Renewable biofuels domestically produced have the potential for ending this vulnerable dependence on imported oil.

(iii) Increased use of renewable biofuels would result in significant economic benefits to rural and urban areas and would help reduce the trade deficit.

(iv) According to the Department of Agriculture, a sustained annual market of 100,000,000 gallons of biodiesel would result in $170,000,000 in increased income to farmers.

(v) Farmer-owned biofuels production has already resulted in improved income for farmers, as evidenced by the experience with a State-supported program in Minnesota that has helped to increase prices to corn producers by $1.00 per bushel.

(C) ENVIRONMENTAL SECURITY.—

(i) The use of grain-based ethanol reduces greenhouse gas emissions from 35 to 46 percent compared with conventional gasoline. Biomass ethanol provides an even greater reduction.

(ii) The American Lung Association of Metropolitan Chicago credits ethanol-blended reformulated gasoline with reducing smog-forming emissions by 25 percent since 1990.

(iii) Ethanol reduces tailpipe carbon monoxide emissions by as much as 30 percent.

(iv) Ethanol reduces exhaust volatile organic compounds emissions by 12 percent.

(v) Ethanol reduces toxic emissions by 30 percent.

(vi) Ethanol reduces particulate emissions, especially fine-particulates that pose a health threat to children, senior citizens, and those with respiratory ailments.

(vii) Biodiesel contains no sulfur of aromatics associated with air pollution.

(viii) The use of biodiesel provides a 78.5 percent reduction in $CO_2$ emissions compared to petroleum diesel and when burned in a conventional engine provides a substantial reduction of unburned hydrocarbons, carbon monoxide, and particulate matter.

**Subtitle A—Biofuels Feedstocks Energy Reserve Program**

**SEC. 1011. ESTABLISHMENT.**

The Secretary of Agriculture (in this subtitle referred to as the ''Secretary'') may establish and administer a reserve of agricultural commodities (known as the ''Biofuels Feedstocks Energy Reserve'') for the purpose of—

(1) providing feedstocks to support and further the production of energy from biofuels; and

(2) supporting the biofuels energy industry when production is at risk of declining due to reduced feedstocks or significant commodity price increases.

**SEC. 1012. PURCHASES.**

(a) IN GENERAL.—The Secretary may purchase agricultural commodities at commercial rates, subject to subsection (b), in order to establish, maintain, or enhance the Biofuels Feedstocks Energy Reserve when—

(1)(A) the commodities are in abundant supply; and

(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or

(2) it is otherwise necessary to fulfill the needs and purposes of the biofuels energy reserve program.

(b) LIMITATION.—The agricultural commodities purchased for the Biofuels Feedstocks Energy Reserve shall be—

(1) of the type and quantity necessary to provide not less than 1-year's utilization for renewable energy purposes; and

(2) in such additional quantities to provide incentives for research and development of new renewable fuels and bio-energy initiatives.

**SEC. 1013. RELEASE OF STOCKS.**

Whenever the market price of a commodity held in the Biofuels Feedstocks Energy Reserve exceeds 100 percent of the economic cost of producing the commodity (as determined by the Economic Research Service using the best available information, and based on a 3-year moving average), the Secretary shall release stocks of the commodity from the reserve at cost of acquisition, in amounts determined appropriate by the Secretary.

**SEC. 1014. STORAGE PAYMENTS.**

(a) IN GENERAL.—The Secretary shall provide for the storage of agricultural commodities purchased for the Biofuels Feedstocks Energy Reserve by making payments to producers for the storage of the commodities. The payments shall—

(1) be in such amounts, under such conditions, and at such times as the Secretary determines appropriate to encourage producers to participate in the program; and

(2) reflect local, commercial storage rates, subject to appropriate conditions concerning quality management and other factors.

(b) ANNOUNCEMENT OF PROGRAM.—

(1) TIME OF ANNOUNCEMENT.—The Secretary shall announce the terms and conditions of the storage payments for a crop of a commodity by—

(A) in the case of wheat, December 15 of the year in which the crop of wheat was harvested;

(B) in the case of feed grains, March 15 of the year following the year in which the crop of corn was harvested; and

(C) in the case of other commodities, such dates as may be determined by the Secretary.

(2) CONTENT OF ANNOUNCEMENT.—In the announcement, the Secretary shall specify the maximum quantity of a commodity to be stored in the Biofuels Feedstocks Energy Reserve that the Secretary determines appropriate to promote the orderly marketing of the commodity, and to ensure an adequate supply for the production of biofuels.

(c) RECONCENTRATION.—The Secretary may, with the concurrence of the owner of a commodity stored under this program, reconcentrate the commodity stored in commercial warehouses at such points as the Secretary considers to be in the public interest, taking into account such factors as transportation and normal marketing patterns. The Secretary shall permit rotation of stocks and facilitate maintenance of quality under regulations that assure that the holding producer or warehouseman shall, at all times, have available for delivery at the designated place of storage both the quantity and quality of the commodity covered by the producer's or warehouseman's commitment.

(d) MANAGEMENT.—Whenever a commodity is stored under this section, the Secretary may buy and sell at an equivalent price, allowing for the customary location and grade differentials, substantially equivalent quantities of the commodity in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate the commodity that the Commodity Credit Corporation owns or controls. The purchases to offset sales shall be made within 2 market days following the sales. The Secretary shall make a daily list available showing the price, location, and quantity of the transactions.

(e) REVIEW.—In announcing the terms and conditions under which storage payments will be made under this section, the Secretary shall review standards concerning the quality of a commodity to be stored in the Biofuels Feedstocks Energy Reserve, and such standards should encourage only quality commodities, as determined by the Secretary. The Secretary shall review inspection, maintenance, and stock rotation requirements and take the necessary steps to maintain the quality of the commodities stored in the reserve.

**SEC. 1015. USE OF COMMODITY CREDIT CORPORATION.**

The Secretary shall use the Commodity Credit Corporation, to the extent feasible, to carry out this subtitle. To the maximum extent practicable consistent with the effective and efficient administration of this subtitle, the Secretary shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.

**SEC. 1016. REGULATIONS.**

Not later than 60 days after November 28, 2001, the Secretary shall issue such regulations as are necessary to carry out this subtitle.

**Subtitle B—Biofuels Financial Assistance**

**SEC. 1021. LOANS AND LOAN GUARANTEES.**

(a) IN GENERAL.—The Secretary of Agriculture (in this section referred to as the ''Secretary'') may make and guarantee loans for the production, distribution, development, and storage of biofuels.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), an applicant for a loan or loan guarantee under this section shall be eligible to receive such a loan or loan guarantee if—

(A) the applicant is a farmer, member of an association of farmers, member of a farm cooperative, municipal entity, nonprofit corporation, State, or Territory; and

(B) the applicant is unable to obtain sufficient credit elesewhere to finance the actual needs of the applicant at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

(2) LOAN GUARANTEE ELIGIBILITY PRECLUDES LOAN ELIGIBILITY.—An applicant who is eligible for a loan guarantee under this section shall not be eligible for a loan under this section.

(c) LOAN TERMS.—

(1) INTEREST RATE.—Interest shall be payable on a loan under this section at the rate at which interest is payable on obligations issued by United States for a similar period of time.

(2) REPAYMENT PERIOD.—A loan under this section shall be repayable in not less than 5 years and not more than 20 years.

(d) REVOLVING FUND.—

(1) ESTABLISHMENT.—The Secretary shall establish a revolving fund for the making of loans under this section.

(2) DEPOSITS.—The Secretary shall deposit into the revolving fund all amounts received on account of loans made under this section.

(3) PAYMENTS.—The Secretary shall make loans under this section, and make payments pursuant to loan guarantees provided under this section, from amounts in the revolving fund.

(e) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this section.

(f) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of loans and loan guarantees under this section, there are authorized to be appropriated to the revolving fund established under subsection (d) such sums as may be necessary for fiscal years 2002 through 2009.

**Subtitle C—Funding Source and Allocations**

**SEC. 1031. FUNDING FOR CONSERVATION FUNDING.**

(a) REDUCTION IN FIXED DECOUPLED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Notwithstanding sections 104 and 105, the Secretary of Agriculture (in this subtitle referred to as the Secretary) shall reduce by $2,000,000,000 the total amount otherwise required to be paid under such sections in each of fiscal years 2002 through 2011, in accordance with this section.

(b) MAXIMUM TOTAL PAYMENTS BY TYPE AND FISCAL YEAR.—In making the reductions required by subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $3,425,000,000 in fiscal year 2002; or

(B) $4,325,000,000 in any of fiscal years 2003 through 2011; and

(2) the total amount paid under section 105 does not exceed—

(A) $3,332,000,000 in fiscal year 2003;

(B) $4,494,000,000 in fiscal year 2004;

(C) $4,148,000,000 in fiscal year 2005;

(D) $3,974,000,000 in fiscal year 2006;

(E) $3,701,000,000 in fiscal year 2007;

(F) $3,222,000,000 in fiscal year 2008;

(G) $2,596,000,000 in fiscal year 2009;

(H) $2,057,000,000 in fiscal year 2010; or

(I) $1,675,000,000 in fiscal year 2011.

H.R. 2646

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 36: At the end of title IX, insert the following new section:

**SEC. ___. REGULATION OF COMMERCE IN POULTRY AND POULTRY PRODUCTS UNDER PACKERS AND STOCKYARDS ACT, 1921.**

(a) REMOVAL OF POULTRY SLAUGHTER REQUIREMENT FROM DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182), is amended—

(1) by striking paragraph (8) and inserting the following new paragraph:

''(8) The term 'poultry grower' means any person engaged in the business of raising or caring for live poultry under a poultry growing arrangement, whether the poultry is owned by such person or by another person;'';

(2) in paragraph (9), by striking ''and cares for live poultry for delivery, in accord with another's instructions, for slaughter'' and inserting ''or cares for live poultry in accord with another person's instructions''; and

(3) in paragraph (10), by striking ''for the purpose of either slaughtering it or selling it for slaughter by another''.

(b) ADMINISTRATIVE ENFORCEMENT AUTHORITY OVER LIVE POULTRY DEALERS.—Sections 203, 204, and 205 of such Act (7 U.S.C. 193, 194, 195) are amended by inserting ''or live poultry dealer'' after ''packer'' each place it appears.

(c) AUTHORITY TO REQUEST TEMPORARY INJUNCTION OR RESTRAINING ORDER.—Section 408 of such Act (7 U.S.C. 229) is amended by striking ''on account of poultry'' and inserting ''on account of poultry or poultry care''.

(d) VIOLATIONS BY LIVE POULTRY DEALERS.—Section 411 of such Act (7 U.S.C. 228b–2) is amended—

(1) in subsection (a), by striking ''any provision of section 207 or section 410 of''; and

(2) in subsection (b), by striking ''any provisions of section 207 or section 410'' and inserting ''any provision''.

H.R. 2646

OFFERED BY: MR. KUCINICH

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 37: At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. ___. CONTRACT LIMITATIONS REGARDING SALE OF GENETICALLY ENGINEERED SEEDS, PLANTS, AND ANIMALS.**

(a) LIMITATIONS.—Any provision of any contract for the sale of a genetically engineered animal, genetically engineered plant, or genetically engineered seed to a purchaser for use in agricultural production is hereby declared against public policy and unenforceable if such provision—

(1) in the case of a sale of genetically engineered plants or genetically engineered seeds, prohibits the purchaser from retaining a portion of the harvested crop for future crop planting by the purchaser or charges a fee to retain a portion of the harvested crop for future crop planting;

(2) limits the ability of the purchaser to recover damages from the biotech company for a genetically engineered animal, genetically engineered plant, or genetically engineered seed that does not perform as advertised.

(3) shifts any liability from the biotech company to the purchaser;

(4) requires the purchaser to grant agents of the seller access to the purchaser's property;

(5) mandates arbitration of any disputes between the biotech company and the purchaser;

(6) mandates any court of jurisdiction for settlement of disputes; or

(7) imposes any unfair condition upon the purchaser, as determined by the Secretary of Agriculture or a court.

(b) DEFINITIONS.—In this section:

(1) GENETICALLY ENGINEERED ANIMAL.—The term ''genetically engineered animal'' means an animal that contains a genetically engineered material or was produced with a genetically engineered material. An animal shall be considered to contain a genetically engineered material or to have been produced with a genetically engineered material if the animal has been injected or otherwise treated with a genetically engineered material or is the offspring of an animal that has been so injected or treated.

(2) GENETICALLY ENGINEERED PLANT.—The term ''genetically engineered plant'' means a plant that contains a genetically engineered material or was produced from a genetically engineered seed. A plant shall be considered to contain a genetically engineered material if the plant has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for the plant may not be construed to mean that the plant is produced with a genetically engineered material.

(3) GENETICALLY ENGINEERED SEED.—The term ''genetically engineered seed'' means a seed that contains a genetically engineered material or was produced with a genetically engineered material. A seed shall be considered to contain a genetically engineered material or to have been produced with a genetically engineered material if the seed (or the plant from which the seed is derived) has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for the plant may not be construed to mean that any resulting seeds are produced with a genetically engineered material.

(4) GENETICALLY ENGINEERED MATERIAL.—The term ''genetically engineered material'' means material that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.

(5) BIOTECH COMPANY.—The term ''biotech company'' means a person engaged in the business of creating genetically engineered material and obtaining the patent rights to that material for the purposes of commercial exploitation of that material. The term does not include the employees of such person.

H.R. 2646

OFFERED BY: MR. KUCINICH

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 38: In subsection (g)(2) in the quoted matter in section 747 of the bill (page 302, line 16), strike ''one percent'' and insert ''10 percent''.

H.R. 2883

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 39: Page 12, beginning on line 1, strike section 306 (page 12, line 1, through page 19, line 18).

H.R. 2646

OFFERED BY: MR. LAMPSON

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 40: In section 183, strike the paragraph (3) being added by subsection (a) (page 131, lines 8 through 13), and insert the following new paragraph:

''(3) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—

''(A) GENERAL RULE.—The total amount of counter-cyclical payments that a person may receive during any crop year shall not exceed the amount specified in paragraph (2), as in effect on the day before the date of the enactment of the Farm Security Act of 2001.''.

''(B) SPECIAL RULE.—This subparagraph shall apply only with regard to counter-cyclical payments attributable to rice contract acres in a State wherein plantings of rice on contract acres declined by more than thirty percent in the 2001 crop year compared to the 1995 crop year. Notwithstanding section 1001A(b)(3)(A), the total amount of counter-cyclical payments, on a per-acre basis, that a landowner who is not actively engaged (consistent with section 1001A(b)(2)) in the production of a covered commodity on such acreage may receive during any crop year shall not exceed an amount that is equal to the greater of—

''(i) the proportionate share of the payment that is commensurate to the proportion that the contribution of the land represents to the operation on the contract acres, as determined by the appropriate county committee; or

''(ii) the proportionate share of the payment that is commensurate with the share of the crop that the landowner would have received under a normal and customary share rent contract for the production of a covered commodity in the area, as determined by the county committee.''.

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 41: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

**SEC. 151. SUGAR PROGRAM.**

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (a), by striking ''sugar.'' and inserting ''sugar through the 2001 crop of sugercane and 17 cents per pound for raw cane sugar for the 2002 through 2011 crops of sugarcane.'';

(2) in subsection (b), by striking ''sugar.'' and inserting ''sugar through the 2001 crop of sugar beets and 21.6 cents per pound for refined beet sugar for the 2002 through 2011 crops of sugar beets.''; and

(3) in subsection (i), by striking ''2002'' and inserting ''2011''.

(b) EXPIRATION OF MARKETING ASSESSMENT.—Effective October 1, 2003, subsection (f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is repealed.

(c) INCREASE IN FORFEITURE PENALTY.—Subsection (g)(2) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended by striking ''1 cent'' and inserting ''2 cents''.

(d) AVAILABILITY OF SAVINGS FOR CONSERVATION AND ENVIRONMENTAL STEWARDSHIP PROGRAMS.—

(1) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture.

(2) PRIORITY.—In using the funds appropriated pursuant to the authorization of appropriations in paragraph (3), the Secretary shall give priority to conservation and environmental programs administered by the Department of Agriculture that conserve, restore, or enhance the Florida Everglades ecosystem.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in paragraph (1).

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 42: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

**SEC. 151. SUGAR PROGRAM.**

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (a), by striking ''sugar.'' and inserting ''sugar through the 2001 crop of sugercane and 17 cents per pound for raw cane sugar for the 2002 through 2011 crops of sugarcane.'';

(2) in subsection (b), by striking ''sugar.'' and inserting ''sugar through the 2001 crop of sugar beets and 21.6 cents per pound for refined beet sugar for the 2002 through 2011 crops of sugar beets.''; and

(3) in subsection (i), by striking ''2002'' and inserting ''2011''.

(b) EXPIRATION OF MARKETING ASSESSMENT.—Effective October 1, 2003, subsection (f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is repealed.

(c) INCREASE IN FORFEITURE PENALTY.—Subsection (g)(2) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended by striking ''1 cent'' and inserting ''2 cents''.

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 43: Strike chapter 2 of subtitle C of title I (page 75, line 18, through page 102, line 20), relating to sugar.

At the end of subtitle E of title II (page 150, after line 14), insert the following new section:

**SEC. 245. ADDITIONAL FUNDS FOR CONSERVATION AND ENVIRONMENTAL STEWARDSHIP PROGRAMS.**

(a) USE OF FUNDS; PRIORITY.—The Secretary of Agriculture shall use funds appropriated pursuant to the authorization of appropriations in subsection (b) to augment conservation and environmental stewardship programs established or amended in this title or for other appropriate conservation and environmental programs, as determined by the Secretary. In using such funds, the Secretary shall give priority to programs that conserve, restore, or enhance the Florida Everglades ecosystem.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 44: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

**SEC. 151. SUGAR PROGRAM.**

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (a), by striking ''sugar.'' and inserting ''sugar through the 2001 crop of sugercane and 17 cents per pound for raw cane sugar for the 2002 through 2011 crops of sugarcane.'';

(2) in subsection (b), by striking ''sugar.'' and inserting ''sugar through the 2001 crop of sugar beets and 21.6 cents per pound for refined beet sugar for the 2002 through 2011 crops of sugar beets.''; and

(3) in subsection (i), by striking ''2002'' and inserting ''2011''.

(b) EXPIRATION OF MARKETING ASSESSMENT.—Effective October 1, 2003, subsection (f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is repealed.

(c) INCREASE IN FORFEITURE PENALTY.—Subsection (g)(2) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended by striking ''1 cent'' and inserting ''2 cents''.

(d) AVAILABILITY OF SAVINGS FOR CONSERVATION AND ENVIRONMENTAL STEWARDSHIP PROGRAMS.—

(1) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (2) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in paragraph (1).

H.R. 2646

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 45: At the end of title IX, insert the following new section:

**SEC. ____. ENFORCEMENT OF THE HUMANE METHODS OF SLAUGHTER ACT OF 1958.**

(a) FINDINGS.—Congress finds as follows:

(1) Public demand for passage of Public Law 85–765 (7 U.S.C. 1901 et seq.; commonly known as the ''Humane Methods of Slaughter Act of 1958'') was so great that when President Eisenhower was asked at a press conference if he would sign the bill, he replied, ''If I went by mail, I'd think no one was interested in anything but humane slaughter''.

(2) The Humane Methods of Slaughter Act of 1958 requires that animals be rendered insensible to pain when they are slaughtered.

(3) Scientific evidence indicates that treating animals humanely results in tangible economic benefits.

(4) The United States Animal Health Association passed a resolution at a meeting in October 1998 to encourage strong enforcement of the Humane Methods of Slaughter Act of 1958 and reiterated support for the resolution at a meeting in 2000.

(5) The Secretary of Agriculture is responsible for fully enforcing the Act, including monitoring compliance by the slaughtering industry.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should fully enforce Public Law 85–765 (7 U.S.C. 1901 et seq.; commonly known as the ''Humane Methods of Slaughter Act of 1958'') by ensuring that humane methods in the slaughter of livestock—

(1) prevent needless suffering;

(2) result in safer and better working conditions for persons engaged in the slaughtering industry;

(3) bring about improvement of products and economies in slaughtering operations; and

(4) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.

(c) POLICY OF THE UNITED STATES.—It is the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods, as provided by Public Law 85–765 (7 U.S.C. 1901 et seq.; commonly known as the ''Humane Methods of Slaughter Act of 1958'').

H.R. 2646

OFFERED BY: MR. PICKERING

AMENDMENT NO. 46: At the end of title IX, add the following section:

**SEC. 9___. MARKET NAME FOR PANGASIUS FISH SPECIES.**

The term ''catfish'' may not be considered to be a common or usual name (or part thereof) for the fish Pangasius bocourti, or for any other fish not classified within the family Ictalariidae, for purposes of section 403 of the Federal Food, Drug, and Cosmetic Act, including with respect to the importation of such fish pursuant to section 801 of such Act.

H.R. 2646

OFFERED BY: MR. SANDERS

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 47: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

**SEC. ___. NATIONAL COUNTER-CYCLICAL INCOME SUPPORT PROGRAM FOR DAIRY PRODUCERS.**

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means a Regional Supply Management Board established under subsection (b)(4).

(2) CLASS I, II, III, AND IV MILK.—The terms 'Class I milk', 'Class II milk', 'Class III milk', and 'Class IV milk' mean milk classified as Class I, II, III, or IV milk, respectively, under an order.

(3) DISTRICT.—The term ''District'' means a Regional Supply Management District established under subsection (b)(3).

(4) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an individual or entity that directly or indirectly has an interest in the production of milk.

(5) ELIGIBLE PRODUCTION.—The term ''eligible production'' means the lesser of—

(A) the quantity of milk produced by an eligible producer during a month; or

(B) 230,000 pounds per month.

(6) MARKETING AREA.—The term ''marketing area'' means a marketing area subject to an order.

(7) ORDER.—The term 'order' means—

(A) an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; or

(B) a comparable State order, as determined by the Secretary.

(8) PARTICIPATING STATE.—The term ''participating State'' means a State that is participating in the program authorized by this section in accordance with subsection (b)(2).

(9) STATE.—The term 'State' means each of the 48 contiguous States of the United States.

(10) TRUST FUND.—The term 'Trust Fund' means the National Dairy Producers Trust Fund established under subsection (b)(5).

(b) INCOME SUPPORT FOR ELIGIBLE PRODUCERS FOR MILK SOLD TO PROCESSORS IN PARTICIPATING STATES.—

(1) IN GENERAL.—During each of calendar years 2002 through 2011, the Secretary shall carry out a program under this subsection to support the income of eligible producers for milk sold to processors in participating States.

(2) PARTICIPATING STATES.—

(A) SPECIFIED STATES.—The following States are participating States for purposes of the program authorized by this section: Alabama, Arkansas, Connecticut, Delaware, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

(B) OTHER STATES.—The Governor of a State not described in subparagraph (A) may provide for the participation of the State in the program authorized by this section by providing notice to the Secretary in a manner determined by the Secretary.

(C) WITHDRAWAL.—

(i) IN GENERAL.—For a State to withdraw from participation in the program authorized by this section, the Governor of the State (with the concurrence of the legislature of the State) shall notify the Secretary of the withdrawal of the State from participation in the program in a manner determined by the Secretary.

(ii) EFFECTIVE DATE.—The withdrawal of a State from participation in the program takes effect—

(I) in the case of written notice provided during the 180-day period beginning on the date of enactment of this Act, on the date on which the notice is provided to the Secretary; and

(II) in the case of written notice provided after the 180-day period, on the date that is 1 year after the date on which the notice is provided to the Secretary.

(3) REGIONAL SUPPLY MANAGEMENT DISTRICTS.—To carry out this subsection, the Secretary shall establish 5 Regional Supply Management Districts that are composed of the following participating States:

(A) NORTHEAST DISTRICT.—A Northeast District consisting of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

(B) SOUTHERN DISTRICT.—A Southern District consisting of the States of Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Tennessee, Virginia, and West Virginia.

(C) UPPER MIDWEST DISTRICT.—An Upper Midwest District consisting of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

(D) INTERMOUNTAIN DISTRICT.—An Intermountain District consisting of the States of Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

(E) PACIFIC DISTRICT.—A Pacific District consisting of the States of California, Oregon, and Washington.

(4) REGIONAL SUPPLY MANAGEMENT BOARDS.—

(A) IN GENERAL.—Each District shall be administered by a Regional Supply Management Board.

(B) COMPOSITION.—

(i) IN GENERAL.—The Board of a District shall be composed of not less than 2, and not more than 3, members from each participating State in the District, appointed by the Secretary from nominations submitted by the Governor of the State.

(ii) NOMINATIONS.—The Governor of a participating State shall nominate at least 5 residents of the State to serve on the Board, of which—

(I) at least 1 nominee shall be an eligible producer at the time of nomination; and

(II) at least 1 nominee shall be a consumer representative.

(5) NATIONAL DAIRY PRODUCERS TRUST FUND.—

(A) ESTABLISHMENT AND FUNDING.—There is established in the Treasury of the United States a trust fund to be known as the National Dairy Producers Trust Fund, which shall consist of—

(i) the payments received by the Secretary and deposited in the Trust Fund under paragraph (6); and

(ii) the payments made by the Secretary to the Trust Fund under paragraph (7).

(B) EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary, to the extent provided for in advance in an appropriations Act, to carry out paragraphs (8) through (10).

(6) PAYMENTS FROM PROCESSORS TO TRUST FUND.—

(A) IN GENERAL.—During any month for which the Secretary estimates that the average price paid by processors for Class I milk in a District will not exceed $17.50 per hundredweight, each processor in a participating State in the District that purchases Class I milk from an eligible producer during the month shall pay to the Secretary for deposit in the Trust Fund an amount obtained by multiplying—

(i) the payment rate determined under subparagraph (B); by

(ii) the quantity of Class I milk purchased from the eligible producer during the month.

(B) PAYMENT RATE.—The payment rate for a payment made by a processor that purchases Class I milk in a participating State in a District under subparagraph (A)(i) shall equal the difference between—

(i) $17.50 per hundredweight; and

(ii)(I) in the case of an area covered by an order, the minimum price required to be paid to eligible producers for Class I milk in the marketing area under an order; or

(II) in the case of an area not covered by an order, the minimum price determined by the Secretary, taking into account the minimum price referred to in subclause (I) in adjacent marketing areas.

(7) COUNTER-CYCLICAL PAYMENTS FROM SECRETARY TO TRUST FUND.—

(A) IN GENERAL.—To the extent provided for in advance in an appropriations Act, the Secretary shall use the funds, facilities, and

authorities of the Commodity Credit Corporation to make a payment each month to the Trust Fund in an amount determined by multiplying—

(i) the payment rate determined under subparagraph (B); by

(ii) the quantity of eligible production of Class II, Class III, and Class IV milk sold in the various Districts during the month, as determined by the Secretary.

(B) PAYMENT RATE.—The payment rate for a payment made to the Trust Fund for a month under subparagraph (A)(i) shall equal 25 percent of the difference between—

(i) $13.00 per hundredweight; and

(ii) the weighted average of the price received by producers in each District for Class III milk during the month, as determined by the Secretary.

(8) COMPENSATION FROM TRUST FUND FOR ADMINISTRATIVE AND INCREASED FOOD ASSISTANCE COSTS.—The Secretary shall use amounts in the Trust Fund to provide compensation to the Secretary for—

(A) administrative costs incurred by the Secretary and Boards in carrying out this subsection; and

(B) the increased cost of any milk and milk products provided under any food assistance program administered by the Secretary that results from carrying out this subsection.

(9) PAYMENTS FROM TRUST FUND TO BOARDS.—

(A) IN GENERAL.—The Secretary shall use any amounts in the Trust Fund that remain after providing the compensation required under paragraph (8) to make monthly payments to Boards.

(B) AMOUNT.—The amount of a payment made to a Board of a District for a month under subparagraph (A) shall bear the same ratio to payments made to all Boards for the month as the eligible production sold in the District during the month bears to eligible production sold in all Districts.

(10) PAYMENTS BY BOARDS TO PRODUCERS.—

(A) IN GENERAL.—With the approval of the Secretary, a Board of a District shall use payments received under paragraph (9) to make payments to eligible producers for eligible production of milk that is commercially sold in a participating State in the District.

(B) SUPPLY MANAGEMENT.—In carrying out subparagraph (A), a Board of a District may—

(i) use a portion of the payments described in subparagraph (A) to provide bonuses or other incentives to eligible producers for eligible production to manage the supply of milk produced in the District; and

(ii) request the Secretary to review a proposed action under clause (i).

(C) REIMBURSEMENT OF COMMODITY CREDIT CORPORATION.—

(i) IN GENERAL.—If the Secretary determines that the Commodity Credit Corporation has incurred additional costs to carry out section 141 as a result of overproduction of milk due to the operation of this section in a District, the Secretary shall require the Board of the District to reimburse the Commodity Credit Corporation for the additional costs.

(ii) BOARD ASSESSMENT.—The Board of the District may impose an assessment on the sale of milk within participating States in the District to compensate the Commodity Credit Corporation for the additional costs.

(c) COUNTER-CYCLICAL PAYMENTS FOR ELIGIBLE PRODUCERS FOR MILK SOLD TO PROCESSORS IN NONPARTICIPATING STATES.—

(1) IN GENERAL.—To the extent provided for in advance in an appropriations Act, during each of calendar years 2002 through 2011, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make payments to an eligible producer in a District for milk sold to processors in a State that is not a participating State in an amount determined by multiplying—

(A) the payment rate determined under paragraph (2); by

(B) the payment quantity determined under paragraph (3).

(2) PAYMENT RATE.—The payment rate for a payment made to an eligible producer in a District for a month under paragraph (1)(A) shall equal 25 percent of the difference between—

(A) $13.00 per hundredweight; and

(B) the average price received by producers in the District for Class III milk during the month, as determined by the Secretary.

(3) PAYMENT QUANTITY.—The payment quantity for a payment made to an eligible producer in a District for a month under paragraph (1)(B) shall be equal to—

(A) the quantity of eligible production of Class II, Class III, and Class IV milk for the eligible producer during the month, as determined by the Secretary; less

(B) the quantity of any milk that is sold by the eligible producer to a processor in a participating State during the month.

(d) LIMITATION.—In determining the amount of payments made for eligible production under this section, no individual or entity directly or indirectly may be paid on production in excess of 230,000 pounds of milk per month.

H.R. 2646,

OFFERED BY: MR. SANDERS

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (COMBES.011)]*

AMENDMENT NO. 48: Page 217, insert the following after section 443 (and make such technical and conforming changes as may be appropriate):

**SEC. 444. SENSE OF THE CONGRESS REGARDING ELIGIBILITY OF ELDERLY INDIVIDUALS TO PARTICIPATE THE COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

It is the Sense of the Congress that the Secretary of Agriculture should issue a rule to restore to 185 percent of the poverty line the Elderly Income Guidelines for participation in the Commodity Supplemental Food Program so that the Guidelines are the same as the income guidelines for participation by mothers, infants, and children in such program.

H.R. 2646

OFFERED BY: MR. SHERWOOD

*[Page and line numbers refer to the amendment in the nature of a substitute]*

AMENDMENT NO. 49: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new sections:

**SEC. 147. NORTHEAST INTERSTATE DAIRY COMPACT.**

(a) IN GENERAL.—Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is amended—

(1) in the matter preceding paragraph (1), by striking ''States'' and all that follows through ''Vermont'' and inserting ''States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont'';

(2) by striking paragraphs (1), (3), (4), and (7);

(3) by redesignating paragraph (2) as paragraph (1) and, in such paragraph, by striking ''Class III-A'' and inserting ''Class IV'';

(4) by inserting after paragraph (1), as so redesignated, the following new paragraphs:

''(2) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Northeast Interstate Dairy Compact Commission shall compensate the Secretary for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

''(3) ADDITIONAL STATE.—Ohio is the only additional State that may join the Northeast Interstate Dairy Compact.'';

(5) by redesignating paragraph (5) as paragraph (4) and, in such paragraph, by striking ''the projected rate of increase'' and all that follows through ''Secretary'' and inserting ''the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code''; and

(6) by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect as of September 30, 2001.

**SEC. 148. SOUTHERN DAIRY COMPACT.**

(a) IN GENERAL.—Congress consents to the Southern Dairy Compact entered into among the States of Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, subject to the following conditions:

(1) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'') unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(2) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(3) ADDITIONAL STATES.—Florida, Nebraska, and Texas are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(5) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Southern

Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(b) COMPACT.—The Southern Dairy Compact is substantially as follows:

''ARTICLE I. STATEMENT OF PURPOSE, FINDINGS AND DECLARATION OF POLICY

**''§ 1. Statement of purpose, findings and declaration of policy**

''The purpose of this compact is to recognize the interstate character of the southern dairy industry and the prerogative of the states under the United States Constitution to form an interstate commission for the southern region. The mission of the commission is to take such steps as are necessary to assure the continued viability of dairy farming in the south, and to assure consumers of an adequate, local supply of pure and wholesome milk.

''The participating states find and declare that the dairy industry is an essential agricultural activity of the south. Dairy farms, and associated suppliers, marketers, processors and retailers are an integral component of the region's economy. Their ability to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the region.

''The participating states further find that dairy farms are essential and they are an integral part of the region's rural communities. The farms preserve land for agricultural purposes and provide needed economic stimuli for rural communities.

''In establishing their constitutional regulatory authority over the region's fluid milk market by this compact, the participating states declare their purpose that this compact neither displace the federal order system nor encourage the merging of federal orders. Specific provisions of the compact itself set forth this basic principle.

''Designed as a flexible mechanism able to adjust to changes in a regulated marketplace, the compact also contains a contingency provision should the federal order system be discontinued. In that event, the interstate commission is authorized to regulate the marketplace in replacement of the order system. This contingent authority does not anticipate such a change, however, and should not be so construed. It is only provided should developments in the market other than establishment of this compact result in discontinuance of the order system.

''By entering into this compact, the participating states affirm that their ability to regulate the price which southern dairy farmers receive for their product is essential to the public interest. Assurance of a fair and equitable price for dairy farmers ensures their ability to provide milk to the market and the vitality of the southern dairy industry, with all the associated benefits.

''Recent, dramatic price fluctuations, with a pronounced downward trend, threaten the viability and stability of the southern dairy region. Historically, individual state regulatory action had been an effective emergency remedy available to farmers confronting a distressed market. The federal order system, implemented by the Agricultural Marketing Agreement Act of 1937, establishes only minimum prices paid to producers for raw milk, without preempting the power of states to regulate milk prices above the minimum levels so established.

''In today's regional dairy marketplace, cooperative, rather than individual state action is needed to more effectively address the market disarray. Under our constitutional system, properly authorized states acting cooperatively may exercise more power to regulate interstate commerce than they may assert individually without such authority. For this reason, the participating states invoke their authority to act in common agreement, with the consent of Congress, under the compact clause of the Constitution.

''ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION

**''§ 2. Definitions**

''For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

''(1) 'Class I milk' means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in subdivision (b) of section three.

''(2) 'Commission' means the Southern Dairy Compact Commission established by this compact.

''(3) 'Commission marketing order' means regulations adopted by the commission pursuant to sections nine and ten of this compact in place of a terminated federal marketing order or state dairy regulation. Such order may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

''(4) 'Compact' means this interstate compact.

''(5) 'Compact over-order price' means a minimum price required to be paid to producers for Class I milk established by the commission in regulations adopted pursuant to sections nine and ten of this compact, which is above the price established in federal marketing orders or by state farm price regulations in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

''(6) 'Milk' means the lacteral secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes.

''(7) 'Partially regulated plant' means a milk plant not located in a regulated area but having Class I distribution within such area. Commission regulations may exempt plants having such distribution or receipts in amounts less than the limits defined therein.

''(8) 'Participating state' means a state which has become a party to this compact by the enactment of concurring legislation.

''(9) 'Pool plant' means any milk plant located in a regulated area.

''(10) 'Region' means the territorial limits of the states which are parties to this compact.

''(11) 'Regulated area' means any area within the region governed by and defined in regulations establishing a compact over-order price or commission marketing order.

''(12) 'State dairy regulation' means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

**''§ 3. Rules of construction**

''(a) This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulation in the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be construed to provide the commission the option to replace them with one or more commission marketing orders pursuant to this compact.

''(b) The compact shall be construed liberally in order to achieve the purposes and intent enunciated in section one. It is the intent of this compact to establish a basic structure by which the commission may achieve those purposes through the application, adaptation and development of the regulatory techniques historically associated with milk marketing and to afford the commission broad flexibility to devise regulatory mechanisms to achieve the purposes of this compact. In accordance with this intent, the technical terms which are associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional concepts and define additional terms as it may find appropriate to achieve its purposes.

''ARTICLE III. COMMISSION ESTABLISHED

**''§ 4. Commission established**

''There is hereby created a commission to administer the compact, composed of delegations from each state in the region. The commission shall be known as the Southern Dairy Compact Commission. A delegation shall include not less than three nor more than five persons. Each delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, and one consumer representative. Delegation members shall be residents and voters of, and subject to such confirmation process as is provided for in the appointing state. Delegation members shall serve no more than three consecutive terms with no single term of more than four years, and be subject to removal for cause. In all other respects, delegation members shall serve in accordance with the laws of the state represented. The compensation, if any, of the members of a state delegation shall be determined and paid by each state, but their expenses shall be paid by the commission.

**''§ 5. Voting requirements**

''All actions taken by the commission, except for the establishment or termination of an over-order price or commission marketing order, and the adoption, amendment or rescission of the commission's by-laws, shall be by majority vote of the delegations present. Each state delegation shall be entitled to one vote in the conduct of the commission's affairs. Establishment or termination of an over-order price or commission marketing order shall require at least a two-thirds vote of the delegations present. The establishment of a regulated area which covers all or part of a participating state shall require also the affirmative vote of that state's delegation. A majority of the delegations from the participating states shall constitute a quorum for the conduct of the commission's business.

**''§ 6. Administration and management**

''(a) The commission shall elect annually from among the members of the participating state delegations a chairperson, a vice-chairperson, and a treasurer. The commission shall appoint an executive director and fix his or her duties and compensation. The executive director shall serve at the pleasure of the commission, and together with the treasurer, shall be bonded in an amount determined by the commission. The commission may establish through its by-laws an executive committee composed of one member elected by each delegation.

''(b) The commission shall adopt by-laws for the conduct of its business by a two-thirds vote, and shall have the power by the same vote to amend and rescind these by-laws. The commission shall publish its by-laws in convenient form with the appropriate agency or officer in each of the participating states. The by-laws shall provide for appropriate notice to the delegations of all commission meetings and hearings and of the

business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

''(c) The commission shall file an annual report with the Secretary of Agriculture of the United States, and with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibilities for agriculture.

''(d) In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

''(1) To sue and be sued in any state or federal court;

''(2) To have a seal and alter the same at pleasure;

''(3) To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

''(4) To borrow money and issue notes, to provide for the rights of the holders thereof and to pledge the revenue of the commission as security therefor, subject to the provisions of section eighteen of this compact;

''(5) To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties and qualifications; and

''(6) To create and abolish such offices, employments and positions as it deems necessary for the purposes of the compact and provide for the removal, term, tenure, compensation, fringe benefits, pension, and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

**''§ 7. Rulemaking power**

''In addition to the power to promulgate a compact over-order price or commission marketing orders as provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement any provisions of this compact, or to effectuate in any other respect the purposes of this compact.

''ARTICLE IV. POWERS OF THE COMMISSION

**''§ 8. Powers to promote regulatory uniformity, simplicity, and interstate cooperation**

''The commission is hereby empowered to:

''(1) Investigate or provide for investigations or research projects designed to review the existing laws and regulations of the participating states, to consider their administration and costs, to measure their impact on the production and marketing of milk and their effects on the shipment of milk and milk products within the region.

''(2) Study and recommend to the participating states joint or cooperative programs for the administration of the dairy marketing laws and regulations and to prepare estimates of cost savings and benefits of such programs.

''(3) Encourage the harmonious relationships between the various elements in the industry for the solution of their material problems. Conduct symposia or conferences designed to improve industry relations, or a better understanding of problems.

''(4) Prepare and release periodic reports on activities and results of the commission's efforts to the participating states.

''(5) Review the existing marketing system for milk and milk products and recommend changes in the existing structure for assembly and distribution of milk which may assist, improve or promote more efficient assembly and distribution of milk.

''(6) Investigate costs and charges for producing, hauling, handling, processing, distributing, selling and for all other services performed with respect to milk.

''(7) Examine current economic forces affecting producers, probable trends in production and consumption, the level of dairy farm prices in relation to costs, the financial conditions of dairy farmers, and the need for an emergency order to relieve critical conditions on dairy farms.

**''§ 9. Equitable farm prices**

''(a) The powers granted in this section and section ten shall apply only to the establishment of a compact over-order price, so long as federal milk marketing orders remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish one or more commission marketing orders, as herein provided, in the region or parts thereof as defined in the order.

''(b) A compact over-order price established pursuant to this section shall apply only to Class I milk. Such compact over-order price shall not exceed one dollar and fifty cents per gallon at Atlanta, Ga., however, this compact over-order price shall be adjusted upward or downward at other locations in the region to reflect differences in minimum federal order prices. Beginning in nineteen hundred ninety, and using that year as a base, the foregoing one dollar fifty cents per gallon maximum shall be adjusted annually by the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. For purposes of the pooling and equalization of an over-order price, the value of milk used in other use classifications shall be calculated at the appropriate class price established pursuant to the applicable federal order or state dairy regulation and the value of unregulated milk shall be calculated in relation to the nearest prevailing class price in accordance with and subject to such adjustments as the commission may prescribe in regulations.

''(c) A commission marketing order shall apply to all classes and uses of milk.

''(d) The commission is hereby empowered to establish a compact over-order price for milk to be paid by pool plants and partially regulated plants. The commission is also empowered to establish a compact over-order price to be paid by all other handlers receiving milk from producers located in a regulated area. This price shall be established either as a compact over-order price or by one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obligation to pay such price shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession or any other factors not related to the purposes of the regulation and this compact. Producer-handlers as defined in an applicable federal market order shall not be subject to a compact over-order price. The commission shall provide for similar treatment of producer-handlers under commission marketing orders.

''(e) In determining the price, the commission shall consider the balance between production and consumption of milk and milk products in the regulated area, the costs of production including, but not limited to the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk outside the regulated area, the purchasing power of the public and the price necessary to yield a reasonable return to the producer and distributor.

''(f) When establishing a compact over-order price, the commission shall take such other action as is necessary and feasible to help ensure that the over-order price does not cause or compensate producers so as to generate local production of milk in excess of those quantities necessary to assure consumers of an adequate supply for fluid purposes.

''(g) The commission shall whenever possible enter into agreements with state or federal agencies for exchange of information or services for the purpose of reducing regulatory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing these services.

**''§ 10. Optional provisions for pricing order**

''Regulations establishing a compact over-order price or a commission marketing order may contain, but shall not be limited to any of the following:

''(1) Provisions classifying milk in accordance with the form in which or purpose for which it is used, or creating a flat pricing program.

''(2) With respect to a commission marketing order only, provisions establishing or providing a method for establishing separate minimum prices for each use classification prescribed by the commission, or a single minimum price for milk purchased from producers or associations of producers.

''(3) With respect to an over-order minimum price, provisions establishing or providing a method for establishing such minimum price for Class I milk.

''(4) Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such price or prices including flat pricing and formula pricing. Provision may also be made for location adjustments, zone differentials and for competitive credits with respect to regulated handlers who market outside the regulated area.

''(5) Provisions for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

''(A) With respect to regulations establishing a compact over-order price, the commission may establish one equalization pool within the regulated area for the sole purpose of equalizing returns to producers throughout the regulated area.

''(B) With respect to any commission marketing order, as defined in section two, subdivision three, which replaces one or more terminated federal orders or state dairy regulations, the marketing area of now separate state or federal orders shall not be merged without the affirmative consent of each state, voting through its delegation, which is partly or wholly included within any such new marketing area.

''(6) Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all such milk to the extent necessary to equalize the cost of milk purchased by handlers subject to a compact over-order price or commission marketing order. No such provisions shall discriminate against milk producers outside the regulated area. The provisions for compensatory payments may require payment of the difference between the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regulation and the Class I price established by the compact over-order price or commission marketing order.

''(7) Provisions specially governing the pricing and pooling of milk handled by partially regulated plants.

''(8) Provisions requiring that the account of any person regulated under the compact over-order price shall be adjusted for any payments made to or received by such persons with respect to a producer settlement fund of any federal or state milk marketing order or other state dairy regulation within the regulated area.

''(9) Provision requiring the payment by handlers of an assessment to cover the costs of the administration and enforcement of such order pursuant to Article VII, Section 18(a).

''(10) Provisions for reimbursement to participants of the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966.

''(11) Other provisions and requirements as the commission may find are necessary or appropriate to effectuate the purposes of this compact and to provide for the payment of fair and equitable minimum prices to producers.

''ARTICLE V. RULEMAKING PROCEDURE

**''§ 11. Rulemaking procedure**

''Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under subsection 9(f), or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553). In addition, the commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public hearing. The commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

**''§ 12. Findings and referendum**

''(a) In addition to the concise general statement of basis and purpose required by section 4(b) of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553(c)), the commission shall make findings of fact with respect to:

''(1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

''(2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

''(3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

''(4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in section thirteen.

**''§ 13. Producer referendum**

''(a) For the purpose of ascertaining whether the issuance or amendment of regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under subsection 9(f), is approved by producers, the commission shall conduct a referendum among producers. The referendum shall be held in a timely manner, as determined by regulation of the commission. The terms and conditions of the proposed order or amendment shall be described by the commission in the ballot used in the conduct of the referendum, but the nature, content, or extent of such description shall not be a basis for attacking the legality of the order or any action relating thereto.

''(b) An order or amendment shall be deemed approved by producers if the commission determines that it is approved by at least two-thirds of the voting producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

''(c) For purposes of any referendum, the commission shall consider the approval or disapproval by any cooperative association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper–Volstead Act, bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the producers who are members or stockholders in, or under contract with, such cooperative association of producers, except as provided in subdivision (1) hereof and subject to the provisions of subdivision (2) through (5) hereof.

''(1) No cooperative which has been formed to act as a common marketing agency for both cooperatives and individual producers shall be qualified to block vote for either.

''(2) Any cooperative which is qualified to block vote shall, before submitting its approval or disapproval in any referendum, give prior written notice to each of its members as to whether and how it intends to cast its vote. The notice shall be given in a timely manner as established, and in the form prescribed, by the commission.

''(3) Any producer may obtain a ballot from the commission in order to register approval or disapproval of the proposed order.

''(4) A producer who is a member of a cooperative which has provided notice of its intent to approve or not to approve a proposed order, and who obtains a ballot and with such ballot expresses his approval or disapproval of the proposed order, shall notify the commission as to the name of the cooperative of which he or she is a member, and the commission shall remove such producer's name from the list certified by such cooperative with its corporate vote.

''(5) In order to insure that all milk producers are informed regarding the proposed order, the commission shall notify all milk producers that an order is being considered and that each producer may register his approval or disapproval with the commission either directly or through his or her cooperative.

**''§ 14. Termination of over-order price or marketing order**

''(a) The commission shall terminate any regulations establishing an over-order price or commission marketing order issued under this article whenever it finds that such order or price obstructs or does not tend to effectuate the declared policy of this compact.

''(b) The commission shall terminate any regulations establishing an over-order price or a commission marketing order issued under this article whenever it finds that such termination is favored by a majority of the producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which is regulated by such order; but such termination shall be effective only if announced on or before such date as may be specified in such marketing agreement or order.

''(c) The termination or suspension of any order or provision thereof, shall not be considered an order within the meaning of this article and shall require no hearing, but shall comply with the requirements for informal rulemaking prescribed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553).

''ARTICLE VI. ENFORCEMENT

**''§ 15. Records; reports; access to premises**

''(a) The commission may by rule and regulation prescribe record keeping and reporting requirements for all regulated persons. For purposes of the administration and enforcement of this compact, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission's properly designated officers, employees, or agents shall have full access during normal business hours to the premises and records of all regulated persons.

''(b) Information furnished to or acquired by the commission officers, employees, or its agents pursuant to this section shall be confidential and not subject to disclosure except to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person, or (ii) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

''(c) No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section. Any person violating the provisions of this section shall, upon conviction, be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or to both, and shall be removed from office. The commission shall refer any allegation of a violation of this section to the appropriate state enforcement authority or United States Attorney.

**''§ 16. Subpoena; hearings and judicial review**

''(a) The commission is hereby authorized and empowered by its members and its properly designated officers to administer oaths and issue subpoenas throughout all signatory states to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

''(b) Any handler subject to an order may file a written petition with the commission stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

''(c) The district courts of the United States in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within thirty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the commission by delivering to it a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the commission with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subdivision shall not impede, hinder, or delay the commission from obtaining relief pursuant to section seventeen. Any proceedings brought pursuant to section seventeen, except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this section.

**''§ 17. Enforcement with respect to handlers**

''(a) Any violation by a handler of the provisions of regulations establishing an over-order price or a commission marketing order, or other regulations adopted pursuant to this compact shall:

''(1) Constitute a violation of the laws of each of the signatory states. Such violation shall render the violator subject to a civil penalty in an amount as may be prescribed by the laws of each of the participating states, recoverable in any state or federal court of competent jurisdiction. Each day such violation continues shall constitute a separate violation.

''(2) Constitute grounds for the revocation of license or permit to engage in the milk business under the applicable laws of the participating states.

''(b) With respect to handlers, the commission shall enforce the provisions of this compact, regulations establishing an over-order price, a commission marketing order or other regulations adopted hereunder by:

''(1) Commencing an action for legal or equitable relief brought in the name of the commission of any state or federal court of competent jurisdiction; or

''(2) Referral to the state agency for enforcement by judicial or administrative remedy with the agreement of the appropriate state agency of a participating state.

''(c) With respect to handlers, the commission may bring an action for injunction to enforce the provisions of this compact or the order or regulations adopted thereunder without being compelled to allege or prove that an adequate remedy of law does not exist.

''ARTICLE VII. FINANCE

**''§ 18. Finance of start-up and regular costs**

''(a) To provide for its start-up costs, the commission may borrow money pursuant to its general power under section six, subdivision (d), paragraph four. In order to finance the costs of administration and enforcement of this compact, including payback of start-up costs, the commission is hereby empowered to collect an assessment from each handler who purchases milk from producers within the region. If imposed, this assessment shall be collected on a monthly basis for up to one year from the date the commission convenes, in an amount not to exceed $.015 per hundredweight of milk purchased from producers during the period of the assessment. The initial assessment may apply to the projected purchases of handlers for the two-month period following the date the commission convenes. In addition, if regulations establishing an over-order price or a compact marketing order are adopted, they may include an assessment for the specific purpose of their administration. These regulations shall provide for establishment of a reserve for the commission's ongoing operating expenses.

''(b) The commission shall not pledge the credit of any participating state or of the United States. Notes issued by the commission and all other financial obligations incurred by it, shall be its sole responsibility and no participating state or the United States shall be liable therefor.

**''§ 19. Audit and accounts**

''(a) The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established under its rules. In addition, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

''(b) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the participating states and by any persons authorized by the commission.

''(c) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any participating state or of the United States.

''ARTICLE VIII. ENTRY INTO FORCE; ADDITIONAL MEMBERS AND WITHDRAWAL

**''§ 20. Entry into force; additional members**

''The compact shall enter into force effective when enacted into law by any three states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia and when the consent of Congress has been obtained.

**''§ 21. Withdrawal from compact**

''Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after notice in writing of the withdrawal is given to the commission and the governors of all other participating states. No withdrawal shall affect any liability already incurred by or chargeable to a participating state prior to the time of such withdrawal.

**''§ 22. Severability**

''If any part or provision of this compact is adjudged invalid by any court, such judgment shall be confined in its operation to the part or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact. In the event Congress consents to this compact subject to conditions, said conditions shall not impair the validity of this compact when said conditions are accepted by three or more compacting states. A compacting state may accept the conditions of Congress by implementation of this compact.''.

**SEC. 149. PACIFIC NORTHWEST DAIRY COMPACT.**

Congress consents to a Pacific Northwest Dairy Compact proposed for the States of California, Oregon, and Washington, subject to the following conditions:

(1) TEXT.—The text of the Pacific Northwest Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) References to ''south'', ''southern'', and ''Southern'' shall be changed to ''Pacific Northwest''.

(B) In section 9(b), the reference to ''Atlanta, Georgia'' shall be changed to ''Seattle, Washington''.

(C) In section 20, the reference to ''any three'' and all that follows shall be changed to ''California, Oregon, and Washington.''.

(2) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Dairy Compact Commission established to administer the Pacific Northwest Dairy Compact (referred to in this section as the ''Commission'') may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'').

(3) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Pacific Northwest Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(4) EFFECTIVE DATE.—Congressional consent under this section takes effect on the date (not later than 3 years after the date of enactment of this Act) on which the Pacific Northwest Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(5) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a price regulation is in effect under the Pacific Northwest Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(6) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

**SEC. 150. INTERMOUNTAIN DAIRY COMPACT.**

Congress consents to an Intermountain Dairy Compact proposed for the States of Colorado, Nevada, and Utah, subject to the following conditions:

(1) TEXT.—The text of the Intermountain Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) In section 1, the references to ''southern'' and ''south'' shall be changed to ''Intermountain'' and ''Intermountain region'', respectively.

(B) References to ''Southern'' shall be changed to ''Intermountain ''.

(C) In section 9(b), the reference to ''Atlanta, Georgia'' shall be changed to ''Salt Lake City, Utah''.

(D) In section 20, the reference to ''any three'' and all that follows shall be changed to ''Colorado, Nevada, and Utah.''.

(2) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Dairy Compact Commission established to administer the Intermountain Dairy Compact (referred to in this section as the ''Commission'') may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'').

(3) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Intermountain Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(4) EFFECTIVE DATE.—Congressional consent under this section takes effect on the date (not later than 3 years after the date of enactment of this Act) on which the Intermountain Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(5) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a price regulation is in effect under the Intermountain Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(6) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

H.R. 2883

OFFERED BY: MR. SIMMONS

AMENDMENT NO. 50: At the end of title IV, page 21, after line 12, insert the following new section:

**SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES.**

Section 406(a)(2) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2849; 5 U.S.C. prec. 5941 note) is amended by striking ''one-half'' and inserting ''100 percent''.

H.R. 2646

OFFERED BY: MR. SMITH OF MICHIGAN

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 51: In section 181, strike subsection (e) (page 128, line 23, through page 129, line 9), and insert the following new subsection:

(e) ADJUSTMENT AUTHORITY RELATED TO URUGUAY ROUND COMPLIANCE.—If the Secretary determines that expenditures under subtitles A, B, and C that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7))), as in effect on the date of the enactment of this Act, will exceed such allowable levels for any applicable reporting period, the Secretary may make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed, but in no case are less than, such allowable levels. To the maximum extent practicable, the Secretary shall achieve the required adjustments by reducing the amount of marketing loan gains and loan deficiency payments obtained by persons whose marketing loan gains, loan deficiency payments and any certificates would otherwise exceed a total of $150,000 for a crop year.

H.R. 2646

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 52: At the end of section 183 (page ____, beginning line ____), insert the following new subsection:

(d) PAYMENT LIMITATION REGARDING MARKETING ASSISTANCE LOANS TO COVER ALL PRODUCER GAINS.—In applying the payment limitation contained in section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(2)) on the total amount of payments and gains that a person may receive for one or more covered commodities during any crop year, the Secretary of Agriculture shall include each of the following:

(1) Any gain realized by a producer from repaying a marketing assistance loan for a crop of any covered commodity at a lower level than the original loan rate established for the commodity.

(2) Any loan deficiency payment received for a loan commodity.

(3) Any gain realized by a producer through the use of the generic certificate authority or through the actual forfeiture of the crop covered by a nonrecourse marketing assistance loan.

H.R. 2646

OFFERED BY: MR. STENHOLM

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 53: At the end of title I (page 133, after line 13), insert the following new section:

**SEC. ____. REPORT ON EFFECT OF CERTAIN FARM PROGRAM PAYMENTS ON ECONOMIC VIABILITY OF PRODUCERS AND FARMING INFRASTRUCTURE.**

(a) REVIEW REQUIRED.—The Secretary of Agriculture shall conduct a review of the effects that payments under production flexibility contracts and market loss assistance payments have had, and that fixed, decoupled payments and counter-cyclical payments are likely to have, on the economic viability of producers and the farming infrastructure, particularly in areas where climate, soil types, and other agronomic conditions severely limit the covered crops that producers can choose to successfully and profitably produce.

(b) CASE STUDY RELATED TO RICE PRODUCTION.—The review shall include a case study of the effects that the payments described in subsection (a), and the forecast effects of increasing these or other decoupled payments, are likely to have on rice producers (including tenant rice producers), the rice milling industry, and the economies of rice farming areas in Texas, where harvested rice acreage has fallen from 320,000 acres in 1995 to only 211,000 acres in 2001.

(c) REPORT AND RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the information collected for the review and the case study and any findings made on the basis of such information. The report shall include recommendations for minimizing the adverse effects on producers, with a special focus on producers who are tenants, on the agricultural economies in farming areas generally, on those particular areas described in subsection (a), and on the area that is the subject of the case study in subsection (b).

H.R. 2646

OFFERED BY: MR. STENHOLM

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 54: In section 167(a), strike paragraphs (4) and (5) (page 119, line 9, through page 120, line 2), and insert the following:

(4) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e), may be obtained at the option of the peanut producer through—

(A) a designated marketing association of peanut producers that is approved by the Secretary; or

(B) the Farm Service Agency.

H.R. 2646

OFFERED BY: MR. STENHOLM

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]*

AMENDMENT NO. 55: Page 213, line 6, strike ''$10 million'' and insert ''$9,500,000''.

Beginning on page 214, strike line 13 and all that follows through line 6 on page 215, and insert the following:

(f) PUERTO RICO.—Section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii) by striking ''and'' at the end;

(B) in clause (iii) by adding ''and'' at the end; and

(C) by inserting after clause (iii) the following:

''(iv) for each of fiscal years 2003 through 2011, the amount equal to the amount required to be paid under this subparagraph for the preceding fiscal year, as adjusted by the percentage by which the thrifty food plan is adjusted under section 3(o)(4) for the current fiscal year for which the amount is determined under this clause;''; and

(2) in subparagraph (B)—

(A) by inserting ''(i)'' after ''(B)''; and

(B) by adding at the end the following:

''(ii) Notwithstanding subparagraph (A) and clause (i), the Commonwealth may spend up to $6,000,000 of the amount required under subparagraph (A) to be paid for fiscal year 2002 to pay 100 percent of the cost to upgrade and modernize the electronic data processing system used to provide such food assistance and to implement systems to simplify the determination of eligibility to receive such assistance.''.

(g) TERRITORY OF AMERICAN SAMOA.—Section 24 of the Food Stamp Act of 1977 (7 U.S.C. 2033) is amended—

(1) by striking ''Effective October 1, 1995, from'' and inserting ''From''; and

(2) by striking ''$5,300,000 for each of fiscal years 1996 through 2002'' and inserting ''$5,750,000 for fiscal year 2002 and $5,800,000 for each of fiscal years 2003 though 2011''.

Page 216, line 18, strike ''(h) and (i) shall take effect of'' and insert ''(g), (h), and (i) shall take effect on''.

H.R. 2646

OFFERED BY: MR. STUPAK

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 56: At the end of title VIII (page 339, after line 23), insert the following new section:

**SEC. 808. TIMBER SALES FOR UNITS OF THE NATIONAL FOREST SYSTEM.**

The Secretary of Agriculture and the Chief of the Forest Service shall ensure that, with

respect to each unit of the National Forest System, a quantity of timber is offered for sale on an annual basis that, at a minimum, is equal to annual allowable sale quantity of timber specified in the management plan for that unit.

H.R. 2646

OFFERED BY: MR. THUNE

AMENDMENT NO. 57: At the end of subtitle B of title II, insert the following:

**SEC. 215. EXPANSION OF PILOT PROGRAM TO ALL STATES.**

Section 1231(h) of the Food Security Act of 1985 (16 U.S.C. 3831(h)) is amended—

(1) in paragraph (1), by striking ''and 2002'' and all that follows through ''South Dakota'' and inserting ''through 2011 calendar years, the Secretary shall carry out a program in each State'';

(2) in paragraph (3)(C), by striking ''—'' and all that follows and inserting ''not more than 150,000 acres in any 1 State.''; and

(3) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

H.R. 2646

OFFERED BY: MR. THUNE

AMENDMENT NO. 58: Add at the end of title IX the following:

**SEC. 932. GAO STUDY.**

(a) IN GENERAL.—The Comptroller General shall conduct a study and make findings and recommendations with respect to determining how producer income would be affected by updating yield bases, including—

(1) whether crop yields have increased over the past 20 years for both program crops and oilseeds;

(2) whether program payments would be disbursed differently in this Act if yield bases were updated;

(3) what impact this Act's target prices with updated yield bases would have on producer income; and

(4) what impact lower target prices with updated yield bases would have on producer income compared to this Act.

(b) REPORT.—The Comptroller General shall submit a report to Congress on the study, findings, and recommendations required by subsection (a), not later than 6 months after the date of enactment of this Act.

H.R. 2646

OFFERED BY: MR. THUNE

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 59: At the end, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 932. INTERAGENCY TASK FORCE ON AGRICULTURAL COMPETITION.**

(a) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish an Interagency Task Force on Agricultural Competition (in this section referred to as the ''Task Force'') and, after consultation with the Attorney General, shall appoint as members of the Task Force such employees of the Department of Agriculture and the Department of Justice as the Secretary considers to be appropriate. The Secretary shall designate 1 member of the Task Force to serve as chairperson of the Task Force.

(b) HEARINGS.—The Task Force shall conduct hearings to review the lessening of competition among purchasers of livestock, poultry, and unprocessed agricultural commodities in the United States and shall include in such hearings review of the following matters:

(1) The enforcement of particular Federal laws relating to competition.

(2) The concentration and vertical integration of the business operations of such purchasers.

(3) Discrimination and transparency in prices paid by such purchasers to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(4) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.

(5) Marketing innovations and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(c) REPORT.—Not later than 1 year after the last member of the Task Force is appointed, the Task Force shall submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the findings and recommendations of the Task Force for appropriate administrative and legislative action.

H.R. 2646

OFFERED BY: MR. THUNE

*[Page and line numbers refer to the amendment in the nature of a substitute, Combes.011]*

AMENDMENT NO. 60: At the end, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 932. TASK FORCE ON AGRICULTURAL COMPETITION.**

(a) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish an Task Force on Agricultural Competition (in this section referred to as the ''Task Force'') and shall appoint as members of the Task Force such employees of the Department of Agriculture as the Secretary considers to be appropriate. The Secretary shall designate 1 member of the Task Force to serve as chairperson of the Task Force.

(b) HEARINGS.—The Task Force shall conduct hearings to review the lessening of competition among purchasers of livestock, poultry, and unprocessed agricultural commodities in the United States and shall include in such hearings review of the following matters:

(1) The enforcement of particular Federal laws relating to competition.

(2) The concentration and vertical integration of the business operations of such purchasers.

(3) Discrimination and transparency in prices paid by such purchasers to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(4) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.

(5) Marketing innovations and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(c) REPORT.—Not later than 1 year after the last member of the Task Force is appointed, the Task Force shall submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the findings and recommendations of the Task Force for appropriate administrative and legislative action.

H.R. 2646

OFFERED BY: MR. TIERNEY

AMENDMENT NO. 61: At the end of the bill, insert the following new section:

**SEC. 932. REPORT REGARDING GENETICALLY ENGINEERED FOODS.**

(a) IN GENERAL.—Not later than one year after funds are made available to carry out this section, the Secretary of Agriculture, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommendations for the following:

(1) DATA AND TESTS.—The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the consumption of genetically engineered foods.

(2) MONITORING SYSTEM.—The type of Federal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.

(3) REGULATIONS.—A Federal regulatory structure to approve genetically engineered foods that are safe for human consumption.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture $500,000 to carry out this section.

H.R. 2646

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 62: At the end of title IX (page ____, after line ____), insert the following new section:

**SEC. ___. COMPLIANCE WITH BUY AMERICAN ACT AND SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT, PRODUCTS, AND SERVICES USING FUNDS PROVIDED UNDER THIS ACT.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds made available under this Act, whether directly using funds of the Commodity Credit Corporation or pursuant to an authorization of appropriations contained in this Act, may be provided to a producer or other person or entity unless the producer, person, or entity agrees to comply with the Buy American Act (41 U.S.C. 10a–10c) in the expenditure of the funds.

(b) SENSE OF CONGRESS.—In the case of any equipment, products, or services that may be authorized to be purchased using funds provided under this Act, it is the sense of Congress that producers and other recipients of such funds should, in expending the funds, purchase only American-made equipment, products, and services.

(c) NOTICE TO RECIPIENTS OF FUNDS.—In providing payments or other assistance under this Act, the Secretary of Agriculture shall provide to each recipient of the funds a notice describing the requirements of subsection (a) and the statement made in subsection (b) by Congress.

H.R. 2646

OFFERED BY: MR. WALSH

AMENDMENT NO. 63: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

**SEC. 147. STUDY OF NATIONAL DAIRY POLICY.**

(a) STUDY REQUIRED.—Not later than April 30, 2002, the Secretary of Agriculture shall submit to Congress a comprehensive economic evaluation of the potential direct and indirect effects of the various elements of the national dairy policy, including an examination of the effect of the national dairy policy on—

(1) farm price stability, farm profitability and viability, and local rural economies in the United States;

(2) child, senior, and low-income nutrition programs, including impacts on schools and institutions participating in the programs, on program recipients, and other factors; and

(3) the wholesale and retail cost of fluid milk, dairy farms, and milk utilization.

(b) NATIONAL DAIRY POLICY DEFINED.—In this section, the term ''national dairy policy'' means the dairy policy of the United States as evidenced by the following policies and programs:

(1) Federal Milk Marketing Orders.

(2) Interstate dairy compacts (including proposed compacts described in H.R. 1827 and S. 1157, as introduced in the 107th Congress).

(3) Over-order premiums and State pricing programs.

(4) Direct payments to milk producers.

(5) Federal milk price support program.

(6) Export programs regarding milk and dairy products, such as the Dairy Export Incentive Program.

H.R. 2646

OFFERED BY: MR. WALSH

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 64: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

**SEC. 147. OVER-ORDER PRICING SYSTEM FOR FLUID MILK.**

Congress hereby finds that dairy farmers, the overall agricultural sector, local farm-dependent economies, and consumers would benefit from an over-order pricing system for fluid milk administered through identical State approved agreements, as referred to in the bill H.R. 1827, as introduced in the 107th Congress, and hereby consents to each of the regional systems set forth in the bill, subject to the condition that the Secretary of Agriculture make a factual determination that there is compelling public interest for the regional system in the States to be served by the regional system. The Secretary shall make the factual determination on a case-by-case basis and, upon making the determination, shall authorize the operation of the regional system in the States to be served by the regional system.

H.R. 2646

OFFERED BY: MR. WATKINS OF OKLAHOMA

AMENDMENT NO. 65: At the end of title V, insert the following:

**SEC. ___. TEMPORARY SUSPENSION OF FORECLOSURE ON CERTAIN REAL PROPERTY OWNED BY, AND RECOVERY OF CERTAIN PAYMENTS FROM, BORROWERS WITH SHARED APPRECIATION ARRANGEMENTS.**

During the period that begins with the date of the enactment of this Act and December 31, 2002, in the case of a borrower who has failed to make a payment required under section 353(e) of the Consolidated Farm and Rural Development Act with respect to real property, the Secretary of Agriculture—

(1) shall suspend foreclosure on the real property by reason of the failure; and

(2) may not attempt to recover the payment from the borrower.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

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# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

## PRAYER

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

Here is a promise from God for today. It is as sure as it was when it was spoken by Isaiah so long ago. Hear this word for today! ''Fear not, for I am with you; be not dismayed, for I am your God. I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand.''—Isaiah 41:10.

Let us pray.

Dear God, we claim this promise as we begin this day's work. Your perfect love casts out fear. Your grace and goodness give us the assurance that You will never leave nor forsake us. Your strength surges into our hearts. Your divine intelligence inspires our thinking. We will not be dismayed, casting about furtively for security in anything or anyone other than You. Fortified by Your power, help us to focus on the needs of others around us and of our Nation. May this be a truly great day as we serve You. Bless the Senators as they place their trust in You and follow Your guidance for our Nation. You, dear God, are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 2, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. CLINTON 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. Madam President, today the Senate will resume consideration of the Defense authorization bill, with approximately 25 minutes to be equally divided prior to a 10 a.m. cloture vote. I just left the majority leader and he hopes we can invoke cloture and we can complete consideration of this bill today. The two managers have worked extremely hard. They were here until 8 last night working on as many amendments as they could clear.

The Senate will be in recess from 12:30 to 2:15 for the weekly party conferences.

I am on the floor a lot. I appreciate the work done by the managers of the legislation. The work done by Senators LEVIN and WARNER has been exemplary. They have worked diligently and very closely, trying to work on this most important piece of legislation.

I say to everyone, Democrats and Republicans, it would be a tremendous blow to these two men and how hard they have worked—as well as to the Senate and this country—if cloture is not invoked on this most important piece of legislation.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the 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 legislative 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 Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the chairman and ranking member or their designees.

The Senator from Virginia.

Mr. WARNER. Madam President, I first thank the assistant majority leader for his words on this subject. I associate myself with the need to move forward on this bill. I am going to vote for cloture. I am about to leave and go into my party's conference and so indicate and encourage others to do likewise.

Madam President, when I looked at the television this morning and saw our President with the leadership reconciling differences, such as the budget, our President moving to make the tough decision, but it is a correct one given the security arrangements in place, to open National Airport, these are bold initiatives. Now the Senate has the opportunity to move forward and complete today a bill for the men and women of the Armed Forces, men

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



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and women who, with their families, are now preparing to face an unknown situation but facing it with commitment and courage. I hope this Senate stands tall behind them and moves forward with this legislation.

I ask my distinguished chairman to allocate a few minutes of his time to me. I have reserved the equal amount of time for those who may wish to come to the floor in opposition to this cloture motion. I stand strongly in favor of it so America can move forward and we can support the men and women of the Armed Forces of the United States and their families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. First, I thank my dear friend from Virginia for all his work on this bill, for his comments, his determination to proceed on a bipartisan basis to a real test of wills. This vote we are now about to cast will decide whether we are going to have this year a Defense authorization bill which will provide funds for our military, pay raises for our men and women in the military, housing allowances which are desperately needed, the equipment that they need in order to prepare and to go to war, should that be their fate, and it surely looks as though that is now clearly ahead.

What we are hoping for, looking for this morning, is a strong bipartisan expression of national resolve and national unity by voting for cloture on this bill. It is the only way we will complete action on this bill. There has been an effort to debate matters on this bill that are unrelated, important matters but not matters that are directly related to providing and equipping the men and women in our forces.

This is the bill that provides the authorization required by the Department of Defense for their programs for the year 2002 that also includes the provisions for the Department of Energy. The bill is consistent with the national security priorities of the President of the United States and the Secretary of Defense. At a time when we are deploying forces around the world and mobilizing our National Guard and Reserve units to augment our active forces, it is a bill which is essential to our national security.

I am hoping that any partisan differences will be set aside. I am hoping that differences over particular provisions can be set aside. None of us agree with every provision in this bill. Some of us have taken steps to make sure that this bill could pass on a bipartisan basis and some of those steps have been very difficult steps for many of us to take. Many of us have had to take steps to preserve our rights to debate certain issues at a later time rather than at this moment in our history. I know that personally because I am one of those persons who has had to make a decision on language which I crafted and fought so hard for in committee as chairman, to set aside that issue—not to bury it; we are talking here national missile defense, but to save that debate for another day when two things could happen.

One, we could debate it in an environment which makes it possible for the pros and cons of that issue to be debated; second, at least to have a chance of prevailing on the issue, which is not possible under the current circumstances.

Nonetheless, the point is, some of us, on both sides of the aisle, have taken difficult steps. Some who oppose the BRAC provision, by the way—I am looking at our Presiding Officer—are faced with a decision: Will they vote for cloture on a bill which contains a provision to which they object? This was a close vote on BRAC, something like 53–47, if I remember. That means some of us who very much oppose that provision are now faced with a cloture vote. Are they going to vote to bring to an end debate on a bill that contains a provision to which they so strongly object? I am confident that most of the Senators who voted against the BRAC provision nonetheless will see that the bill overall is essential to our national security and to the well-being of our forces and to their success.

This bill contains a pay raise for military members that ranges from 5 percent to 10 percent depending on grade, the largest pay raise in two decades. We have been making progress on pay by the way. The last administration, as well as this one, has been making significant progress in making more adequate our pay for men and women in the Armed Forces. So we have the largest pay raise in two decades. We have authority and authorization for funding to increase the basic allowance for housing to eliminate the difference between the allowance that military members receive and the actual out-of-pocket expenses, and we are doing this now, a full 2 years earlier than the Defense Department's plan. So we are trying to eliminate that differential a lot faster than we had planned.

Our bill extends and modifies the authority to pay 18 different bonuses and special pays to military members in order to recruit and retain a high-quality force. We authorize new accession bonuses for military services to offer officers in critical skills. We authorize funding for a new TRICARE for Life Program that we enacted last year for military retirees over the age of 65.

All of this is hanging in the balance. The question is whether or not those who favor a debate on a comprehensive energy bill are going to use that issue and their inability to get it debated on this bill as an excuse to vote against this bill, or whether or not some who oppose the BRAC provision are now going to vote against cloture in order to bring down a bill which contains provisions which are so critical to the well-being of the men and women in the military and the success of their operations.

There are many other provisions in this bill which I will just briefly summarize. We have multiyear authority for the F–18E/F and the C–17 aircraft programs. We have a new round, as I have mentioned, of base closures in the year 2003, which the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have told us is critically needed for the improvement of DOD facilities in the future. We repeal a limit on the dismantlement of certain strategic delivery systems.

The last administration wanted us to get rid of this restriction. The uniformed military wanted us to get rid of this restriction. Their civilian leadership wants to get rid of this restriction. This administration wants to get rid of the restriction in order to reduce the size of our offensive nuclear forces. We have missiles that our military does not want—nuclear-capable missiles with nuclear warheads on them. The military says: we do not want them; we do not need them; it costs us money to maintain them. Yet Congress has forced the military to keep these systems that they do not want. This administration says please get rid of this limit. The last administration said please get rid of it. Again, our administration and military want us to get rid of it.

Congress now has a chance to get out of this artificial and costly and ineffective restriction on the limitation/reduction of nuclear forces.

We have had a lot of opportunities to amend this bill. We have been debating it over the course now of 6 days. We have adopted 76 amendments. Two amendments have been tabled. One amendment has been withdrawn. We have tried to get a finite list of amendments so debate could be finally brought to an end, so we could finally have a bill. As is usually done in the Senate, an effort is made to say bring your amendments here, tell us what you want to offer, and let's agree on a so-called finite list of amendments.

There has been an unwillingness to do that. The people who are trying to bring to the floor a debate on a matter unrelated to the matters in this bill have said they will not agree to such a finite list. So here we are in a situation where we have no way to bring debate on this bill to an end without cloture. We are more than willing to consider any relevant amendment, any germane amendment. But what we cannot do is just set aside the Defense authorization bill to begin a week-long or month-long debate on an energy bill. That is what we cannot do if we are going to act on behalf of the men and women in the Armed Forces, and to try to assure their success when they go into combat.

So that is the dilemma that we have had. The managers have worked hard, as Senator REID has mentioned. I thank him very much for his comments. Our leadership has worked hard to get that finite list. We have not been able to do it. Now we face a very clear

vote as to whether or not we are going to demonstrate the support for our Armed Forces by voting for cloture on this bill. That is the simple issue. It has come down to that. We are not trying to preclude anybody from offering a relevant or germane amendment. Quite the opposite. We have been here now for days saying bring your amendments to the floor.

It is going to come down to this vote. I am very much afraid that unless we get cloture the Defense authorization bill, so important to our forces, is going nowhere this year. That would be a horrendous message to send to the men and women and to the Nation and to the world. I hope that message will not be sent; rather, a message of unity and determination will be sent by a strong bipartisan vote for cloture on this bill.

Madam President, I know there are others who are going to want to speak between now and 10 o'clock. I will reserve the remainder of my time. I know Senator WARNER has his time, the remainder, reserved. I wonder if we could ask the Chair how much time we each have reserved?

The ACTING PRESIDENT pro tempore. The majority has 2 minutes and the minority has 10 minutes 45 seconds.

Mr. LEVIN. I thank the Chair. I do not see anyone else who wants to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the Senator from Oregon be granted 3 minutes without changing the time for the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Madam President, I urge my colleagues to support Chairman LEVIN on cloture this morning.

As our country prepares to go to war against terrorism, this is not the time to be taking urgently needed national defense legislation hostage.

Protecting our Nation's energy infrastructure from attacks may well need to be part of our national defense strategy. But there is not one single provision in the energy legislation that some want to graft onto the defense bill that will in any way help protect our energy facilities from attack.

In fact, one of the bills that some are claiming is urgently needed for our energy security would actually undermine the security of our oil supply—by allowing Alaskan oil to be exported overseas.

While the House energy bill would restrict exporting of oil from the Arctic refuge, a Senate version of that bill would allow that same oil—that some are claiming we need to reduce our dependence on foreign oil—to be exported overseas. Those who claim we need to address energy policy as part of the defense bill can't even seem to agree whether we need to restrict Alaskan oil exports in order to increase our energy security.

The issue of energy security and the role of Alaskan oil ought to be debated in the Senate, but it should be done as part of the debate on energy policy.

I think this is particularly important for all the residents of the west coast of our country because it is clear that it is a very tight market on the west coast of the United States. We have seen again and again evidence that the markets on the west coast have been manipulated, that oil has been sold to Asia at a discount, and the companies then make up for it by sticking it to consumers in Oregon, Washington, and California.

This is an extraordinarily important issue. One version that has been presented to the Senate would allow the oil that is so important to our country to reduce our dependence on foreign oil to be exported. We aren't going to improve our Nation's energy security by short-circuiting the process on this legislation.

I urge my colleagues to support Chairman LEVIN and support cloture this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, in the weeks since September 11, Congress has risen to the occasion and worked in a bipartisan manner to address the many problems caused by the atrocities committed against our country. The American public can be proud of how their elected representatives have responded to this grave national emergency. I am proud of our performance.

But I am worried that in a few minutes, the Senate may undo all our good work of the past three weeks, bring an end to the bipartisan cooperation that has distinguished this institution, and give the public a reason to be ashamed of us.

Obviously, with America at war, the Defense authorization bill may be the most important legislation we will pass since September 11. Recognizing that importance, Democrats and Republicans on the Armed Services Committee have worked together to resolve differences that might have imperiled the bill's passage and threaten our bipartisan cooperation.

The chairman of the committee, Senator LEVIN, has agreed at the minority's urging to remove a provision in the bill restricting the administration's ability to develop a ballistic missile defense. I commend the Senator for that act of statesmanship, and for keeping his priorities straight in this critical hour.

Regrettably, some senators have decided that passing a defense authorization bill should take a backseat to fighting over our differences on energy policy and to denying the President, the Joint Chiefs and the Secretary of Defense the ability to reorganize our military to respond to the new threats that confront this nation.

Every civilian and uniformed leader of the United States armed forces has recognized that an additional round of base closings will be necessary to reorganize the military. We cannot, in this national emergency, let our parochial concerns override the needs of the military.

Nor should we insist on fighting over our differences on energy policy if the consequence of our insistence is that we fail to provide the military with the resources they need to maintain their readiness as they prepare to wage what the President has correctly called a "new kind of war." There will be time enough for that debate. But not now, not on this bill.

I beg my colleagues to continue to distinguish themselves and the Senate by keeping the national interest first, second and last, to work together, as the country expects and needs us to, and to surrender, if only temporarily, the habits of partisanship and parochialism that have no place in this crisis.

Madam President, I ask unanimous consent that letters from Secretary Rumsfeld and Chairman Shelton to Senators LEVIN and WARNER be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, DC, September 21, 2001.*

Hon. CARL LEVIN,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

Since that fateful day, the Congress has provided additional billions of taxpayer funds to the Department. We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element of ensuring the right mix of bases and forces within our warfighting strategy.

No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, "we face new and sudden national challenges," and those challenges will force us to confront many difficult choices.

In that spirit, I am hopeful the Congress will approve our request for authority to

close and realign our military base facilities. Thank you for the opportunity to provide our views in this important matter.

Sincerely,

DONALD RUMSFELD.

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WASHINGTON, DC,
*September 25, 2001.*

Hon. JOHN WARNER,
*Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.*

DEAR SENATOR WARNER: 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 can not 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.*

Mr. LIEBERMAN. Madam President, I rise today to express my strong opposition to the attempt to add energy legislation to the Defense authorization bill.

This debate comes at a moment of historic challenge. We are a nation poised for battle against a shadowy enemy that has as its aim the destruction of America and all that we stand for. Our President has prepared us for a sustained military campaign, and at this time there can be no higher priority than to pass this critical legislation to support our armed services and the men and women who we will send into this war to, literally, defend our freedom. In that context, the amendment is an unnecessary and divisive distraction from that high purpose, which ultimately will do little to strengthen our national security.

My friend from Oklahoma is right to be concerned about our national energy policy. In fact, I believe we must take a fresh look at our policies in light of the terrible events of September 11. In particular, we must look at the vulnerability of our energy infrastructure to terrorist attack, and refocus our energy policy to ensure that we address our weaknesses.

On that point, let me quote from a recent letter from a former Director of the CIA, a former Chairman of the Joint Chiefs of Staff, and the former National Security Adviser to President Reagan:

Our refineries, pipelines and electrical grid are highly vulnerable to conventional military, nuclear and terrorist attacks. Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incremental hydro, and agricultural biomass, address those challenges.

The authors of the letter continue by stating that we must limit our vulnerabilities and increase our energy independence by passing, among other things, a Renewable Portfolio Standard. The energy proposal under consideration, however, does not include this innovative measure, or many of the other steps we can and must take to protect and enhance the security of energy infrastructure because it was drafted long before the terrible events of September 11 forced us to rethink our positions.

Just as problematic, these amendments would open the priceless Arctic National Wildlife Refuge for oil production. In the view of many, myself included, opening the refuge to drilling is not just bad environmental policy, it is bad energy policy and would do next to nothing to reduce our dependence on foreign oil. In fact, as we have repeatedly pointed out, the refuge would not provide a drop of oil for at least a decade. This 10-year figure is a conservative estimate that was made by the Department of Interior under President Reagan, and proof positive that ANWR is not the answer or even an answer to our current crisis, let alone our long-term needs.

What this proposal would do, however, is severely threaten a national environmental treasure, which is the last thing the American people would expect us to do at this moment of crisis. In times such as these, many of us found solace in nature, including many people at the heart of these horrific terrorist attacks. The New York times reported in the days following the attacks that Manhattan citizens were flocking to a garden in lower Manhattan to seek comfort, to grieve, and to connect with each other in sharing our grief.

In my view, we need to know that vast natural areas such as the Arctic refuge exist as we cope with the events of the past month. Nature reminds us of the eternal rhythms of life of which we are a part and which will endure over time. Ensuring an enduring refuge in the Arctic, no matter how uncertain other parts of our life may seem right now, provides us solace and perspective in these trying times. This crisis has reawakened us to the importance of protecting our values, and I believe that the Arctic wilderness has a place on that list.

The time to debate the merits of energy policy is not today, and not as an amendment to the Defense authorization bill. Debating the merits of these, and other, provisions will take time, time we do not have now. There will be deep divisions and much disagreement. As Senator MURKOWSKI said just last week, consideration of energy legislation on the defense bill is ''inappropriate.'' ''[T]here is a place for the consideration of domestic energy development. . . . That belongs in the energy bill where it should be debated by all individual members.''

We should leave this Arctic refuge debate for another day and focus with intensity on the task at hand: supporting and strengthening our Armed Forces. This is not the time for the distraction and division that this amendment would create.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I am pleased to say that my colleague, Senator MCCAIN, and I think one or two others in our conference strongly support cloture. I am pleased to say that I think momentarily the Senate will see a very strong vote in favor of cloture and for moving ahead on this bill. I thank my colleague, the Senator from Arizona, and others for their support in this matter.

I say to the chairman we will make as much progress as possible today, and we will have to vigilantly enforce the rules with regard to germaneness if we are to achieve our results. But we have stood steadfast on both sides of the aisle on behalf of the men and women of the Armed Forces. I am proud of the Senate on this day.

Mr. LEVIN. Madam President, I know the hour of 10 has arrived. I thank my good friend from Virginia for his work in his conference. I am optimistic, with his words now and with Senator MCCAIN's efforts and others in the Republican conference, that we now have an opportunity to get cloture. We hope that is true. We will find out shortly. The stakes here are great.

I yield any time that I have.

Mr. WARNER. Madam President, I wonder if we might extend the time of the vote by 2 minutes to allow the Senator from Alaska to address the Senate, and then the vote will take place at 10:02.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, good morning. And I thank my good friend, Senator WARNER.

Let me indicate my support for the DOD authorization bill. It has never been my intent to block this legislation. However, as a consequence of the manner in which the objections were heard relative to the DOD authorization bill, and the effort to put H.R. 4, the House energy bill, as an amendment on it, I felt compelled to come before this body and ask the majority when we might take up an energy bill, a national energy security bill that addresses protecting the critical energy infrastructure of our Nation, whether it be electric reliability, pipeline safety, and provisions of the administration's energy security proposal. There were other issues relative to securing domestic supplies: Price Anderson, clean coal, ANWR, hydro provisions,

and a title reducing demand and increasing efficiencies.

I felt it imperative, based on the requests from the White House, the Vice President, and the Secretaries of Energy and Interior, that we have some assurance that the Senate will complete its work on a national energy security package. The House has done its work. H.R. 4 has passed the House of Representatives. Unfortunately, the majority did not see fit to give us an indication of whether or not we would likely take up an energy bill in the remainder of this session.

That was my request relative to the authorization bill pending before us this morning. We still have not received any assurance from the majority that they intend to take up a national energy security bill this session. I encourage them to reconsider that. I advise my colleagues that I will be pressing this issue on other opportunities before this body.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair and wish the occupant of the chair a good day. And I thank my friend, Senator WARNER.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 163, S. 1438, the Department of Defense authorization bill:

John Kerry, Jon Corzine, Debbie Stabenow, Byron Dorgan, Maria Cantwell, Patty Murray, Harry Reid, Zell Miller, Daniel Inouye, James Jeffords, Richard Durbin, Kent Conrad, Jack Reed, Charles Schumer, Joseph Lieberman, John Edwards, Tom Daschle, and Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on S. 1438, 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, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—100

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

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. I move to reconsider that vote.

Mr. ALLARD. 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 Oklahoma.

Mr. INHOFE. Mr. President, I would like to be recognized to bring up an amendment. Prior to that, I yield no longer than 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I did not hear what was asked.

Mr. INHOFE. Mr. President, I have asked to be recognized to bring up an amendment that is at the desk. However, in deference to the Senator from Arizona and the Senator from Oregon, I have yielded them 5 minutes, but I want to retain my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I do not intend to object, I wonder whether or not that amount of time is sufficient for both of them.

Mr. MCCAIN. It is sufficient.

Mr. LEVIN. Will the Senator yield 10 minutes if they need it?

Mr. INHOFE. Not to exceed 10 minutes. I amend my request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not take more than 1 minute because we need to move forward with this legislation. In fact, we need to move forward with it urgently. I hope there will be time agreements and amendments decided on so we can finish this bill today. We have to move on to airport security and other important issues.

(The remarks of Mr. MCCAIN and Mr. WYDEN are printed in today's RECORD under ''Morning Business.''

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1735

Mr. INHOFE. Mr. President, I call up amendment No. 1735, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1735.

(Purpose: To add an expression of the sense of the Senate on comprehensive national energy legislation that ensures the availability of adequate energy supplies to the Armed Forces)

On page 47, between lines 12 and 13, insert the following:

(e) SENSE OF SENATE ON AVAILABILITY OF ENERGY-RELATED SUPPLIES FOR THE ARMED FORCES.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to reread that because this is very simple. This is not the comprehensive amendment I had which would have put H.R. 4 into the Defense authorization bill.

There is no one in this Chamber who wants to have a Defense authorization bill more than I do. I will not jeopardize that. However, this amendment is simply a sense of the Senate on availability of energy-related supplies for the Armed Forces. It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on the comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure there is an adequate supply of energy for the Armed Forces.

The reason I am bringing this issue up is I cannot imagine that someone would not want to support it. Right now we are, as we all know—you have heard me say this many times—56.6-percent dependent upon foreign sources of oil for our ability to fight a war. Roughly half of that comes from the Middle East and the largest, fastest growing contributor to energy, to oil that is imported by the United States, is Iraq.

So what we are saying is we are dependent upon Iraq for our ability to fight a war against Iraq. Now, that is insane.

The very least we can do is recognize that energy is a national defense issue. So I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:36 a.m., recessed until 10:54 a.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, before we recessed subject to the call of the Chair, I called up amendment No. 1735. I want to read it again because, as I stated before, to even consider that our energy dependence upon foreign sources is not a defense issue I think is ludicrous.

Instead of offering the long amendment, I have merely offered a sense-of-the-Senate amendment that says:

Sense of Senate on Availability of Energy-Related Supplies for the Armed Forces.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

I think the strongest point we can make about our dependency upon the Middle East is the fact that the most rapidly growing contributor to our energy supply in the Middle East, Iraq, is a country with which we are at war. It is absurd not to at least make this commitment as a sense of the Senate to get this done.

I ask this amendment be agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a motion that the Chair rule this amendment is dilatory.

Mr. INHOFE. Will the Senator withhold that motion for just a moment so I can ask a question?

Mr. REID. I will be happy to.

Mr. INHOFE. I assure you, if you make the motion and the Chair rules it is not in order—I think if the Chair read it very carefully, it would be in order, but if it rules that it is not in order, I will not challenge the ruling of the Chair for obvious reasons. I do want as much as anyone in the Senate an authorization to pass, and pass quickly. I know if we had that motion and overruled the ruling of the Chair, that would open it up and it would be disaster and we would not get a bill. So I would not do that. I am not going to.

I ask you not make that motion, but if you do make the motion, I encourage the Chair to realize and read—this is not the amendment I had before. This is merely directly relating to defense.

Mr. REID. Mr. President, I have been advised by my friend from Delaware he wishes to speak, and of course postcloture he has a right to speak for up to an hour. I would not stand in his way of doing that, so I withdraw my previous point of order.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wanted to speak on a matter of strategic airlift capability, but I do not want to get in the way of the sense-of-the-Senate amendment of the Senator from Oklahoma. I would like to say this, if I could. Obviously, we are not going to vote on the energy package that the House passed as an amendment to this bill. The Senator from Oklahoma and I have spoken. I don't think that is appropriate. Having said that, if we have not learned any other lesson from the events of 3 weeks ago, I hope we have learned that this country needs an energy policy.

I finished my active-duty tour of the Navy in 1973 and went to the University of Delaware on the GI bill. My first recollection of being in Newark, DE, was sitting in a line trying to buy gas for my car. That was 28 years ago. We did not have an energy policy then; we don't have an energy policy today; and we need one today a lot more than we did then.

Mr. President, 28 years ago about a third of the oil we consumed in this Nation was coming from places outside of our Nation's border. Today it is almost 60 percent, and we still have no energy policy. My hope is that by the time we adjourn from this first session later this year, we will have taken up the legislation we are working on in the Energy Committee on which I serve and be in a position to go to conference with the House on a very important matter.

Mr. INHOFE. I say to my friend from Delaware, that is exactly what this amendment does. It is a sense of the Senate to do exactly what he has suggested. I certainly think it would be appropriate at this time to include this sense-of-the-Senate amendment.

Mr. CARPER. Mr. President, I retain my time. Whether this is germane or not I don't know, but I know the issue is relevant and it is an important issue for our country and for this body. It is my hope, speaking to my friend and our leader from Nevada, that before we leave here we will have taken up and passed a comprehensive energy policy for our country, which we desperately need.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the majority leader many times in the last week about this issue of energy policy. The majority leader, myself, and Senator LEVIN—if he were here—recognize the importance of developing an energy policy. I agree with my friend from Delaware.

I was Lieutenant Governor of the State of Nevada during that time. I came back and had meetings with Vice President Ford as a representative of the National Lieutenant Governors Conference. The purpose of that meeting was to talk about energy.

The first energy czar was a man named Bill Simon, who later came to the Department of Energy.

There is no question we need to do something about energy policy in this country. There is no question about it. Senator DASCHLE, the majority leader, realizes that. He wants to move to an energy bill just as quickly as is possible. But we have lots of problems in this country as a result of what happened on September 11 in New York.

It only exacerbates the problem as it relates to energy. We understand that. I have spoken to Senator BINGAMAN several times in the past week. He is doing his very best to report out a bill. I have spoken to the minority leader. The place that Republicans and Democrats want to go is basically the same. Probably 75 to 80 percent of the things that both parties want energywise we can all agree on. Some of the other things we can't agree on. One example, of course, is ANWR, which is a real problem.

We understand the intentions of the Senator from Oklahoma. I have spoken to him many times on this issue.

The majority leader is going to get to the energy bill—hopefully this year—as quickly as he can. We know we have to do something with an airline safety bill. We have a stimulus package. We have workers who have been displaced. We have to do something about that. We have to finish this very important Defense bill. It is important. We are so happy that the Senate invoked cloture. We have 13 appropriations bills we have to complete. We have a lot of work to do. The majority leader recognizes that more than anybody else.

Mr. President, I make a point of order that the amendment filed by my friend from Oklahoma is dilatory.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't know what the order is right now. The Senator from Delaware may have the floor. Is that correct?

The PRESIDING OFFICER. The floor is open.

Mr. INHOFE. Mr. President, I understand what the Senator from Nevada, the distinguished assistant majority leader, said. The problem is that we have been talking about this now—I personally, since the eighties when then-Secretary of the Interior Don Hodel and I would tour the Nation to explain to the Nation that our dependency on foreign sources of oil for our ability to fight a war was not an energy issue; it was a national security issue. At that time, we were 37-percent dependent on foreign sources of oil for

our ability to fight a war. Now it is much more serious. We have gone through the 1990 Persian Gulf war. I think everyone realizes that.

The problem I have is the statement of the Senator from Nevada that nothing is going to happen, that this is merely a sense of the Senate. I know the Chair has ruled it is not germane. I will not challenge that and put in jeopardy the Defense authorization bill. I don't want to do that.

I only say this: Talk is cheap. We have been sitting around talking about it. The statement made by the Senator from Nevada is the same statement they made back in the 1980s and all during the 1990s. Every time we try to bring up an energy bill, they say: Yes, we all want it. Yet do they really want it?

We will continue in our efforts. I will continue in such a way as to not jeopardize in any way the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I say from this side of the aisle that we welcome the decision not to challenge the bill so that we can go forward. The points the Senator made are well taken. Our Nation's trade deficit this year will exceed $300 billion. We consume oil from other places around the world. As sure as we are meeting here today, some of those billions of dollars we are paying for oil from other sources—including from places where people do not like us very much—are surely going to fuel the kind of terrorism which happened 3 weeks ago this morning for a whole host of reasons.

I pledge to work with my friend from Oklahoma and others on the Energy Committee to get this legislation moving and out of committee. There is a lot on which we can agree. ANWR may be one. On some points we disagree. A lot we can agree on. We need to do that and move.

I really want to say this morning a word or two with respect to the Defense authorization bill as it pertains to our strategic defense capability.

The tragedy of 3 weeks ago this morning left many dead. There are a number of uncertainties that grow out of those attacks: Who planned them? Who executed them? Who funded them? Who supported them? Who harbors the terrorists today? How will we respond?

Amid those uncertainties, there are a number of things we know for sure. They include the fact that this war is going to be unlike any war we have fought in my lifetime and before—unlike World War II, in which many of our fathers served, unlike Korea, unlike Vietnam, where my generation served, and unlike the Persian Gulf war barely a decade ago.

This we know: Our success in this war against terrorism will depend on many factors:

The readiness of our forces we are deploying;

Our ability in gathering the support of the other civilized nations of the world to join us in this war;

The quality of the intelligence, the reliability of the intelligence that we gather and that we receive from others with whom we work;

Our ability to understand our intelligence and to act effectively in a timely manner in response to that intelligence;

Our ability to deploy covert operations and do so successfully.

And our success in the world also depends in no small part on our ability to move quickly at a moment's notice large numbers of men and women and materiel from the United States to other parts of the world.

There are many military bases around the world, out of which I used to operate as a naval flight officer, that are closed today. While we work with nations that are sympathetic to our cause against terrorists in order to try to secure air space and to try to secure airfields to use, the fact of the matter is we simply don't have the bases to deploy troops that we used to at airfields and ports. We depend more than ever on an air bridge that is going to be comprised of C–17s and on an air bridge that will be comprised of C–5s.

When I was a member of the active-duty forces, even though I was in the Navy, I flew a fair amount on C–141s, a transport aircraft that the Air Force uses. They are the workhorse for the Air Force. C–5s were introduced, and we had a combination of the C–141 and the C–5 to provide an air bridge in earlier wars.

The C–141 is old today. It is being retired. Its place is being taken by the C–17, a terrific aircraft. The C–17 carries about half the load of a C–5. While it has pretty good legs and can travel a pretty long distance, it doesn't have the legs or the ability to travel far distances that the C–5 enjoys. The C–5 has been with us more than two decades—C–5As and now C–5Bs. The aircraft is about half the age of the B–52.

I was struck when we started to ratchet up to see B–52s being called on again to serve our Nation. It has been around 50 years and is still ready to work for us. The C–5, having half the years and age of the B–52, is certainly able to work a bit longer alongside the C–17.

Someone gave me a sheet of paper today with a picture of the C–5. This picture shows some idea of the life remaining in the C–5 with respect to its ability to play a major role in our strategic airlift capability. The fuselage is good for another 30-plus years; stabilizers, another 40-plus years; wing service, over 50 years; the fuselage, another 50-plus years; forward fuselage, there is plenty of durability left in the C–5 aircraft.

There are two things the C–5 needs in order for us to be able to maximize its effectiveness in this war and in any other war that may come our way over the next 40 years. One is an avionics package. When you sit in the cockpit of the C–5 and look at the instrumentation, you think you are looking at a plane that is 25 years old; and you are. The aircraft needs a new avionics package. The bill before us today provides a very substantial step to enable us to put that avionics package in place in the C–5 to enhance its capability.

Another major component of this bill deals with the engines that are mounted on the wings of the C–5. Most of the new airliners that are flying in our skies and around the world today have engines that can generally fly for 10,000 hours before they need to be changed. The engines on the C–5s, which I said earlier are over 20 years old, those engines need to be changed about every 2,500 hours. We need to reengine, if you will, the C–5s. If we do that, with modern engine technology, we will be able to get 10,000 hours between engine changes, as they do in the commercial fleets.

The combination of those two steps—to introduce into and incorporate into our C–5 aircraft, the C–5As and C–5Bs, a modern avionics package, and to also reengine the aircraft in years going forth—will enable us to fully benefit from the 30 or 40 years that are still left in those planes. There are a lot of air miles to be traveled, a lot of troops to be carried, a lot of tanks and helicopters and trucks to be moved. The C–5 and the C–17 can do it.

With the adoption of this legislation, our air bridge from this country to other troubled points around the world will be reinforced and made stronger for this generation and for generations to come.

I yield back my time, Mr. President.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Nevada.

AMENDMENT NO. 1760

Mr. REID. Mr. President, I send an amendment to the desk. It is a filed amendment. It is amendment No. 1760.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. HUTCHINSON, Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUYE, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, and Mr. DODD, proposes an amendment numbered 1760.

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

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

The amendment is as follows:

(Purpose: To strike the condition precedent for the effectiveness of the dual compensation authority provided in section 651)

Beginning on page 207, strike line 18 and all that follows through page 209, line 12, and insert the following:

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United State Code, as added by the amendment

made by subsection (a), for any period before the effective date under paragraph (1).

Mr. REID. Mr. President, I rise today to offer an amendment along with Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUYE, Mr. HUTCHINSON, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, Mr. DODD, Mr. DORGAN, and Mr. BILL NELSON.

Our amendment will correct an inequity for veterans who have retired from our Armed Forces with a service-connected disability.

This amendment is identical to the bill I sponsored on January 24, S. 170, the Retired Pay Restoration Act of 2001. The Retired Pay Restoration Act currently has almost 80 cosponsors, 80 Senators, approximately. This clearly illustrates the bipartisan support for this legislation.

As with the bill, this amendment will permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans disability compensation.

In 1891, the original inequitable 19th century law was passed to prohibit the concurrent receipt of military retired pay and VA disability compensation. When this original law was enacted, the United States had an extremely small standing army. Only a portion of our Armed Forces consisted of career soldiers.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability. The law simply discriminates against career military men and women. I repeat, under the current law, if you retire from the military and have a service-connected disability, you have to waive your retirement pay. When I first heard about this, I could not believe it. I thought my staff had given me bad advice. They had not.

But adding to this injustice is the fact that the Federal employee has been able to collect VA disability compensation while working for the Federal Government—but not if you are in the military. You can work for the Department of Energy or the Park Service, and if you have a service-connected disability, you can draw your whole retirement pay. But if you retire from the military, no chance, you have to waive that or a portion of it. The civil service retiree may receive both his civil service retirement and VA disability with no offset at all.

Disabled military retirees are only entitled to receive disability compensation if they agree to waive their retirement pay or a portion of it equal to the amount of the disability compensation. This requirement clearly discriminates unfairly against disabled career soldiers by requiring them to essentially pay their own disability compensation.

If you are in the military, and you get out with a service-connected disability, you can draw all that pay unless you retire from the military. If you work for Sears & Roebuck, or if you work for the Interior Department, you get it all, but not if you are retired from the military. How unfair.

To understand the law's unfairness, one must look at why the Government pays retirees and disabled veterans. Military retirement pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is the promised reward for servicing at least two decades, and many times more, under conditions most Americans find intolerable. You are told when to get up, when to go to bed, where you are going to live, and what you are going to do. That is what the military is all about.

Veterans disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury.

Military retirement pay and disability compensation were earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements.

One of our valued staff on the minority side, every time there is a military bill, comes in this Chamber proudly wearing on his lapel a medal, the Silver Star. He wears that very proudly. But if he has a service-connected disability—and he may have one—he can draw that because he is not a retiree from the military or, if he is, he cannot. It does not make sense. It is not fair. Current law ignores the distinction between these two entitlements. Military retirement pay and disability compensation were both earned and awarded for entirely different purposes.

This amendment represents an honest attempt to correct an injustice that has existed for a long, long time, for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

It is unfair for our veterans not to receive both of these payments concurrently. Today we have 560,000 disabled military men and women who have sacrificed a lot for this country. Today nearly one and a half million Americans dedicate their lives to the defense of our Nation. And that is going up as we speak. The U.S. military force is unmatched in terms of power, training, and ability. Our great Nation is recognized as the world's only superpower, a status which is largely due to the sacrifices that veterans have made during the last century.

This past weekend I read a book written by Stephen Ambrose. It is his latest book. It is about B–24s. It is the history of these bombers during World War II. It is a fascinating history. The losses of B–24 pilots and crews were unbelievable. They were shot down all the time. They were big, heavy, awkward airplanes, and very hard to fly. And they lost a lot of them in noncombat situations. But it is an example of the sacrifices made by people who have served our country in the military.

Why should not someone who flew a B–24, has a service-connected disability, and has retired from the military, be able to draw that disability compensation as a result of being hurt flying a B–24?

Rather than honoring their commitment and bravery, the Federal Government has chosen instead to perpetuate a 110-year-old injustice.

I know the Senate will seriously consider passing this amendment. With almost 80 cosponsors, it is a fair statement that this amendment should pass. I hope the Senate will pass this amendment to end at last this disservice to our retired military.

Some believe this amendment may be too expensive. This country has saved lots of money by not doing the right thing in years past. We have 1,000 World War II veterans who die every day. From today to tomorrow, there will be 1,000 funerals held for World War II veterans. Since last June, we have fallen a little short. It has not been quite 1,000 a day. It has been close. Since then we have lost 465,000 veterans. These dedicated service people will never have the ability to enjoy their two well-deserved entitlements. To delay any action on this amendment means we will continue to deny fundamental fairness to thousands of our Nation's retirees.

If we can pass this legislation and give a World War II veteran 1 month of the compensation they deserve before they pass on, we should do that.

This amendment is supported by numerous veterans' service organizations—I cannot name them all—the Military Coalition, the National Military/Veterans Alliance, the American Legion, Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and the Uniformed Services Disabled Retirees, plus many more.

This is the right thing to do, and we must eliminate this century of sacrifice. Our veterans have earned this. Now is our chance to honor their service to the Nation.

I hope this legislation passes overwhelmingly and that it is not taken out in conference. We passed the amendment last year. Out of 100 percent of what we needed, we maybe got 2 percent to help just a few people. We need to help them all.

It is not easy for me to stand here and say that 1,000 World War II veterans die every day, but that is a fact. They do. Many of those World War II veterans are today receiving unfair payments by this Government. They are not able to receive their retirement and their disability. They have to waive part of their retirement. That is unfair.

I hope this amendment is adopted. I am not going to require a vote on it. I am not one who believes a big heavy vote helps in conference. Everyone

knows this has almost 80 Senate cosponsors. It is something the veterans community supports wholeheartedly.

I was talking to one of the Armed Services staff people today. They get more mail on this issue than any other issue because people are desperate. They know they are dying off.

I hope this amendment will be accepted. I repeat, I am not going to require a recorded vote. But the conscience of this Senate calls out for recognizing the sacrifices made by these veterans and that we adopt this amendment in the Senate and make sure the same happens in conference because they deserve this.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. REID. Are we going to take action on this amendment? Is the Senator from Kansas speaking on my amendment?

Mr. ROBERTS. Mr. President, I was not planning to, unless the distinguished Senator would ask me to do so. I have worked with him at great length on the Ethics Committee. Is the amendment ethical?

Mr. REID. The two managers are not here, Mr. President. I have no objection, if the Senator from Kansas is going to file another amendment, to setting mine aside.

Mr. ROBERTS. I think the agreement was, at least as far as this Senator understood, that I was going to have 20 minutes to talk about an amendment I had planned on introducing. I am not in a position to acquiesce to the Senator's request. I would have to check with our leadership in that regard. I have no doubt the Senator has an outstanding amendment.

Mr. REID. The Senator has every right under postcloture to speak for an hour on anything relating to defense as he wishes. I know he has been a very stalwart member of the committee and has done so much for defense issues over the years. I certainly look forward to listening to him for 20 minutes.

Mr. ROBERTS. I thank my friend and colleague.

The PRESIDING OFFICER. The Senator from Kansas.

ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

Mr. ROBERTS. Mr. President, in the interest of germaneness and to move this bill along, I am acceding to the request by the distinguished chairman of the Armed Services Committee, Senator LEVIN, and Senator WARNER, our distinguished ranking member, in that I had intended on introducing an amendment. I am going to speak to the amendment. I think my decision will be to simply lay down the amendment as a freestanding bill.

Having said that, I rise this morning to warn my Senate colleagues about an urgent issue facing the Senate and this Nation. This issue has been identified many times now by various respected commissions, by leaders within the military, the academic, political, and national security communities. Whether we admit it or not, the need for action is instinctively understood by most Members of this body.

However, despite months and years of hearings, testimony, and warnings, until September 11 there was little sense of urgency or desire to make changes to the structure of the Senate required to address the problems of homeland security and terrorism.

I know the distinguished majority leader and our Republican leader and a few other Senators and staff have certainly given this recognition serious and careful consideration. As the former chairman of the Subcommittee on Emerging Threats and Capabilities within the Armed Services Committee, now the ranking member—the distinguished Senator from Louisiana, MARY LANDRIEU is now the chairman—I come to this issue after 3 years of hearings and testimony from virtually all the experts and more than 40 agencies of the Government.

It gives me little solace and a great deal of frustration to find the fine members of the subcommittee and our excellent staff in the role of Paul Revere, but unable to awaken the Federal Government, our colleagues, and the American people.

Let me share two paragraphs from the very first report our subcommittee issued to the Congress, to the press, and to the public:

> The terrorist threat to our citizens, both military personnel and civilians at home and abroad is real and growing. The proliferation of weapons of mass destruction and individual acts of terrorism have dramatically raised the stakes and increased the potential of massive casualties in the event of the terrorist attack.

I further quote from the first report of the subcommittee:

> Further, the serious prospect that known terrorist Osama bin Laden or other terrorists might use biological and chemical weapons as well as individual acts of terrorism is of great concern. His organization is just one of approximately a dozen terrorist groups. bin Laden, for example, has called the acquisition of these weapons ''a religious duty'' and noted that how to use them is up to us.

My colleagues, that was 3 years ago. We also stressed in our report that to confront this continuing and growing threat, it was critical that our governmentwide efforts to combat terrorism be coordinated and clearly focused. We noted at that time there were approximately 40 Federal departments and agencies with jurisdiction in the fight against terrorism.

Last spring, members of the Intelligence, Armed Services, and Appropriations Committees for the first time joined together and asked these same agencies to testify. All claimed jurisdiction. Many claimed they were in charge. We asked them three things: What is your mission? What do you really do? Who do you report to?

The bottom line: The hearings demonstrated that too many Federal agencies do not have a firm grasp of their roles and responsibilities for preventing and preparing for and responding to acts of domestic terrorism.

This patchwork quilt approach is not a substitute for a national strategy, the purpose of which would be to coordinate our Federal agencies into an effective force. It seems to me the administration is now working overtime to get that job done. Obviously, the administration has the attention of all Members of the House and Senate and the American people.

Along with that summation, the three committee chairmen and two subcommittee chairmen sent a list of recommendations to the Bush administration. We responded after those hearings. Now that situation has dramatically changed. The attack on the United States, the deaths of more than 6,000 Americans, and the very real probability that other attacks on the United States by terrorists are not only possible but probable require—require—that the Senate take action now to create a single entity to focus the action of the Senate—not the Federal agencies, not the House, but the Senate—on homeland security and terrorism.

I remind my colleagues that as tragic as September 11 was, it was not the first act of terrorism in this regard: The 1993 bombing of the World Trade Center, the bombing of the U.S.S. *Cole*—the Intelligence Committee, by the way, is still progressing on an investigation in regard to the U.S.S. *Cole*—and the bombing of our embassies. These earlier attacks and the promises and threats that prefaced them should have been the clarion call to prepare adequately for homeland security. They were not. If we now fail to properly organize and coordinate our actions in the Senate as the Nation fights a war against terrorism, we will be part of the problem, not the solution.

We do not now speak with one voice. As a body and as individual Members, we do not know all of the actions being taken within the various committees and subcommittees with jurisdiction or self-declared jurisdiction over homeland security and terrorism. I know this for sure in regard to reading about hearings that were held 2 weeks before, hearings we held in the Emerging Threats Subcommittee with the same witnesses, or that there were hearings planned 2 weeks down the road from hearings we had planned, not that we had the exact answer to the problem by any means. Bluntly put, the Senate cannot be a contributing partner with the Executive to win the war against terrorism unless we are properly organized.

On the other hand, we have done some good work. Last year, the Emerging Threats and Capabilities Subcommittee, in an attempt to reduce confusion and focus action, required the Department of Defense to establish a single Assistant Secretary to speak for the Department. Members of the Senate Appropriations Committee have worked hard to require a similar single point of responsibility in the Department of Justice.

Last Thursday, the President of the United States designated Pennsylvania Gov. Tom Ridge, a former colleague of ours in the House, to head up a new Cabinet-level organization to focus attention and to speak for the administration on homeland security.

Last week, the House of Representatives of the United States established a subcommittee to be the single voice for the House. The Senate leadership knows, I am sure—I have talked with them at length—that we must create a single committee in some form to coordinate and to prioritize initiatives and programs concerning homeland security and terrorism.

Mr. President, we have not done so. I say to my colleagues, it is our turn to act. The select committee I am recommending with this legislation will allow us to speak with one voice and be a key partner with the administration and the House of Representatives in the war on terrorism.

Before I outline my proposed legislation, let me give some background regarding this urgent need.

First, there is precedent for creating a select committee to address a very significant problem. The Truman committee: Convinced that waste and corruption were strangling the Nation's efforts to mobilize itself for war in Europe, President Truman conceived the idea for a special Senate committee to investigate the national defense program. Many consider this to be one of the most productive committees in the Senate's history.

The Arms Control Observer Group provided a way for Senate leaders to observe arms reduction talks and anticipate issues that might block eventual ratification.

Y2K was created to examine the year 2000 problem in the executive and judicial branches of the Federal Government, State governments, and the private sector operations in the United States and abroad. Everybody owes a debt of thanks to the distinguished Senator from Utah, Mr. BENNETT, for his leadership in that regard.

Each of these organizations was created to solve a particular problem in extraordinary times, and they proved to be invaluable. This is an extraordinary time.

To combat terrorism and protect our homeland is an issue demanding unity of effort in the Senate. Several studies and commissions have been conducted on the threat of terrorism and the preparedness of America to cope with an attack. We all know what they are. There is the Bremer commission, the Hart-Rudman commission, the Gilmore commission, and a study by the Center for Strategic and International Studies; the acronym is CSIS. Each had elements of agreement. They all recommended the following:

No. 1, the threat to our homeland is real. It is not a matter of if but when. Sadly, we know the answer to when. The people who planned the terrorist attack and killed 19 of our service men and women on the U.S.S. *Cole* are the same kind of people who planned the attack in New York and Washington and the same kind of people who are planning the next attack.

Point No. 2, from all of these commissions, all of these experts: The executive branch is fragmented and poorly organized to prepare or deal with such an attack. The President is stepping up to that issue. So is Tom Ridge.

Point No. 3, the Nation needs a strategy to address the problems in international terrorism. I think the President is doing a good job on that respect with the help of his Cabinet, with the help also of the international community.

Point No. 4—and this is the point I want to make as of today—the Congress is as poorly organized and fragmented as the executive branch.

Finally, if we need another example of why we must coordinate our actions on this issue, we need only look at the various legislative proposals moving through the Senate to direct the administration to reorganize the executive branch to face this war on terrorism. These actions are certainly well meaning.

I do not oppose each or any of them, and I do not perjure their intent or the intent of the distinguished Senators who have introduced the bills. But, I say to my colleagues, could we not better serve the Nation in this critical time if there were a single select committee to coordinate and prioritize our efforts?

Could not a single committee serve the Nation better and work more closely with the President than all of the various committees we have now with some measure of jurisdiction over homeland security and terrorism?

How many committees and subcommittees must the administration meet with to take action now, to put politics second and America first?

How many chairmen and ranking members must Governor Ridge meet with and convince before he can take action?

Could not a single coordinating and prioritizing committee better serve the Nation during this war on terrorism and serve the Senate as well?

During the hearings of the Emerging Threats Subcommittee, we asked all the witnesses to state what keeps them up at night, what was their biggest worry, and to prioritize homeland security threats.

Their suggestions mirror the threats now receiving national press attention and the priority challenges that now face Governor Ridge as he comes to the Senate asking for immediate consideration and expedited action.

The first concern mentioned by our witnesses was the danger of an attack using bioterrorism. Goodness knows, we have seen headlines about that. The probability is low or perhaps medium, but the risk is severe, if not chaotic. Were I to be asked by Governor Ridge and his staff, I would recount that concern and recommend immediate funding and policy reforms.

I see the distinguished former chairman of the full Armed Services Committee, the ranking member, the gentleman I like to refer to as the ''chairman emeritus,'' the distinguished Senator from Virginia, who is very much aware of an exercise that was just taken at Andrews Air Force Base called ''Dark Winter,'' the use of biological weaponry. The results were very grim.

I think both Senator WARNER and this Senator would meet with Governor Ridge and say: Tom, this is something that must be addressed and is being addressed by the Secretary of Health and Human Services, Secretary Thompson. But on whose door will the Governor knock? Certainly, the Health, Education, Labor, and Pensions Committee; certainly the Armed Services Committee; perhaps our subcommittee; the Intelligence Committee; and the Government oversight committee, and, of course, the Appropriations Committee and the appropriate subcommittee on the Appropriations Committee. And let's not ever forget the growing danger of agriterrorism. So, obviously, he better knock on the door of the sometimes powerful Senate Agriculture Committee.

The second priority concern stressed by the experts was the danger of a cyber-attack, or information warfare. So Director Ridge doubtlessly would knock on the door of the Commerce Committee again, as well as the Armed Services Committee, the Judiciary Committee, doubtlessly the Banking Committee and others. Now I could go on, but I think my point has been made.

The third priority concern was the danger of a chemical attack, and the fourth, the danger of any possible use by a state organization or a nonstate organization of terrorists using a weapon of mass destruction.

As the September 11 tragedy demonstrated, there were few threats that were not discussed or that will be as Governor and now Director Ridge comes to the Senate to brief Senators to ask for our advice, our expertise, and our support, and we have that. We have had many hearings. We have many staff experts, and we have good judgments as evidenced by the Senator from Virginia and others who have worked so hard on this issue. That is how it should be.

We have a great many Senators, as I have indicated, who have considerable expertise and experience. They can, and we will, be part of the answer, but we do not have time to introduce bill after bill and hold hearing after hearing and request Governor Ridge to knock on virtually every committee and subcommittee door of the Senate in a merry-go-round of turf contests.

I know that senior committee chairmen and senior ranking members and even subcommittee members and ranking subcommittee members care about

turfs. Scratch their turf, and it is like Ferdinand the bull. He does not smell flowers; he gets upset.

I say again, the House has acted. The administration has acted. We have not. It is time. Last Sunday, Secretary of Defense Rumsfeld issued the long awaited Quadrennial Defense Review. In his forward he states:

> The vast array of complex policy operational and even constitutional issues concerning how we organize and prepare to defend the American people are now receiving unprecedented action throughout the United States Government. Importantly, since the scope of homeland defense security responsibilities span an array of Federal, State, and local organizations, it will also require enhanced interagency processes and capabilities to effectively defend the United States against attacks.

Then he went on to say: The recent establishment of the Office of Homeland Security will galvanize this vital effort.

That is the word, ''galvanize.'' ''Galvanize,'' that is the word, to be sure. Various dictionaries define ''galvanize'' as follows, and I quote:

> To arouse to awareness and action; to spur; to startle.

Erskine Childers of dictionary fame said:

> A blast in my ear like the voice of 50 trombones galvanized me into full consciousness and action.

Mr. President, the Senate of the United States will not be able to galvanize or even play a significant part in winning the war against terrorism if in coming to the Senate the President, Tom Ridge, and the American people have to knock on 100 doors and listen to 100 different trombones. That is not galvanizing anything.

My proposed legislation would do the following: First, establish a Select Committee on Homeland Security and Terrorism. It would be cochaired by the majority and the minority leaders. It would have membership designated by the leadership from committees with preeminent and primary jurisdiction. Note I said preeminent and primary jurisdiction over homeland security and terrorism. And it would be responsible to coordinate and prioritize initiatives and programs of the U.S. Government concerning homeland security and terrorism.

It would submit to the Senate appropriate proposals for legislation and report to the Senate concerning such activities and programs.

This is a modest proposal. It is not written in stone. This proposal is not perfect. There is no such thing as a perfect bill. It is one that does not take authority away from committees, despite a lot of discussion that that might be the thing to do; the committees that certainly currently have the jurisdiction over these matters. It does allow the Senate to have a single voice and a single point of contact the administration can deal with as we fight this war on terrorism.

It is the right thing to do. It must be done now if the Senate is to be a key player and a meaningful partner in this Nation's war on terrorism.

I have a more detailed summary of the bill. I ask unanimous consent that the summary be printed in the RECORD.

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

ROBERTS RESOLUTION ESTABLISHING A SELECT COMMITTEE

1. Establishes a Select Committee on Homeland Security & Terrorism.

2. Select Committee would coordinate and prioritize federal initiatives toward genuine homeland security and preventing incidents of terrorism in the U.S.

3. Select Committee will have a legislative jurisdiction and shall have referred to it all legislation substantively connected to addressing homeland security and terrorism challenges.

4. Composition of Select Committee would be: two co-chairmen (Majority Leader and Minority Leader), two vice-chairmen (appointed by majority and minority leaders), chairmen and ranking members of Senate committees with clear jurisdiction (as determined by leaders), four members not sitting on such committees, and four members with expertise in the area of homeland security and terrorism (these eight members will also be appointed by the majority and minority leaders).

5. The Select Committee will hold hearings, compel the attendance of witnesses, draft legislation, report legislation, and generally be the focal point for the Senate's legislative and policy response to the challenge of keeping the American homeland safe and prepared in regards to incidents of terrorism and the phenomenon of 21st century terrorism (where each incident is exponentially more catastrophic than the last).

6. Select Committee will periodically report to the Senate and the committees of the Senate on the federal long term policy response to challenge of homeland security and terrorism.

7. Select Committee will require an annual report from the President outlining the coordinated federal long term policy response to challenge of homeland security and terrorism.

8. Select Committee is to compliment (by coordination and prioritization) the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal.

9. After introduction, the resolution will be referred to the Senate Committee on Rules and Administration for further consideration.

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to compliment my distinguished colleague, a member of the Armed Services Committee. Let the RECORD reflect he was the chairman of the Emerging Threat Subcommittee, which as a new chairman I created many years ago. Many of us on the committee, preeminent and foremost our distinguished colleague, Senator ROBERTS, in his tireless efforts, brought to the attention first of the committee, then the Senate as a whole, the serious looming threats across the board. Often he was alone in those efforts, but he had me by his side. I say the two of us, I suppose, in some respects at times had to forge ahead.

I do not say that in a partisan way because both sides of the aisle, in terms of our committee, at times had to push hard to get measures through and to eventually get what money we could from the Appropriations Committee to support the initiatives of the former chairman of the Subcommittee on Emerging Threats.

We are fortunate the Senator remains as the ranking member under the chairmanship of the distinguished Senator from Louisiana.

I have not had an opportunity to examine the format of the Senator for this important initiative that must be taken at some point by the leadership of the Senate and hopefully the endorsement of the full Senate. From what I have heard of the Senator's remarks, I think it is a landmark place from which to begin to examine this question.

If I might inquire, perhaps in the Senator's extended remarks he covers the budgetary authority. That, as the Senator knows, is very important. For example, in our bill now pending before the Senate for the Armed Forces for fiscal year 2000, we have a number of billions of dollars directed towards the President's initiatives, the initiatives of the Congress of the United States, to thwart terrorism. How would that be treated under the proposal the Senator from Kansas has? Would that jurisdiction over those funds—would we have, should we say, coequal authority of, say, the Armed Services Committee and other committees that have jurisdiction over portions of terrorism?

Mr. ROBERTS. If the Senator will yield, I will be happy to respond. The second point, which will be inserted in the RECORD following my remarks, the select committee would coordinate and prioritize the Federal initiatives toward genuine homeland security and preventing incidents of terrorism.

It would have a legislative jurisdiction and have referred to it all legislation substantially connected to addressing homeland security and terrorism challenges, but the budget authority, of course, stemming from the Budget Committee and all the work they do and all the work the appropriators do would still remain in the Armed Services Committee. It is more of a clearinghouse.

I suspect Director Ridge would come to the select committee, indicate his advice and counsel from the National Security Council, all that he has talked to, that we have the top five priorities and that, as a result, would go to our committee. We would recommend to the committees of jurisdiction, which I would think would be no more than four or five. They would not lose their jurisdiction.

There was a great deal of concern, when I talked to various ranking members and chairmen of these committees, that they did not want to lose jurisdiction. Some thought about making them ex officio, but in terms of the budget authority, obviously the Senator from Kansas and the distinguished

chairman of the Armed Services Committee would have a direct say in terms of the authorization. It would be like everything else we do that is subject to our work with the appropriators.

Mr. WARNER. If I might continue, one area of work of the Senator, as the former chairman, and I presume now in this bill the current chairman, is to prioritize those funds that go to the National Guard support teams. We started out 3 years ago with I think 4, 5, 6. Our committee each year increased the number of teams, increased the funding for the teams. Their teams would be the first responders; or maybe the local police, fire, and other authorities would be the first responders.

There was a problem because we only had so many teams for the 50 States. How many teams are we up to now?

Mr. ROBERTS. If the distinguished Senator will continue to yield, we increased that number by 22. There was a GAO report, as the Senator knows. He always sat as the presiding chair and now ranking member at the subcommittee because of his intense interest. We would not have the subcommittee focus on this problem without the leadership and inspiration of the Senator from Virginia.

The GAO issued a rather critical report in regard to the teams, what we call civil support teams, the idea being that very well trained National Guard units could be within 4 hours of any community to be one of the first responders and signal back to the Federal Government—now with the FBI, with FEMA, with the Red Cross, with everybody concerned—exactly what the problem was.

That report found no fault in the raid teams. That report focused on the lack of direction and leadership within the Department of Defense. We fixed that problem with the help of the able staff, including the able staff member sitting to the Senator's right. He goes on periodic inspections to make sure these raid dreams are up to snuff. It means within 4 hours of anywhere in the United States you will have a crack professional and well-trained National Guard team to come in to immediately recognize the problem, indicate to the first responder, and also Washington, exactly what the problem is, and respond as fast as possible.

It was that initiative that the distinguished Senator mentioned to this Senator, and we were able to increase the number of teams even before the Department of Defense clearly recognized that need.

Mr. WARNER. I wanted to discuss that. There was a clear and historic bipartisanship in the work by the committee.

I pose it as a question now: Supposing in a future budget coming before the Congress from President Bush's team, and Mr. Ridge would have a voice, of course, and say, arbitrarily, he needed another 10 teams, and that funding is in the Department of Defense budget, and our committee decided we ought to have 20 teams. However, the new committee that you envision would, I presume, get the budget request, as would the Armed Services Committee, and would either have to agree with our committee or disagree, and if there is a disagreement, how do you resolve it?

Mr. ROBERTS. The same way we resolved the problems with Y2K. The leadership would have to make a decision in regard to the prioritization of what the distinguished Senator is talking about.

I point out No. 8 in the summary of the bill. The select committee is to complement—complement, by coordination and prioritization—the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal. I cannot imagine that the Select Committee on Homeland Security and Terrorism would not adhere to the recommendations of the Armed Services Committee, more especially the subcommittee on which I serve, and also the budget as submitted by the administration. The budget authority is more of a notification authority to this select committee. It is not ''triplication''—if there is such a word—in terms of the Budget Committee.

I do not want in any way to tread on the expertise and the knowledge of the distinguished chairman and all the members of the committees that have jurisdiction. The Senator might remember we had a chart that we showed weeks ago, before September 11. The Senator may remember he was an active participant when we had the 40 agencies that came in. We asked: What is your mission? Who do you report to? Who is in charge? As a matter of fact, I think you were the Senator who showed up with the chart that showed it was a hodgepodge. It would be impossible for anyone to figure it out. I held up a much smaller chart of ''stovepipes,'' if you will.

At that time, I thought there were five major committees that had jurisdiction that somehow could recommend or at least be part of this select committee, either ex officio or official. We had decided now to make them members because I didn't want to scratch that term. I have since found out there are eight, and there may be nine, and it may be growing more than that. It did affect our budget.

Mr. WARNER. The RECORD should reflect the important contribution by that group of Senators. Senator JUDD GREGG was in the leadership at that time. You were present. Senator STEVENS, Senator INOUYE, Senator LEVIN attended a lot of these. We had 2 full days of hearings.

Mr. ROBERTS. Senator MIKULSKI was very active, Senator HOLLINGS was very active, Senator STEVENS was there, as I have indicated, and Senator SHELBY on the Intelligence Committee. We had the Armed Services Committee, Intelligence, and the appropriators.

Mr. WARNER. That was an important piece of work we did.

Again, if no standing committee gives up any jurisdiction, I am still having difficulty understanding exactly how this new committee will function. I ask the question in a supportive manner and in no way to infer that I am not supporting the ultimate objective, especially of the leadership itself, to establish such a format. If we don't have some yielding of jurisdiction, I am not sure how that committee functions.

Mr. ROBERTS. If the Senator will yield again, I will try to do this one more time. We had plans A, B, C. The first plan was to create a task force. Then we thought after September 11 that yet another task force was not the thing to do. The task force was to be a clearinghouse of all the major committees that had that jurisdiction. The task force was to at least let everybody know that the left hand knew what the right hand was doing. We have had meetings like that. Members come once, staff members come later, and simply protect the turf of the subcommittee or the committees.

We said: We will hold a hearing on that. Why would you want to hold a hearing when we already held one? With whom are you working downtown in terms of the agencies? And round and round and round. So we decided the task force would not fit the bill.

Then we had another plan. This plan I call the Bennett plan, although I am not sure the distinguished Senator from Utah would take credit for it, or even should. But it was based on the committee that he chaired in regard to the Y2K challenge we had. In this particular case, you had the majority leader, the minority leader designating two designees to be vice chairmen, which we do. He called it the worker bees, so they could get that done. They basically were in charge of that particular effort. It didn't mean that the Commerce Committee—I do not remember the other main committee involved; perhaps it was the Governmental Affairs Committee; I may be misspeaking—could not introduce legislation and have budget authority, which they did. It was an effort to make sure that the Senate of the United States was on top of this issue and everybody knew what was occurring.

When the leadership would come to Senator BENNETT or Senator DODD, the other participant, they would say: This is our best recommendation.

I will say any senior committee chair who has a strong feeling, I understand that, but in the end it will have to be a decision by the executive, by our leadership, hopefully by a single committee that can serve as a clearinghouse to prioritize. I don't think we get into the budgets that much.

Plan C is the one I have introduced to make sure your senior committee

chairmen, or at least part of the action, are not ex officio. Plan C was put in. First, this is flexible; this is not ''the'' plan.

I am trying to prompt action. Frankly, what I am trying to do when we have a problem in Dodge City, and you have to use a cattle prod and start to push a little bit, that is what we are doing. I think it is a pretty good bill, but it may not be the best bill, and there may be another way to approach this.

The distinguished Senator knows what has happened. We have been talking about this now for 6 months.

Mr. WARNER. In fairness, Senator LOTT has hosted several meetings—you and I have been present—so he could look at all options on it.

Mr. ROBERTS. Yes, I have been present.

Mr. WARNER. I want to follow this carefully.

Mr. ROBERTS. I have discussed this with the minority leader. I gave a similar plan, and I said it is not so much whether it is this plan or that plan, we must have a single select committee. We thought about a standing committee, and we said: No, that is going too far. You know and I know that if you tread on the turf of an important committee chairman, they will say no to the leadership. That is precisely what has happened. I am not going to get specific, but we have been working on this for 6 months to a year, and if we just get into personalities and turf fights, there ought to be a way to work this out. So this select committee would prioritize and coordinate with Tom Ridge. My word, if he can do it with 40 agencies, we can do it here with all the subcommittees and committees we have in the Senate. If we do not, we will not be part of the answer.

Mr. WARNER. Mr. President, I think the Senator is aware that I, in my capacity as ranking on Armed Services, have not objected to what Senator LOTT has put out as some format. To the contrary, I have indicated to him my strongest support for whatever evolves, hopefully with his leadership and others'—yourself—out of this effort.

I commend the Senator but I am prepared to make whatever adjustments are necessary in order for this very important concept to be formalized and instituted in the Senate.

I thank the Senator.

Mr. ROBERTS. I thank the Senator for his help, support, leadership, and advice, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from Kansas for his continuing leadership. He was an absolutely marvelous chairman of the Emerging Threats Subcommittee and took that committee in a direction that really foresaw some of the activities that we have seen in the year since he began that effort. For that foresight we are all in his debt. He has continued that as ranking member of the Emerging Threats Subcommittee now, with Senator LANDRIEU as Chair.

But he has really been way, way ahead of his time. He has prodded us, as he used the image, in more ways than one and more times than just a few. I know the leadership is discussing some kind of a select committee. Hopefully they will come to some kind of conclusion so we can act with one voice.

He has been sometimes a lone voice, often a voice with a lot of support—but nonetheless a strong voice in that direction. I thank him again as I often have publicly and privately for his extraordinary work on our committee and in the Senate.

Mr. ROBERTS. I thank the distinguished chairman and my good friend and colleague for his very kind remarks.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

AMENDMENT NO. 1760

Mr. REID. Mr. President, I ask we return to amendment No. 1760.

The PRESIDING OFFICER. The amendment is pending.

Mr. WARNER. Mr. President, for the record, the amendment is accepted on this side.

Mr. HUTCHINSON. Mr. President, I am proud to be lead Republican sponsor of the concurrent receipt amendment offered by my distinguished colleague from Nevada, Senator REID. Now is the time to restore fairness to our military retired. Men and women who served our country, who dedicated their lives to the defense of freedom have earned fair compensation.

Our veterans have earned and deserve fair compensation. I have been a longstanding supporter of efforts to repeal the 110-year-old law that prohibits military retirees from collecting the retired pay that they earned as well as VA disability compensation.

This amendment will correct the inequity of disability compensation for our Nation's military retirees. Today, our military retirees are forced to fund their own disability compensation. Essentially, it is the view of this government, that those that have already given so much for our Nation must provide more. These are worthy Americans who answered our Nation's call for 20 years or more. They are veterans who stood the line, defending our Nation, during peacetime and conflict.

Today as we face a new enemy we have the duty to show our men and women in uniform that we as a nation fully support them, that the United States Senate recognizes their sacrifice. I urge my colleagues on both sides of the aisle to support this important amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 1760) 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 assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1834

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator THOMAS and Senator GRAMM of Texas.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. THOMAS, for himself and Mr. GRAMM, proposes an amendment numbered 1834.

The amendment is as follows:

Strike the material beginning with page 264, line 21 and ending with page 266, line 6.

Mr. LEVIN. Mr. President, I am sure we all remember the lengthy, spirited debate on the question of whether or not private businesses in this country should have an opportunity to bid on items which the Government is buying or whether they ought to be preempted from being able to bid on those items by the monopoly position of Federal Prison Industries. The Senate spoke and spoke loudly. Senator GRAMM strongly opposed it. He had some suggestions afterward which I find acceptable, Senator THOMAS finds acceptable, and those suggestions are now incorporated in the amendment which we have sent to the desk. It leaves intact the thrust of our amendment.

I ask unanimous consent the amendment be considered.

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

Mr. LEVIN. Last week, the Senate voted 74–24 to table an amendment that would have removed the Federal Prison Industries provision from the bill. This vote was an overwhelming victory for those who believe, as I do, that Federal Prison Industries should not be able to prohibit private sector companies and their employees from bidding on federal contracts that are paid for with their tax dollars.

Under Section 821 of the bill, which has now been endorsed by the full Senate, FPI's ''mandatory preference''

would come to an end, and Federal Prison Industries would have to compete for future Department of Defense contracts. Under this provision, the Department of Defense, not Federal Prison Industries, would be responsible for determining whether Federal Prison Industries can best meet the Department's needs in terms of price, quality, and time of delivery. If DOD determines that the FPI product is not the best available in terms of price, quality, and time of delivery, the Department is directed to purchase the product on a competitive basis.

Today, we are agreeing to an amendment that would modify the Federal Prison Industries provision. In particular, this amendment would delete language from the bill which specifically addresses: (1) DOD purchases of integral or embedded products from FPI; (2) DOD purchases of national security systems from FPI; and (3) DOD purchases in amounts less than the micropurchase threshold of $2500.

The first thing that I would like to emphasize about this amendment is that it does not in any way alter or undermine the key language in the provision, which would end FPI's mandatory preference and allow private companies to compete against FPI for Department of Defense contracts. Would the Senator from Wyoming agree with this?

Mr. THOMAS. Absolutely. The Senate voted overwhelmingly to end FPI's mandatory preference on DOD contracts, and we have not and would not agree to any amendment that would undermine that action. As Senator LEVIN stated, last week's vote sent a clear message that the Senate fully supports eliminating FPI's mandatory source status.

Mr. LEVIN. I would now like to address the language that we are removing from the bill.

First, we are removing language that would have expressly stated that DOD may not be required to purchase integral or embedded products from Federal Prison Industries. This provision was intended to address FPI's practice of using its mandatory source status to insist that it get a share of projects that would ordinarily be performed by a single general contractor.

While we believe that some of FPI's practices in this area have been abusive, we are dropping this language from the bill because we do not believe that it is necessary. Since the language in the bill would end FPI's mandatory source status, FPI would no longer have the leverage it has used in the past to insist that contracts be divided up, that contract specifications specifically require the use of FPI products, or that subcontracts be awarded to FPI.

Let me be clear. We expect FPI's abusive practices to end under this provision. It is our belief that with the elimination of the mandatory preference, these practices will come to a stop. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree. The only reason for dropping this language from the bill is that it is redundant.

Mr. LEVIN. Second, we are removing language from the bill that would have expressly stated that DOD may not be required to purchase national security systems from FPI.

There are certain types of products that are inappropriate to produce in our prisons. I don't think we want guns produced in our prisons. I don't think we want missile guidance systems to be produced in prisons. I don't think we want rocket launchers to be produced in prisons. I don't think we want bullet proof vests to be produced in prisons.

We have agreed to drop the language in the bill because it is unnecessary. With the elimination of the mandatory preference, DOD will no longer be required to purchase any product from FPI, unless the Department determines that FPI offers the best product and the best price, and with a delivery schedule that meets the Department's needs. For this reason, we do not believe that is necessary to retain the language singling out national security systems.

Would the Senator from Wyoming agree with this?

Mr. THOMAS. I do agree and in fact, I think the American public would be shocked to learn that under a depression-era statute the DOD is required to purchase national security products from Federal prisoners.

In addition, FPI's entry into services generally, and data services related to mapping and geographic information in particular is troubling. This is an inappropriate area for prison work for a number of reasons. First, Congress has included mapping and geographic information services within the statutory definition of professional architect-engineer (A/E) services. This law requires Federal agencies to award A/E contracts (including those for surveying or mapping services) to firms based on their ''demonstrated competence and qualification'' subject to negotiation of a fee ''fair and reasonable to the government'', rather than awarding such contracts to the lowest bidder. The vast majority of States have also adopted this process in their codes and it is recommended by the American Bar Association in its Model Procurement Code for State and Local Governments.

Public health, welfare and safety is dependent on the quality of work performed by professionals in the fields of architecture, engineering, surveying and mapping. To add to these highly technical and professional services the drawings, maps and images processed by prison inmates is questionable to the public interest.

There are prisons engaged in a variety of digital geographic information services, including converting hard copy maps to electronic files; plotting maps at various scales; creating databases with information on homeowners, property appraisal and tax assessment; digitizing, and other computer aided design and drafting and geographic information services. FPI is involved in a program to provide support services to some of the Nation's most classified and sensitive mapping programs. I believe it is highly inappropriate for prisoners to be involved in programs where their work later becomes classified.

It is unwise to provide inmates access to information about individual citizens' property and assets, address information, and other data that carries serious civil liberty implications. I want to emphasize that inmates working for FPI in geographic information services often have access to homeowner data, property appraisal and tax assessment records and other information that most citizens would not want in prisoners' hands. It is equally dangerous in today's climate to give prisoners access to underground utility, infrastructure or power system location data.

Moreoever, to train prisons in imaging techniques and technologies makes the potential for utilizing such skills in nefarious counterfeiting operations upon release from incarceration too tempting.

These are examples of where prison industries has gone too far and where constraints are needed.

Mr. LEVIN. finally, we are removing language from the bill that would have stated that DOD may not be required to make purchases with a value less than the micropurchase threshold of $2500 from FPI.

The micropurchase threshold is important, because the removal of statutory requirements on small purchases makes it possible for DOD and other agencies to use efficient purchasing methods, including credit cards. For this reason, DOD has long sought, within the executive branch, an exemption from FPI's mandatory source requirement for purchases less than $2,500. So far, FPI has been willing to grant an exemption only for purchases up to $250.

We are removing this language from the bill so that the Department of Defense and the Department of Justice can continue efforts to work it out within the executive branch. It is our hope that, with the elimination of the mandatory preference for DOD purchases from FPI, the two agencies will be able to work this issue out in a constructive manner. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree with the good Senator from Michigan and want to point out that FPI has been fighting such changes for more than 5 years. Furthermore, FPI's reluctance to increase the micropurchase threshold points to FPI's unwillingness to recognize the legitimate needs of its Federal agency customers.

Lastly, I want to point out that this amendment does nothing to address the numerous other competitive advantages that FPI enjoys. As I pointed out

on the Senate floor last week, FPI will retain advantages such as: paying inmates between $.23—$1.15 per hour; not having to pay Social Security or Unemployment compensation; not having to pay for employee benefits; exemption from paying Federal and State income tax, excise tax, and State and local excise taxes; and utilities being provided by the host prison.

Under this amendment FPI will continue to enjoy these, and other, competitive advantages. In no way does this amendment shut down FPI. In fact, FPI will continue to produce products for DOD contracts because the private sector cannot compete against not having to pay market wages, employee benefits, and Federal and State taxes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the chairman, Senator THOMAS, and the senior Senator from Texas for reconciling differences on an issue which was of great importance to all parties. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 1834) 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.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1805

Mr. DURBIN. Mr. President, last week I offered an amendment that would allow a needed land transfer agreement to take place in North Chicago among the Navy, the Department of Veterans Affairs, and the Finch Medical School.

The managers of this bill accepted my amendment and I thank them for their help. I want to take this opportunity to explain what the amendment does.

The Navy's only boot camp facility is at the Great Lakes Naval Training Center in North Chicago, IL. Its Recruit Training Center area is a very long, thin stretch of land hemmed in by railroad tracks and by land that the Navy transferred to the Department of Veterans Affairs, VA, many years ago. This layout forces recruits to do so much marching simply in the course of moving about the area in a normal day of training that these 19-year-olds have been suffering from overuse injuries.

Both the barracks and the large drilling facilities used by recruits were built hastily during World War II and are in desperate need of replacement. These military construction projects have been endorsed by the Navy and by Congress, but the layout of the Recruit Training Center must be modified before all the buildings needing replacement can be built.

The VA land adjacent to the Recruit Training Center was leased to the Finch Medical School, which is affiliated with the North Chicago Department of Veterans Affairs Medical Center. The VA also has more land and buildings than it needs for veterans health care delivery today.

The Navy, the VA, and the Finch Medical School have been in negotiations to set up a land swap that would benefit all concerned. The Finch Medical School is amenable to giving up the land on which it carries a 99-year lease so that the Navy can use that land. The VA is willing to transfer the land the medical school has leased for other VA property that the VA no longer needs. I commend all the parties for their willingness to work together, compromise, and find a solution that benefits all parties. The details of this agreement are still being worked out, and a public hearing will be held on it as well.

This amendment simply authorizes the Navy to use up to $2 million of Operations and Maintenance funds to fulfill its obligations, once a final agreement is reached.

I appreciate the support from the bill's managers on this amendment. The rebuilt Recruit Training Center area will allow a major improvement in the training environment as well as the quality of life for new recruits. This amendment is absolutely necessary for the Navy to carry out the plans for its new Recruit Training Center.

Mr. LEVIN. It is now the understanding that we will recess until 2:15 and that we will be back at that time. We hope to be able to work out a pending amendment or two so we can complete consideration of this bill, hopefully before the briefing which has been scheduled for, I believe, 2:30. It would be our goal that we can use that 15 minutes to resolve these pending amendments, that we can then go to final passage right after the 2:30 briefing. That would be my goal.

Mr. WARNER. Mr. President, I share that goal. After carefully offering opportunity to my colleagues, I understand, if we resolve the matters with Senator ALLARD, that may conclude the amendments. It won't seal them off, but we have made a great deal of progress.

Mr. LEVIN. Senator ALLARD, Senator NELSON of Florida and others, Senator DODD, are working hard to see if we can come up with something which moves in the direction we all want to move in terms of voting rights for our military personnel and that does so in a way that we can protect against any unintended consequences. That is our hope over the lunch period. We will come back at 2:15 with high hopes and, if not, we will have to resolve it in other ways.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

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

Mr. HELMS. I thank the Chair.

Mr. President, parliamentary inquiry, please. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1724

(Purpose: To protect United States military personnel and other elected and appointed officials of the United States government against criminal prosecution by an international criminal court to which the United States is not party)

Mr. HELMS. Mr. President, I call up amendment No. 1724 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI, proposes an amendment numbered 1724.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HELMS. Mr. President, I have worked with our colleague from Georgia, Senator MILLER, to craft legislation to protect our soldiers and officials from illegitimate prosecutions by the International Criminal Court. Senator MILLER and I and Senators LOTT, WARNER, HATCH, SHELBY, and MURKOWSKI together introduced the American Service Members Protection Act on May 9 of this year. We have worked since that time with the administration to craft the pending amendment, and the administration favors this amendment quite strongly.

Our soldiers and decisionmakers will be all the more exposed to the risk of illegitimate prosecution as they proceed with ''Operation Enduring Freedom,'' as it has been named, against those who on September 11 committed mass murder against innocent American civilians.

The pending amendment ensures that countries, or overzealous prosecutors and judges, will never be able to use this court to persecute American military personnel carrying out war against terrorism.

At this time of national mobilization to fight terrorists who killed thousands of American citizens in New York and Pennsylvania and right near us at the Pentagon, there is a consensus in Congress that we should give the President the tools he needs to carry out the mission.

Chairman HENRY HYDE, of the House International Relations Committee, and I have painstakingly negotiated refinements to the American Service Members Protection Act with the Bush administration, and this revised version of the bill gives the President the flexibility and authority to delegate provisions in the legislation to Cabinet Secretaries and their deputies in this time of national emergency.

As a result of these careful negotiations, I have a letter dated September 25, 2001, from the Assistant Secretary of State for Legislative Affairs. His name is Paul V. Kelly. He indicates in his letter that the administration supports enactment of the precise language in my amendment to the Defense authorization bill. By the way, I submitted that letter for the RECORD last week, specifically on September 26.

So it will be a matter of record again, I ask unanimous consent that the letter from Assistant Secretary of State for Legislative Affairs Paul V. Kelly be printed in the RECORD at this point.

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

DEPARTMENT OF STATE,
BUREAU OF LEGISLATIVE AFFAIRS,
*Washington, DC, September 25, 2001.*

Hon. HENRY J. HYDE,
*Chairman, Committee on International Relations, House of Representatives.*

DEAR MR. CHAIRMAN: This letter advises that the Administration supports the revised text of the American Servicemembers' Protection Act (ASPA), dated September 10, 2001, proposed by you, Senator Helms and Mr. DeLay.

We commit to support enactment of the revised bill in its current form based upon the agreed changes without further amendment and to oppose alternative legislative proposals.

We understand that the House ASPA legislation will be attached to the State Department Authorization Bill or other appropriate legislation.

Sincerely,

PAUL V. KELLY,
*Assistant Secretary, Legislative Affairs.*

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor. Does the Senator from North Carolina yield the floor?

Mr. HELMS. If the Senator will indicate why he is seeking recognition, I will be glad to consider it.

The PRESIDING OFFICER. The gentleman from North Carolina has the floor.

Mr. LEVIN. As manager of the bill, I say to my friend from North Carolina I did not hear that last unanimous consent request. I am sorry.

Mr. HELMS. I just inserted a letter in the RECORD.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina is speaking. The Senator will continue speaking, and the Senate will be in order.

Mr. HELMS. I thank the Chair.

We have a responsibility as Senators to enact an insurance policy for our troops and our officials—such as Secretary of State Powell—to protect them from a U.N. Kangaroo Court where the United States has no veto. That is precisely what this amendment is all about. Let me state for the record, to be absolutely certain there is no mistake made about it, (1) this amendment will prohibit U.S. cooperation with the court, including use of taxpayer funding or sharing of classified information; (2) it will restrict a U.S. role in peacekeeping missions unless the United Nations specifically exempts U.S. troops from prosecution by this international court; (3) it blocks U.S. aid to allies unless they too sign accords to shield U.S. troops on their soil from being turned over to the court; and (4) it authorizes the President to take any necessary action to rescue U.S. soldiers, any service man or woman, improperly handed over to that Court.

Now, then, my very good friend from Connecticut, and he is my friend—we have worked together on a number of things—Senator DODD, has made comments about this legislation which I feel obliged to address. This past Wednesday, September 26, the distinguished Senator from Connecticut, here on the Senate floor, said:

> "This amendment is called, ironically [Senator DODD said], the American Servicemen's Protection Act. It is anything but [said Senator DODD]. The establishment of this amendment places our men and women in uniform in greater jeopardy than they would be if we were to participate in trying to develop the structures of this court to minimize problems.

Now that is quoting Senator DODD, my friend, a friend of all of ours.

But that's not the case. I hope I might persuade Senator DODD to withdraw that statement because it is not the case. Let me repeat for emphasis, it is not the case at all. The pending amendment does nothing whatsoever to preclude the Bush administration from taking any action it deems necessary to address our concerns during the Preparatory Commission meetings of the International Criminal Court.

However, we should not be misled: the negotiators of this Court have no intent to amend the treaty creating the Court to meet our objections. In fact, negotiators voiced a loud cheer when they finished negotiation of the treaty in 1999—over the objections of the United States of America.

Senator DODD himself acknowledged that the Rome Treaty creating the Court is fatally flawed, when he stated:

> In fact, if, for some reason, miraculously the proposal were brought to this Senate Chamber this afternoon, and I were asked to vote on it as is, I would vote against it because it is a flawed agreement.

Also, when President Clinton signed the Rome Treaty on December 31, 2000, he stated that he would not send the treaty to the Senate for ratification and recommended that President Bush not transmit it either, given the remaining flaws in the Court.

So let me be, as the saying goes, perfectly clear. The pending amendment would shield American service people, men and women, from a court run amok. U.N. bodies often run amok. For instance, filled with dictatorships, the U.N. Human Rights Commission condemned the only democracy in the Middle East, Israel, in multiple resolutions earlier this year.

And just five weeks ago, the United Nations Conference on Racism in Durban South Africa, became an agent of hate rather than against hate. If U.N. commissions and conferences run amok, a permanent court, not subject to Security Council approval—and immune to a U.S. veto—could well turn on us, and on our democratic allies (the most likely one being Israel).

We need only to look back to the Kosovo War when the Bosnian Tribunal's chief prosecutor attempted to undertake an investigation of NATO for war crimes abuses.

Mr. President, despite the importance of this pending amendment with my sponsorship and that of others, opponents may want to hide behind procedural objections in an effort to just make our amendment go away. Unfortunately, this kangaroo court is not going away, it will be there, and the risk to our service men and women will exist as long as it is there unless we do something, as described in this amendment.

In the meantime, our Secretaries of State and Defense are telling us and the American people at the same time to get ready for a long campaign against global terrorists. We owe it, don't we, to our men and women representing this country, both in the military and in civilian agencies, to ensure their actions are not the subject of second-guessing by United Nations judicial bodies?

Mr. WARNER. Mr. President, would the Senator kindly yield for me to make this observation?

It had been the intention of the leadership of the Senate, and the managers, in order to accommodate Senators desiring to attend the briefing, to go into recess subject to the call of the Chair. Is that correct?

Mr. REID. I appreciate very much the Senator from North Carolina allowing us to interrupt. We have a number of people attending from the administration.

Mr. HELMS. Of course. I understand.

Mr. REID. We would be happy to allow the Senator to complete his statement, and as soon as that statement is completed, we ask the Senate be in recess subject to the call of the Chair, and at some subsequent time after we come back, I understand some people may want to raise a point of order against this amendment.

Mr. HELMS. I understand the same thing. I have about 2 minutes more. I will stop now.

Mr. REID. No, no. We thought the Senator from North Carolina was going to speak much longer. We would be happy to wait until——

Mr. HELMS. I wouldn't think of putting you in that position.

Mr. President, let me yield to the Senator on condition that I will have the floor when the Senate reconvenes.

Mr. REID. It is my understanding the Senator would want the floor when the Senate comes back in session?

Mr. HELMS. I think that was my unanimous consent request.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair on the condition that when the Senate does reconvene the Senator from North Carolina will resume the floor.

There being no objection, the Senate, at 2:32 p.m., recessed subject to the call of the Chair and reassembled at 3:37 p.m. when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Carolina.

Mr. HELMS. Forgive me for not standing, but who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 1724

Mr. HELMS. Mr. President, I will finish my statement in a moment, but, first of all, I ask unanimous consent that the Senator from Nebraska, Mr. HAGEL, be added as a cosponsor to amendment No. 1724, now pending.

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

Mr. HELMS. I do not know how many people were listening breathlessly when I made the first part of my statement earlier today, but I will not repeat it. I will have mercy upon you.

This is a very important amendment. I want to serve notice to the managers of the bill that I shall not contest or try to contest any motion that may be made on this amendment. I do hope the managers will give some thought as to whether they will support my offering this amendment freestanding as a bill, but that is up to them.

Mr. President, to complete my statement that I began earlier, the Veterans of Foreign Wars of the United States has sent me a letter in support of my amendment. I want to read part of it. It is from Robert E. Wallace, the Executive Director. It is addressed to all Members of the Senate, dated October 2. It says:

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, S. 1438, the ''American Service Members' Protection Act of 2001.'' We think this legislation brought forward by Senators Jesse Helms (R–NC) and Zell Miller (D–GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation's military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before this court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of ''war crimes,'' ''crimes against humanity,'' ''genocide,'' and other ''crime of aggression'' (not yet defined by the ICC.)

I ask unanimous consent the entire letter be printed in the RECORD.

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

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
*Washington, DC, October 2, 2001.*

To: All Member of the U.S. Senate.

From: Robert E. Wallace, Executive Director.

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, S. 1438, the ''American Service Members' Protection Act of 2001.'' We think this legislation brought forward by Senators Jesse Helms (R–NC) and Zell Miller (D–GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation's military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before the court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of ''war crimes,'' ''crimes against humanity,'' ''genocide,'' and the ''crime of aggression'' (not yet defined by the ICC). These crimes are expansively defined by the treaty and would be interpreted by the court's judges, who will be appointed with no input from the United States. The ICC will not be required to provide Americans the basic legal protections of the constitution. We think it is wrong to expect our servicemen and women to serve their country under this threat.

Also, it is equally important the President, cabinet members, and other national security decision-makers not have to fear international criminal prosecution as they go about their work. Congress has a responsibility to ensure that Americans are not brought before an international criminal tribunal for simply performing their duty to their country.

The Veterans of Foreign Wars of the United States supports enactment of this amendment to S. 1438 as written. Therefore, we strongly urge you to support this amendment offered by Senator Helms and others, and vote for the amended bill when it comes to the floor of the Senate for vote.

Mr. HELMS. Mr. President, I hope Senators will support this legislation, to protect soldiers and their civilian leaders from this new U.N. court. The President and his national security team support the legislation and have raised no concerns about acting on it now. In fact, there is greater need to enact this legislation now. We must not send our troops out to fight terrorists, or any other aggressors, without protection from trumped-up claims that they committed ''war crimes'', ''crimes against humanity'' or some new, undefined, catch-all ''crime of aggression'' before the Court.

I urge support for this legislation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will momentarily make a parliamentary inquiry as to germaneness. I say to my friend, who has been by my side in the Senate the 23 years I have been here, I was a cosponsor from day one. Should the Senator elect to pursue this as a freestanding or in other measures legislatively, I would like to be a cosponsor.

At the appropriate time—I see another colleague who wishes to address the issue—I will make the inquiry with regard to germaneness. The distinguished chairman and myself have made clear, in order to manage this bill, I will have to move for those amendments on my side, and he is going to move accordingly on germaneness for amendments on his side.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand the postcloture situation we are now in and the germaneness argument that the Senator from Virginia has just placed.

I stand in support of the concept and the intent that Senator HELMS brings to the floor as it relates to the International Criminal Court.

I, along with Senator HELMS and a good many others, have worked for some time to clarify this Nation's position in relation to the Rome treaty and the International Criminal Court. We became signatories to that in the final days of the Clinton administration and even then President Clinton spoke about it with concern. We are now faced with participating or not participating in something that we believe, as the Senator has just spoken to, puts our men and women in uniform at risk and the possibility that an international body, as adjunct of the United Nations, might choose to prosecute them, even though they were under the direct orders of our Commander in Chief in the execution of their duties.

If we were to gain on an International Criminal Court a rogue prosecutor, it is also arguable that civilians serving at the behest of the United States could become subject to the same prosecution. In other words, what is happening, by engaging in and/or participating in what we believe to be an illegitimate body and the formation of that body, it appears we are beginning to agree or to associate ourselves with it for certain purposes.

I don't believe we ought to be doing that. In fact, when we were dealing with Justice-State-Commerce appropriations, we passed, by voice vote, an amendment that would prohibit any moneys being spent for the purpose of the ICC preparatory commission and/or direct participation in the International Criminal Court.

What is at question? Our sovereignty, the right of this country to protect its citizens under our judicial system, but to hand that system and the absence of that protection off to an international body.

Senator HELMS has spoken to what we deem are rogue adjuncts of the United Nations—the conference that was held in Durban, South Africa that we had to withdraw from, along with the State of Israel, because of racist expressions that that conference was willing to make concerning certain nations with which we could not agree. The International Criminal Court stands alone by the characteristics of the defining language within the Rome treaty. In other words, once it is ratified, it isn't just a question of our men and women in uniform becoming subject to it. It is a question of any citizen of the world 18 years of age or older or any nation in the world becoming subject to it.

That is why I believe we ought to disassociate ourselves and, in fact, reverse our policy and work to deny its ratification.

I have a second-degree amendment I would offer, but I understand there will be a question of germaneness. If that question fails, then I would offer that second degree. It does not disallow the protection the Senator from North Carolina has brought but says that we protect others—and that is, citizens—in that we don't associate ourselves with the International Criminal Court, nor do we allow on special cases confidential information to flow from our Government to the court. In other words, we should not be facilitators to a court that by its very definition denies our citizens the right of sovereignty and the protection under our judicial system. That is what is at issue. None who study it deny that.

Those who have joined with me in my second degree are Senators LOTT, NICKLES, ALLEN, SMITH, CRAPO, KYL, and a good many others. It is a subject that deserves a stand-alone debate on the floor and full consideration by the Senate. At stake, I believe, are everything Senator HELMS has spoken to and, additionally, what I have just spoken to. That is why it is important that at some time this Senate collectively speak out against the whole of the ICC and the illegitimacy that we think it creates and the denial of the sovereignty of our citizens within the construct of the judicial system of our country.

Mr. FEINGOLD. Mr. President, I am deeply concerned about the amendments introduced by Senators HELMS and CRAIG relating to the proposed International Criminal Court. Regardless of how one feels about the court, this amendment could have the unintended but devastating effect of alienating our allies and undermining the global coalition against terrorism. By imposing sweeping limitations on the President's capacity to cooperate with other countries on security and intelligence matters, and by taking a unilateral approach to an important global issue, this amendment weakens the United States hand in pursuing the most urgent foreign policy priority before us—building an strong and lasting coalition to fight terrorism.

I recognize and share many of the concerns with the proposed International Criminal Court, but this bill would not accomplish its primary objective of protecting American service members. It could in fact have the opposite effect, particularly as it stands to jeopardize our country's ongoing diplomatic efforts to build a broad coalition in opposition to terrorism. I urge you to oppose the amendment at this extraordinary moment in our national history.

Let me just highlight a few of the ways in which this amendment could tie the hands of our President and our diplomats as they move forward in building a coalition to combat terrorism. The amendment, if fully enacted, would limit the ability of our President to enter into global security alliances at a time when such alliances may be more important to our national interest than ever before. The amendment could also limit our ability to share essential security information with some of our closest allies in the war against terrorism. This limitation is particularly offensive, as it comes at a time when we are asking those same allies to share their intelligence information with us as we track the global terrorist networks that may have been involved in the devastating attacks of September 11.

Finally, and perhaps most significantly, a much noted provision in the Helms bill would allow the President "to use all means necessary and appropriate to bring about the release" of certain U.S. citizens detained by, or at the request of, the International Criminal Court. As such, the bill has been labeled the "Hague Invasion Act" by some opponents, a point that serves to highlight how provocative the measure may appear to even our closest allies. Of course, our first priority must be to protect our service members. But this amendment would not accomplish that goal, and we simply cannot afford to create a rift in our growing global alliance against terrorist networks by adopting such a troubled amendment. This is the wrong amendment. And this amendment is offered at the wrong time; it is offered just as we are beginning to realize important diplomatic successes in building a global coalition against terrorism. I would urge all of my colleagues to oppose it.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry regarding the germaneness of the amendment by the Senator from North Carolina.

The PRESIDING OFFICER. The Chair rules that the amendment is not germane.

Would the Senator from Virginia state the question? Would the Senator from Virginia restate the question?

Mr. WARNER. I asked the Chair as to the parliamentary status of this amendment. The Chair has responded. I was awaiting the Chair's ruling. I raised a point of order, but I mean, the Chair then rules that the amendment falls, am I not correct?

The PRESIDING OFFICER. That is correct. If the Senator will bring the point of order, the Chair will rule.

Mr. WARNER. I have done that.

The PRESIDING OFFICER. The Chair rules that the amendment is not germane. The amendment falls.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I wonder if the managers of the bill would be willing to support a suggestion by me and perhaps Senator CRAIG that this be converted into a freestanding bill, as suggested by the Senator from Idaho, and be considered immediately following passage of this pending legislation?

Mr. WARNER. Mr. President, I cannot exercise the decision of the leaders as to when it would be brought up.

It certainly can be introduced today as a freestanding measure, again with the second-degree amendment of the Senator from Idaho. I indicated I would like to be a cosponsor. As to the time it will be considered by the Senate, that is within the purview of the two leaders.

Mr. HELMS. I understand. I wonder if the distinguished Senator from Michigan will comment.

Mr. LEVIN. There is objection to scheduling debate on a subsequent bill. I have to object, if that is a unanimous consent request.

Mr. HELMS. I understand.

Mr. WARNER. I am not sure I understood it as a unanimous consent. It was an inquiry to the managers. I certainly have indicated my support for it, and Senator LEVIN and I are of the opinion it is a matter that has to be addressed by the leadership as to the schedule.

Mr. HELMS. Mr. President, we will be here on another day in another way. I thank the Chair and the distinguished Senator from Virginia.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, we have the matter of the Allard amendment. That is the only amendment on this side I have knowledge of, I so advise the chairman. I am advised that Senator ALLARD is on his way. I wonder if the chairman might comment on his knowledge. Senator ALLARD indicated to me he believed his amendment had reached a resolution and that it could be cleared on both sides.

Mr. LEVIN. That is my understanding, and there will be a voice vote on this matter. The Allard amendment is germane. My understanding is he will modify that amendment, and he will then agree to a voice vote on it.

Mr. WARNER. On our side, I know of no further amendments. May I inquire of my colleague, the chairman?

Mr. LEVIN. I know of no further germane amendments anyone intends to offer. If there are such germane amendments that have been filed, I hope somebody will let us know very quickly. Otherwise, as soon as we dispose of the Allard amendment, we will want to presumably go to third reading.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORZINE). WITHOUT OBJECTION, IT IS SO ORDERED.

Mr. REID. Mr. President, the majority leader has asked that I advise the Senate there will be two votes beginning at 4:45, one on final passage of this bill and the other dealing with another matter, the Vietnam trade bill, a motion to proceed.

I ask unanimous consent that following the disposal of the Allard amendment there be no amendments in order and that we could then go to third reading.

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

Mr. REID. Mr. President, with that unanimous consent agreement having been granted, we can start the vote at 4:30. I ask unanimous consent the vote begin at 4:30.

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

AMENDMENT NO. 1755

(Purpose: To maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each of the votes cast by such voters is duly counted)

Mr. ALLARD. Mr. President, I call up the amendment numbered 1755.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1755.

Mr. ALLARD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 1755, AS MODIFIED

Mr. ALLARD. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1755), as modified, is as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

**Subtitle F—Uniformed Services Overseas Voting**

**SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

**SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely.

''(A) on the grounds that the ballot lacked a notarized witness signature, an address other than on a Federal write-in absentee ballot (SF186), or a postmark, provided that there are other indicia that the vote was cast in a timely manner; or

''(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms, unless there is a lack of reasonable similarity between the signatures.

''(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

**SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **''FOR FEDERAL OFFICE''**.

**SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

**SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

**SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004. The Secretary shall notify the Armed Services Committees of the Senate and the House of Representatives of any decision to delay implementation of the demonstration project.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis for uniformed services voters during the next regularly scheduled general election for Federal office.

**SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

**SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.**

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual that was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

**SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.**

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

Mr. WARNER. I ask to be a cosponsor.

Mr. ALLARD. Mr. President, would you add the following cosponsors: Senator WARNER, Senator ALLEN, Senator HAGEL, Senator CLELAND, and Senator BILL NELSON.

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

Mr. ALLARD. In 1864, in the midst of a civil war, the United States of America held an election. In 1944, in the midst of a world war, the United States of America held an election. And in 2002, and in 2004, no matter what military actions we are involved in for the current war on terrorism, the United States of America will hold elections. It is a fundamental part of our system, of our democracy. Our claim to being the world's foremost champion of ''liberty and justice for all'' depends on the regular, free, and pure exercise of citizen's voting rights. And now that we are deploying troops overseas as the beginning of this campaign, it is our duty to correct the flaws in the absentee military voting system that became so glaringly obvious during the last election. To that end I introduced S. 381, which after much helpful input from the co-sponsors has been modified into what is before us today. Let me briefly describe this amendment so we can move forward. This amendment prohibits States from disqualifying our men and women in the military from voting based on their ballot's lack of postmark, address, notarized witness signature, or a reasonably similar signature. The current language in the bill only offers military voters a ''meaningful opportunity to exercise voting rights.'' This does not ensure that our fighting men and women will be able to vote. Our amendment will instead move us toward that goal. The amendment also facilitates voting for men and women in the services who are separated before an election and because of residency requirements previously faced problems voting. There is a provision for electronic voting, strongly endorsed by Senator BILL NELSON, that sets up a demo for that purpose. There is a requirement for a report that will be filed with the Department of Defense by the States, reporting to them on how the States are addressing existing problems with their absentee military voting requirements, so our military men and women will have an opportunity to vote.

That is basically the amendment. I hope we can move forward with it.

I yield the floor.

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. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. I wish to compliment our colleague. This amendment was worked on on both sides. I believe that is included in the RECORD.

Mr. ALLARD. It is important to include that in the RECORD. I thank the Senator for that reminder. It was worked on diligently by both sides. There is mutual support to move forward. I thank the Senator for his help and for the support of Senator LEVIN.

Mr. WARNER. And the Senator from Florida.

Mr. ALLARD. The Senator from Florida as well as Senator DODD worked on this amendment. I appreciate their input.

Mr. WARNER. In our early discussions today, the Senator from Florida worked some constructive changes. The Rules Committee has overall jurisdiction of voting in elections. Senator DODD, the ranking member of the Rules Committee, collaborated on this issue, and it was badly needed. We suffered, as a nation, when we had the problems in Florida. I am not suggesting guilt anywhere, but there was a lot of confusion with the unexpected situation. There was great controversy over the men and women in the Armed Forces, particularly those beyond our shores serving in posts overseas, as to their ballots, when they were finally received in that State—and indeed we found other States had problems, so it was not exclusively a problem for Florida.

This amendment will go a long way toward clarification.

Mr. ALLARD. The Senator from Virginia has a lot of constituents from his State who have dedicated their lives to protecting the citizens of this country, and I have a lot of citizens in Colorado who have dedicated their lives to serving in the military and protecting and securing the interests of the United States. This is a moral issue. We need to make sure they have an opportunity to vote and do not lose that right.

I thank the manager of the bill for his effort in working on this compromise.

Mr. LEVIN. Mr. President, I thank Senator ALLARD, Senator WARNER, and others who worked so hard on this amendment. We made some very important progress in the bill that came from committee on assuring voting rights for men and women in the Armed Forces and those who leave the Armed Forces, for a short period of time after their departure.

Senator ALLARD has worked hard and has suggested some additional ways in which we can give that assurance that every eligible voter serving in our military does have a meaningful opportunity to vote and that properly cast ballots will be counted. I commend him.

Senator BILL NELSON of Florida, Senator DODD, and Senator MAX CLELAND worked so hard. I ask unanimous consent someone who has also worked extremely hard on this issue and made wonderful contributions, Senator LANDRIEU of Louisiana, be added as a cosponsor to this modified amendment.

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

Mr. LEVIN. In addition, Mr. President, I express my thanks to Senator ALLARD. This is a complicated issue, and it is important we hear from a number of sources, including secretaries of state of the various States, between now and the time we go to conference. We will be seeking to get their input on this language. We have not had a chance to do that. There may need to be some additional work.

In the meantime, I support the amendment and hope we will adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, Mr. ALLARD.

The amendment (No. 1755), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

Mr. DOMENICI. 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. CARPER. 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. CARPER. Mr. President, under the unanimous consent agreement adopted a few minutes ago, no further amendments are in order.

Senator TORRICELLI, Senator BIDEN, and I have expressed a strong interest in an issue that cannot be addressed on the floor through amendment and, as it turns out, may not need to be offered through an amendment. I want to take a moment to speak to that before we come to the vote. Before doing so, I again compliment Senator LEVIN, the Chairman of the committee, and the ranking Republican, Senator WARNER, helping us to navigate through some difficult waters as we come to the close of debate on this bill.

The issue that Senator TORRICELLI and Senator BIDEN and I expressed concern about involves the Department of Defense. The Department of Defense, it turns out, is the only consumer of a military grade propellant which is manufactured through a joint venture between two companies, General Dynamics Ordnance Tactical Systems and Alliant Techsystems.

Previously, nitrocellulose, which is used to make this propellant had been provided to General Dynamics by two sources: Alliant Techsystems, and Expro, Inc. Green Tree Chemical Technologies, which it turns out has operations in the State of the Presiding Officer and is headquartered in the State of Delaware, provided Expro with base components used to manufacture nitrocellulose. Since the joint venture with Alliant Technologies, General Dynamics terminated their contract with Expro, Inc.

Concerns have been expressed by Green Tree Technologies that with the current joint venture we would end up with a sole source provider for nitrocellulose. This propellant is used to make, among other things, weapons; and if there is only one provider of nitrocellulose we may put ourselves in some jeopardy as a nation if we should lose that one source.

There are further concerns that have been raised with respect to possible antitrust violations. For this reason, the Federal Trade Commission has opened an investigation concerning the joint venture between General Dynamics and Alliant Techsystems. Since the Department of Defense is the only purchaser of military-grade nitrocellulose, they have the determining role in whether or not the FTC moves forward with their review.

Senator TORRICELLI prepared an amendment. It is not going to be offered, but it is an amendment that says we need the Department of Defense, specifically the Army, to signal to the FTC that they have an understanding of the concerns over the possible antitrust issues and concerns over permitting this joint venture to go forward, limiting ourselves to one source for nitrocellulose.

The amendment encourages the Department of Defense to express its view of the Federal Trade Commission investigation within 30 days of enactment. It is my understanding that the Department of Defense will formally indicate their view of the FTC investigation in the coming week.

What we had sought to accomplish through amendment appears to have been accomplished without the adoption of this amendment, which I believe is good news, not just for Green Tree Technologies, but I think it is good news for the Department of Defense and ultimately for the taxpayers of this country. With sign off from the Department of Defense, the FTC is free to move forward and to make whatever rulings or decisions they see fit.

While the amendment will not be offered, I want to say to Senator TORRICELLI, thank you very much for raising this issue and providing the leadership here in the Senate for the committee to make sure we address these matters.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am sorry I did not have an opportunity to hear all of Senator CARPER's words, but I think I understand enough to know what he has indicated, that apparently there has been now a statement from the DOD to the FTC on this matter. If so, that was the purpose of the Torricelli amendment which was supported, I believe, by the Senator from Delaware and one other Senator.

Mr. CARPER. And Senator BIDEN.

Mr. LEVIN. Senator BIDEN as well. If that information for whatever reason turns out not to be accurate, Senator TORRICELLI, Senator CARPER, Senator BIDEN, and others have my assurance that I will be putting tremendous weight on the Department of Defense between now and conference to be certain those views are expressed, whatever those views are. It is not up to me, at least, to express an opinion as to the substance of the matter. I do not know enough about it. But they have apparently now expressed those views. If

they have not, I will do everything within my power to make certain they do between now and the time this bill comes back from conference.

I thank Senator TORRICELLI and Senator CARPER for their position on this matter now.

Mr. WARNER. Mr. President, might I also add the Chairman and I had to make a decision to move on the question of germaneness. I do it on my side; the chairman was prepared to do it on his side. There was clearly a question of germaneness.

We have a number of Senators—another one just appeared. We had a list of over 100 amendments. We have been waiting. We stayed here until late last night and tried to consider them. I regret if there was a miscommunication. As captain of the ship, I take responsibility. But in good conscience, I have claimed many times and stated at lunch today among my colleagues that we were moving to final passage. As far as I knew, no amendments were going to be brought up.

I regret profusely, I say to my friend, and I yield the floor if he wants to make a few comments.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Very briefly, again to Senator WARNER, I understand the difficult position he and Senator LEVIN found themselves in with respect to germaneness. I thank Senator LEVIN very much for the assurances he has given us. We look forward to working with the Senator to a satisfactory conclusion.

Mr. ALLEN. Mr. President, I want to state for the record why I voted in support of the request from President Bush for an authorization of a Base Realignment and Closure Commission in fiscal year 2003.

I support a BRAC round in 2003 for three reasons: First, I am confident that with an objective analysis of their military value, Virginia bases will score well compared to other installations throughout the Nation. I am sensitive to the fact that BRAC is an emotional issue. As unemotional as we would like to make it, we cannot get completely away from the emotion that is involved with closing installations and potentially uprooting people's lives. While I am sensitive to the emotions involved, I am confident that Virginia will come out well.

Virginia bases have, in past years, demonstrated their military value and will do so again this time. As Governor of Virginia, I, in 1994, established the Virginia Office of Base Retention and Defense Adjustment. We coordinated an effective State effort to assess the attributes of our military facilities to protect Virginia interests in the 1995 BRAC rounds. Indeed, after the 1995 BRAC, some 4,000 jobs were returned to Virginia that were lost in the 1993 BRAC round.

Finally, Fort Pickett was on the 1995 BRAC list until we negotiated a transfer to the Virginia National Guard to serve as Headquarters of the Commonwealth's Department of Military Affairs. So our bases are not only operationally important to their own services but they are interwoven in a web of joint-ness in which our military puts great value. We are operating at peak capacity in Virginia. We are efficient and we are ready to serve our national interests and meet the challenges of a BRAC round.

Second, the Department of Defense has indicated that a BRAC is needed on the merits. They have indicated there is a 25 percent excess infrastructure throughout our military installations. The Bush administration believes we could save $3.5 billion by consolidating operations. We then have a responsibility to work for more efficiency so that our resources can be allocated where they are needed most. These resources can be used to improve pay for our Soldiers, Sailors, Airmen, and Marines. Savings can be used to acquire upgraded, more technologically advanced equipment, armaments, and spare parts; all to better protect our uniformed personnel. Indeed, these savings can even be used to upgrade facilities in which our services are located.

Finally, during this time of national emergency, we should give due deference to the decisions of the President, Secretary of Defense, and the Pentagon. The administration has said we, as a nation, need to authorize a commission. Secretary Rumsfeld called it ''imperative to convert excess capacity into war-fighting ability.'' During a time of national emergency and throughout our ''war on terrorism,'' it is important to support the National Command Authority in their decisions to wage war and structure an efficient war machine. Again, because this is a highly emotional issue and affects the lives of people throughout the land, Congress must have confidence in the recommendations of the administration, Department of Defense, and the commission. I am confident of the Secretary's ability to ensure the integrity of the BRAC process which is so important to the accurate assessment of our future operational needs and force structure.

Again, I am aware of the concerns that many of my fellow Virginians feel as we approach BRAC once again. But I remain committed to supporting the Bush administration during this time of national emergency. When thinking objectively, everyone understands the urgency of utilizing our assets in the most effective manner possible. I am confident in the Secretary and commission's ability to conduct an objective assessment of the Nation's defense infrastructure needs.

Mr. MCCAIN. Mr. President, I rise today in support of S. 1438, the National Defense Authorization Act for Fiscal Year 2002. At the outset, I must commend Senate Armed Services Committee Chairman CARL LEVIN for agreeing to a compromise to the committee-reported version of the defense authorization bill, by restoring $1.3 billion for the President's missile defense proposal, and removing language that would have harmed timely deployment of a missile defense system for America. I was deeply concerned during committee consideration when the restrictive bill language on missile defense was added and the cut in the missile defense program occurred, causing committee Republicans to vote unanimously against reporting out the bill.

In my 18 years in Congress, I had never seen a Defense authorization bill reported out of committee strictly on party lines. I am very proud, however, of the unified efforts and spirit of my colleagues since the tragic attacks on September 11, and I am pleased that we are working together to enhance our national security at this crucial time in our country's history.

It is tremendously important to me that the committee included language in the defense authorization bill and report that would authorize payment of retired pay and disability pay for military retirees and other eligible veterans—a practice known as ''concurrent receipt.'' For the past 10 years, I have offered legislation on this issue. This matter is of great significance to many of our country's military retirees, because it would reverse existing, unfair regulations that strip retirement pay from military retirees who are also disabled, and costs them any realistic opportunity for post-service earnings. I am pleased that the committee, for the first time, has included language that describes this offset as unfair to disabled career service members.

My friends, we must do more to restore retirement pay for those military retirees who are disabled. I have stated before in this chamber, and I am compelled to reiterate now—retirement pay and disability pay are distinct types of pay. Retirement pay is for service rendered through 20 years of military service. Disability pay is for physical or mental pain or suffering that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years; this practice fails to recognize their extended, clearly more demanding careers of service to our country. This is patently unfair, and I will continue to work diligently to correct this inequity.

In the legislation we are considering today, there are several provisions that will significantly improve the lives of active duty members, reservists, military retirees, veterans, and their families. It will come as no surprise, however, that I would like to emphasize that this year's Defense authorization bill contains nearly $1 billion in pork—unrequested add-ons to the defense budget that deprive our military of vital funding for priority issues. While this year's total is far less than in previous years, it is still $1 billion too

much. Given the grave circumstances facing our nation today, we need to demonstrate to all Americans that we can do better.

Over the past six years, Congress has increased the Presidents' defense budgets by nearly $60 billion in order to address the military services' most important unfunded priorities. Still, I think it is worth repeating, until the message sinks, in, that the military needs less money spent on pork, and more money spent wisely to redress the serious readiness and modernization problems caused by a decade of declining defense budgets.

Every year as we work on defense authorization legislation, however, certain items are funded that are not on the Service chiefs' unfunded requirements list and, frankly, whose merits are questionable. For example, I have noticed in the fiscal year 2002 bill a total increase of nearly $55 million for advanced automotive technology and related fuel cell technology research—it sounds like the Motor City will be pleased, but what about the Service Chiefs? The auto industry also must be pleased with funding for the National Automotive Center's SmarTruck Army program. In a Washington Post investigative report last year, it was revealed that the SmarTruck, which was envisioned as a modified Ford F–350 pick up, has developed into a vehicle that looks like it should be in the next James Bond movie—all paid for with American taxpayers' hard-earned money.

I am also concerned that despite the President's clear budget request for the procurement of 2 C–130J aircraft for the Air Force, the committee voted by the narrowest margin to add $99 million for an additional, unrequested C–130J for the Little Rock Air Force Base. DoD and GAO have regularly criticized the C–130J program for serious cost overruns and development delays; moreover, there is a significant surplus of this platform in the Air Force inventory—called ''an embarrassment of riches'' by the Air Force Chief of Staff. This continued procurement clearly makes the contractor happy,but what about the Service Chiefs? For the $99 million cost of 1 C–130J, our Navy could have procured 2 additional F/A–18 E/Fs, to respond directly to the critical need of replacing aging Navy aircraft inventory—an inventory whose airplanes average 18 years old. In fact, the CNO, Admiral Vernon E. Clark, USN, testified before the committee this year that he needs to procure 180 jet aircraft per year just to sustain the 1997 Quadrennial Defense Review level, considerably more than the 48 F/A–18 E/Fs provided in our bill.

Just as discouraging, given its pork barrel nature, is a provision that would delay the B–1B Lancer bomber force restructuring or downsizing at a cost of $165 million to U.S. taxpayers. This provision has literally made it illegal for the Secretary of Defense to reduce, retire, dismantle, transfer, or reassign the Air National Guard B–1B Lancer bomber force by 33 aircraft until the following reports have been prepared: The National Security Review, the Quadrennial Defense Review, the Revised Nuclear Posture Review, the Secretary of Defense Report on the B–1B Lancer Bomber, the Bomber Force Structure Report, and a Comptroller General Report on the B–1B Lancer Bomber I have never witnessed a more absurd illustration of congressional micro-management, and at such a great cost; the service chiefs will be unable to make wise use of this $165 million in fiscal year 2002 and the taxpayers' money will again be spend imprudently.

I would like to mention one further example of wasteful spending. For the last several years, Congress has added money for cultural and historic preservation activities, which is funded through a program called the Legacy Resource Management Program, fancy terminology for pork. The fiscal year 2002 defense authorization bill will add $8 million to this program, principally for recovery and preservation of the C.S.C. *Virginia*, which ran aground near Craney Island near the James and Elizabeth Rivers and was set on fire after being abandoned in May 1862. Now, my friends, can't we agree that there are much more pressing needs, such as improving military readiness and providing quality-of-life benefits to our service men and women, than raising this Civil War ironclad?

I also hope that we can re-focus our attention on reforming the bureaucracy of the Pentagon. With the exception of minor changes, our defense establishment looks just as if did 50 years ago. We must continue to incorporate practices from the private sector, like restructuring, reforming, creating efficiencies, and streamlining to eliminate duplication and capitalize on cost savings.

More effort must be made to reduce the growth trend of headquarters' staff and to decentralize the Pentagon's morass of bureaucratic fiefdoms. Although nearly every military analyst shares these views, this bill instead moves significantly in the direction of increasing the size of headquarters staff, thereby eliminating any incentive for the Pentagon to change its way of doing business with its bloated organization and outdated practices.

In addition, I appreciate that the Administration and the majority of my colleagues supported one round of Base Realignment and Closure in 2003, but more must be done to eliminate unnecessary and duplicative military contracts and military installations. Every U.S. military leader, civilian and uniformed, has testified about the critical need for further BRAC rounds. We can redirect at least $6 billion per year by eliminating excess defense infrastructure. There is another $2 billion per year that we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional $5 billion that can be saved each year by eliminating ''Buy America'' restrictions that undermine U.S. competitiveness overseas. Despite these compelling facts, the defense bill did not address many of these critical issues. And, unfortunately, it includes several provisions that move expressly in the opposite direction. Again, I am pleased that many of my colleagues voted to support Secretary Donald Rumsfeld and General Henry H. Shelton, USA, and approve another round of BRAC by a 53 to 47 rollcall vote.

In addition, sections in this bill designed to preserve depots, and to funnel work in their direction irrespective of cost, are examples of the old philosophy of protecting home-town jobs at the expense of greater efficiencies. And calling plants and depots ''Centers of Excellence'' does not, Mr. President, constitute an appropriate approach to depot maintenance and manufacturing activities. Consequently, neither the Center of Industrial and Technical Excellence nor the Center of Excellence in Service Contracting provide adequate cloaks for the kind of protectionist and parochial budgeting endemic in the legislating process. Similarly, whether the Center of Academic Excellence in Information Assurance Education through the information assurance scholarship program is worthy of the $5 million earmarked in the budget is certainly not academic, but clearly debatable.

Last year the Defense appropriations bill included a provision statutorily renaming National Guard armories as ''Readiness Centers,'' a particularly Orwellian use of language. By legally relabeling ''depot-level activities'' as ''operations at Centers of Industrial and Technical Excellence,'' we further institutionalize this dubious practice, the implications of which are to deny the American public the most cost-effective use of their tax dollars. When will it end?

In closing, I would like to reiterate my strong commitment to continuing to work for enactment of meaningful improvements for active duty and Reserve service members. They risk their lives to defend our shores and preserve democracy, and we can not thank them enough for their service. But, we can pay them more, improve the benefits for their families, and support the Reserve Components in a similar manner as the active forces. Our service members past, present, and future need these improvements.

We owe so much more to the honorable men and women in uniform who defend our country. They are our greatest resource, and I feel they are woefully under-represented. At this time of national sorrow, resoluteness, when we in Congress have witnessed so many moving demonstrations of American patriotism, is there any greater duty facing us than to work in unity in full support of our service men and women? We must pledge to do our best on their behalf.

Mr. President, I request unanimous consent that a list of items added to the Defense authorization bill by Congress be printed in the RECORD.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 NON-PRIORITY ADDS-ONS

[In millions of dollars]

| | |
|---|---|
| Army Missile procurement: HMDA/SSS | 40.0 |
| Navy Aircraft procurement: Navy JPATS (Add 10 Navy JPATS) | 44.6 |
| Air Force Aircraft procurement: C–130J | 99.0 |
| Air Force Research and Development, Test and Evaluation: | |
| Fly-by-Light UCAV | 4.0 |
| F–15 IFF (Air Force Reserve components) | 8.4 |
| Army Research and Development, Test and Evaluation: | |
| FADEC (Full Authority Digital Electronic Control for Helos) | 8.0 |
| LOLA (Liquid or Light end Air Boost Pump for Helos) | 2.0 |
| Navy Research and Development, Test and Evaluation: | |
| JASSM | 8.1 |
| Laser Welding and Cutting | 4.3 |
| Chemical Agents & Munitions Destruction, Defense: | |
| Laser Addictive Manufacturing Initiative | 4.0 |
| M291 Decontamination Kits | 3.4 |
| Army Research, Development, Test and Evaluation: | |
| University and Industry Research Centers (lightweight composite mats) | 0.75 |
| Advanced Materials Processing Research in Nanomaterials | 4.0 |
| CKEM Miniaturized Inertial Measurement Unit (IMU) | 2.0 |
| Single Alloy Tungsten Penetrator | 5.0 |
| Actuated Coolers for Portable Military Applications | 2.0 |
| Ground Vehicle Batteries | 1.5 |
| C3 Tech and Commercial Wireless Reliability Tested | 1.0 |
| Geosciences and Atmospheric Research | 3.0 |
| Personal Warfighter Navigation-MEMS | 5.0 |
| Combat Vehicle and Automotive Advanced Technology | 5.0 |
| Mobile Parts Hospital Technology (MPHT) Program | 8.0 |
| Networked STEP-Enabled Production | 5.0 |
| Plasma Energy Pyrolysis Systems (PEPS) | 3.0 |
| Managing Army Technology Environmental Enhancement Program | 1.0 |
| Information Operations Training (Functional Area 30) | 1.0 |
| Navy Research, Operations, Test and Evaluation: | |
| Southeast Atlantic Coastal Ocean Observing System | 8.0 |
| Marine Mammal Low Frequency Sound Research | 1.0 |
| Fusion of Hyperspectral and Panchromatic Data | 5.0 |
| Advanced Personal Communicator | 3.0 |
| Bio-sensor Nanotechnology | 4.0 |
| Integrated Bioenviromental Hazards Research Program | 3.0 |
| Modeling, Simulation and Training Immersion Facility | 2.0 |
| High Brightness Election Source Program | 2.5 |
| High Performance Wave Form Generator (Electronic Warfare) | 3.0 |
| Nanoscale Devices | 1.0 |
| Nanoscience and Technology | 3.0 |
| Wide Bandgap Semiconductor Research Initiative | 2.5 |
| Ship Service Fuel Cell Technology Verification and Training Program | 5.0 |
| Nanoparticles for Neutralization of Facility Threats (Weapon) | 2.0 |
| Urban Operations Environment Lab | 4.0 |
| ITC Human Resource Enterprise Strategy | 5.0 |
| Air Force Research, Development, Test and Evaluation: | |
| Environmentally Sound Corrosion Coatings | 1.5 |
| Metals Affordability Initiative | 5.0 |
| Titanium Matrix Composites | 7.5 |
| UV Free Electron Laser | 2.5 |
| Information Protection and Authentication | 3.0 |
| Advanced Aluminum Aerostructures | 5.0 |
| Cyber Security Research | 5.0 |
| Defense-wide Research, Development, Test and Evaluation: | |
| National Nanotechnology Initiative | 5.0 |
| Bioinformatics Program | 1.5 |
| Fabrication of 3D Microelectronics Structures | 2.0 |
| Nanomaterials for Frequency Tunable Devices | 3.0 |
| 0.25/0.18 Micrometer Radiation Hardening Electronics Process | 3.0 |
| Device Pre-Detonation Technologies | 2.0 |
| Electrostatic Decontamination System | 8.0 |
| Standoff Detection of Explosives | 5.0 |
| Unmanned Ground Combat Vehicle | 11.0 |
| UXO Environmental Security Remediation | 5.0 |
| Fluorescence Based Chemical and biological point detectors | 2.0 |
| Counter Drug Activities: National Guard Support | 40.0 |
| Operations & Maintenance: | |
| Army: Live Fire Range Targets | 11.9 |
| Navy: | |
| Shipyard Apprentice Program | 4.0 |
| Corrosion Prevention (Pacific) | 2.0 |
| Air Force: Civil Air Patrol | 4.5 |
| Defense Wide: | |
| Kahololawe | 35.0 |
| Cultural and Historic Activities (Raising Civil War Ships) | 8.0 |
| MILCON: | |
| Planning and design, Mountain Home AFB, Idaho | 0.87 |
| PAX River Aircraft prototype facility | 1.45 |
| Naval War College National Research Center, Newport RI | 1.79 |

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 NON-PRIORITY ADDS-ONS—Continued

[In millions of dollars]

| | |
|---|---|
| Engineering Control and Surveillacne System (ECSS) | 1.6 |
| Tactical Communications ONBD Trainer | 4.0 |
| C–17 Maint. Trainer/Sim. | 21.1 |
| AEGIS ORTS | 6.0 |
| COTS Sonar for MCM | 5.0 |
| NULKA Anti-ship Missile Decoy System | 14.0 |
| Future Ship Systems Technical Demonstrations | 5.0 |
| Modular Advanced Composite Hull Form | 4.0 |
| Ocean Modeling for MCM | 2.0 |
| Advance SSN Systems Development | 1.9 |
| Power Node Control Center (PNCC) | 3.0 |
| Improved SSN Antenna UHF Technology Improvement | 3.0 |
| Supply Chain Best Practices | 6.0 |
| Modeling and Simulation Initiatives | 7.0 |
| DDG–51 Composite Twisted Rudder | 3.0 |
| Sub Composite Sail | 2.0 |
| AEGIS Common Ground and Decision Upgrade | 5.0 |
| Multi-million Maritime A/C | 53.8 |
| Army, Other Procurement: Secure Enroute Comms.—Flying LAN | 13.1 |
| Air Force, Aircraft Procurement: Defense Airborne Reconnaissance Program (U–2 SYERS Spares) | 3.0 |
| Air Force, Other Procurement: | |
| Evolved Expendable Launch Vehicle | 3.8 |
| Hydra—70 Rockets | 20.0 |
| Army Research, Development, Test and Evaluation: | |
| Tactical Unmanned Aerial Vehicles | 6.0 |
| LIDAR Sensors | 5.0 |
| Enhanced Scramjet Mixing | 2.5 |
| Navy Research, Development, Test and Evaluation: Re-entry Systems Application Program (RSAP) | 2.0 |
| Air Force Research, Development, Test and Evaluation: | |
| Hand-Held Holographic Radar Gun for the B–2 | 2.9 |
| Dragon (U–2) JMIP SYERS Polarimetric Sensor Upgrade | 4.0 |
| Space Surveillance Modernization—Camera Augmentation | 8.0 |
| Defense-wide Research, Development, Test and Evaluation: | |
| Accelerate Navy UCAV | 9.0 |
| Thermionic Technology | 8.0 |
| Magdelina Ridge Observatory | 9.0 |
| Software Defined Radio | 5.0 |
| Aerostat for CMD | 3.8 |
| SMDC Advanced Research Center | 8.0 |
| Space and Missile Defense Battlelab | 11.0 |
| Excalibur/Scorpius | 15.0 |
| Water-Scale Planarization | 7.5 |
| Bottom Anti-Reflective Coatings | 2.5 |
| Privateer C3I | 2.8 |
| Broadcast-Request Imagery Technology Development (BRITE) | 3.0 |
| Defense Systems Evaluation | 1.5 |
| Intelligence Spatial Technology for Smart Map | 1.0 |
| Big Crow | 5.0 |
| Army Operation and Maintenance: Reserve Land Forces Readiness-Information Operations Sustainment | 5.0 |
| Navy Operation and Maintenance: NAVOCEANO SURF Eagle | 4.0 |
| Air Force Operation and Maintenance: Replace/Refurbish Air Handlers at Keesler AFB Medical Center, MS | 3.0 |
| Defense-wide Operation and Maintenance: | |
| Commercial Imagery Initiative | 10.0 |
| Environmental Restoration for Former Defense Sites in Alaska and other places | 40.0 |
| Air National Guard Operation and Maintenance | 164.8 |
| Total pork (in billions of dollars) | 1.05 |

Mr. KYL. Mr. President, I rise to speak to an amendment to the fiscal year 2001 National Defense Authorization Act.

This body is understandably focused right now on the issues of terrorism and homeland defense. It is entirely appropriate. With the imminent release of the Quadrennial Defense Review, however, we should not lose sight of the broader picture of U.S. foreign policy and national security for the decades ahead. While we can and will wage the war against international terrorism that is our duty, we cannot afford to ignore other future national security concerns that will most assuredly require the United States to maintain a large and robust conventional military capability.

Chief among our concerns to U.S. national security and alliance relations remains the threat to Taiwan, and to U.S. interests in the Asia Pacific of an emerging China. My intent here is not to beat the drums of war, for the events of September 11 have already heightened our emotions and awareness of the dangers that confront us in the 21st century. It would be irresponsible of us, however, to ignore Chinese military modernization and its implications for U.S. national security. That is why I believe it imperative that the United States be more aware of the nature of China's modernization programs. An integral part of those efforts is China's acquisition of advanced technologies, including dual-use technologies.

My amendment is simple. It requires the Secretary of Defense to provide an assessment of China's efforts at acquiring certain military-related technologies, how its military strategy relates to its technology requirements, and the impact those technology requirements and that military strategy have on our ability to protect our interests in the Pacific. The amendment would also require the Secretary of Defense, in consultation with the Secretary of Commerce, to develop a list of technologies that, for purposes of national security, should be denied the People's Republic of China.

This amendment is entirely consistent with Congress' overwhelming support for such initiatives as the creation at the National Defense University of a Center for the Study of the Chinese Military, and with the emphasis we have place in force structure discussions on the future challenge of China's growing military strength. It is a commonsense amendment that I hope will have bipartisan support.

Mr. CRAIG. Mr. President, in reviewing S. 1438, I came across a provision that would have disastrous consequences, no matter what its original intentions might have been.

I am talking about section 1062, making it unlawful for individuals to possess any ''significant military equipment'' ever owned by the Department of Defense that is not demilitarized and giving the Attorney General the authority to seize such items. ''Significant military equipment'' can mean a wide variety of goods; for example, it can include military vehicles, aircraft, ammunition, firearms and parts. ''Demilitarization'' can mean a number of things, too, including cutting or destruction.

The Department of Defense already can, and does, demilitarize some military equipment before surplusing it. I am not advocating a change in that current authority.

However, section 1062 of S. 1438 goes well beyond this current authority. By making possession of such equipment illegal, it would create tens of thousands of lawbreakers overnight, veterans, collectors, sportspeople, even museums that have been legally purchasing surplus equipment from the government for decades. Worse, this section provides for the confiscation and destruction of items that are now private property.

Consider the chaos and injustice that would result from enactment of this provision. Veterans service organizations across the country who have acquired military firearms to use for ceremonial purposes, they would be criminals. Americans who learned to shoot and acquired a firearm through the government's own Division of Civilian Marksmanship program would find themselves being served with a warrant by the same government for the same firearm. Museum displays or airshows featuring military vehicles or crafts would be threatened. A firearm containing a military surplus replacement part would now be subject to confiscation and destruction or begin rendered inoperable. In my own state, a collector of military Jeeps would risk losing his investment and his collection through no fault of his own.

This provision is breathtaking in its reach and unfairness, capturing millions of items and their law-abiding owners. This is why an even less-onerous provision in the last DOD Authorization bill was dropped during the House-Senate conference on that bill. That same conclusion must be reached by the conferees on S. 1438; this provision must be dropped in order to prevent certain harm.

PRIVATE INSURANCE PRODUCTS OF BRAC INSTALLATIONS

Mr. SMITH of New Hampshire. Mr. President, it is well known that concerns about future liability have been a significant impediment to the remediation and reuse of military installations closed through the BRAC process. Private insurance products have proven an effective tool for addressing the liability concerns of local governments, contractors and developers of BRAC installations. With these products in hand, local governments, contractors, and developers of BRAC installations have been willing to accept the early transfer of contaminated DOD sites, and they have been willing to accept fixed price arrangements with DOD to complete the cleanup of sites. These arrangements encourage the better coordination of remediation and reuse, accelerating both, they save the Federal Government significant money in the process. Would the distinguished managers of the bill agree that the military services should consider the use of private insurance products as a method for expediting the remediation and reuse of BRAc installations, when appropriate cost savings can be achieved?

Mr. LEVIN. I do believe the services should consider such insurance products.

Mr. WARNER. I agree

Mr. WELLSTONE. Mr. President, I rise to address the subject of our Nation's security needs in the context of the Defense authorization bill presently before the Senate.

I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. They deserve the targeted pay raises of 5–10 percent and deferred maintenance for base housing included in this bill. For many years running, those in our armed forces have been suffering from a declining quality of life, despite rising Pentagon budgets. The pressing needs of our dedicated men and women in uniform, and those of their families, must be addressed as they mobilize for duty in response to the attacks of September 11th. This bill does largely address those needs, and I will vote for it today.

Even so, I have a number of concerns about the bill, especially about its missile defense provisions. The initial committee language would have cut total funding for missile defense programs from $8.3 billion to $7 billion. In addition, it would have required that President Bush return to Congress with a specific request for funds for any missile defense tests that would violate the ABM Treaty, with congressional approval then required to spend those funds. I am disappointed that this language was removed.

I oppose the plan to deploy a national missile defense shield for many reasons. The crucial question is whether a missile shield will make the United States more or less secure. After studying the matter carefully, I have concluded that deploying a missile shield is likely to make us less secure, and that we would be better off using these funds to finance key anti-terrorism initiatives.

The new funding language in the bill allows the President to choose between missile defense research and development and combating terrorism. I believe that fighting terrorism should take priority over missile defense, and should receive most or all of the new funding. I further believe that spending to combat terrorism is more important than digging silos at Fort Greely, AK. Crews there have already begun construction of a 135-acre missile field and are planning to begin building silos in the Spring of 2002. Russian officials have said they would view construction of the Fort Greely missile silos as a violation of the ABM Treaty.

Moreover, Moscow has said it would react to U.S. treaty withdrawal by abandoning all arms and nonproliferation treaties with Washington and might respond to the missile shield by putting multiple nuclear warheads on some of its missiles. Is it worth jeopardizing the system of stable nuclear deterrence that has worked for almost 40 years to build a very costly system that we don't know will work? I believe it is urgent that we strongly support the renewed efforts of Senator LEVIN and others to require the President to seek congressional approval before spending funds for missile tests that would breach the ABM Treaty.

I believe in maintaining a strong national defense. We face a number of credible threats in the world today, including terrorism and the proliferation of weapons of mass destruction. We must make sure we carefully identify the threats we face and tailor our defense spending to meet them. We could do a better job of that than this bill does, and I hope that as we move to conference, the committee will make every effort to transfer funds from relatively low-priority programs to those designed to meet the urgent and immediate anti-terrorism and defense needs of our forces.

Mr. HATCH. Mr. President, I want to express my support for this bill. On balance, I believe it will greatly benefit our national defense and our country. Importantly, we have taken steps to increase pay and benefits for our men and women in uniform and reverse the neglect of our Armed Forces over the past decade. For this alone, the legislation is an important priority.

Let me take a moment to highlight a few of the bill's other provisions that have special significance.

First is the amendment I supported concerning the waiver authority for the 50/50 rule which governs outsourcing of maintenance depot work. The amendment moves waiver authority to the Secretary of Defense from the service secretaries. It also requires the Secretary to explain how he will meet the requirements if he requests a waiver. This is vitally important in order to maintain our depot infrastructure which is a crucial national asset.

Also of great interest to our veterans is a provision in the bill that addresses the concurrent receipt problem. For too long, we have penalized our disabled military retirees by forcing them to give up their retirement in order to receive disability pay. Senator REID's amendment fixes this by allowing our military retirees to receive both their retirement pay and their disability pay. The sacrifice of disabled veterans should not be diminished by this unfair penalty, and I am happy to have cosponsored Senator REID's amendment which rectifies this inequity.

I am also pleased that S. 1438 includes another provision which would address a gross inequity in the law. Currently, a retirement-eligible service member who dies in the line of duty is not considered vested in the military retirement program. The bill we are passing today will allow for the posthumous retirement of the member and thus provide additional benefits to the surviving spouse and children.

The bill also includes an additional $5 million for consequence management training involving weapons of mass destruction. This will make use of the unique training capabilities that exist at Dugway Proving Ground in Utah. I think we will all agree this is very timely given the terrorist threats our nation is facing.

I am committed to ensuring adequate resources are available to train units, civil support teams and other teams and individuals in combating terrorism. To that end, I support the bill's

provision to require the Secretary of Defense to report back on the capabilities of defense installations, such as Fort Leonard Wood and Dugway Proving Ground, to train first responders.

Along with the positive aspects of the bill, there are still provisions with which I disagree. First and foremost of these is the authorization for a round of base closures in 2003. This is simply not the moment to spend inordinate amounts of time and federal tax dollars preparing for base closings. The Nation's military bases and the military establishment need to be focused on the war effort. I hope that this unwise language will be dropped by the conferees.

Additionally, I oppose the provision concerning the Federal Prison Industries. Any change to Federal Prison Industries should be part of a comprehensive overhaul rather than piecemeal changes in an unrelated bill. The ability to put prisoners to work greatly contributes to their rehabilitation. Without a market for the goods, an important tool is eliminated. Again, I am hopeful this provision will be dropped in conference.

I was very disappointed, that the bill did not include the Service Members Protection Act. By prohibiting the Government from cooperating in any way with the International Criminal Court, this legislation would protect our service members from unjust and arbitrary prosecutions for carrying out policies of the United States Government. I will continue to work with Senator HELMS, the author of the legislation, to secure its passage.

Before closing, I also want to discuss Senator DOMENICI's amendment to make spending for the Radiation Exposure Compensation Trust Fund mandatory. I am heartened the amendment will be included in the bill we are about to pass. I strongly support this amendment and commend Senator DOMENICI on a job well done.

Over the past months, Senator DOMENICI and I have worked together to make needed improvements to the RECA program. We have been joined in this effort by Majority Leader TOM DASCHLE and Senators BINGAMAN, REID, CAMPBELL, WELLSTONE and JOHNSON.

I feel safe in speaking for all of us when I express the shock and outrage we felt upon learning that the RECA trust fund was empty and that our constituents were receiving IOUs for the compensation they deserved. We vowed to our constituents that we would work day and night to ensure that funding for RECA would be guaranteed, and when this amendment is enacted, that promise will be fulfilled for the next decade.

As my colleagues are aware, earlier this year, I introduced legislation, S. 898, which includes language similar to the Domenici amendment. This language would also make spending for RECA mandatory, so that the appropriators would automatically fund the program each year. It will guarantee that all eligible individuals would receive their compensation in a timely manner.

Despite all of our efforts, despite the RECA claimants' good faith, and despite the hard work of Justice Department officials administering the program, the Trust Fund became depleted in March of 2000. This situation was simply unacceptable. RECA claimants began receiving ''IOU'' letters from the Federal Government in lieu of checks until we approved this year's supplemental appropriations bill, which covered the past IOUs and all claims approved as of September 30, 2001. However, many new claims will be approved in the coming years and, therefore, it is imperative that spending for this program become mandatory.

And while these mandatory funds will provide a substantial amount of money to the RECA trust fund from fiscal year 2002 through fiscal year 2011, it is important to know that this will not completely solve our constituents' concerns, we will still need more Federal money to provide compensation to all RECA victims. Let me assure these individuals, especially my fellow Utahns, that I will continue to fight this battle until all individuals are compensated by the Federal Government.

On a whole, this is a very good bill crafted by very good lawmakers. It begins to provide the Defense Department with adequate resources after 10 years of erosion. However, this is only the first installment; there is yet much to be done. I hope to work with my colleagues in the days and months ahead to ensure that we strengthen our defense posture as quickly and as effectively as possible.

Mr. FEINGOLD. Mr. President, under normal circumstances, it is likely that I would have opposed this bill. Under normal circumstances, I may have offered amendments to realign the Pentagon's lingering cold war mentality with the realities of the post-cold war world. Under normal circumstances, there would have been a more comprehensive debate on the proposed national missile defense system.

But as we all know, these are not normal times. The tragedies that began to unfold in New York, Washington, DC, and Pennsylvania on September 11, and the bold strike against terrorism that this country and our men and women in uniform are about to launch, demand a unified Congress and a unified nation. For those reasons, I will vote in favor of this bill.

The events of the past three weeks have crystalized support for our Armed Forces and have made it very clear that we should ensure that they have the resources necessary for the daunting task that lies ahead. But this strong sense of unity does not require Congress to abdicate its responsibility to review closely the funding requests of the President, and it does not prohibit discussions about the direction of federal spending, including defense spending.

Each year that I have been a member of this body, I have expressed my concern about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills. I am troubled that the Department of Defense does not receive the same scrutiny as other parts of our Federal budget. This time of unprecedented national crisis underscores the need for the Congress and the administration to take a hard look at the Pentagon's budget to ensure that scarce taxpayer dollars are targeted to those programs that are necessary to defend our country in the post-cold war world and to ensure that our Armed Forces have the resources they need for the battles ahead.

I look forward to reviewing carefully the recently released Quadrennial Defense Review, a document which I believe should have been submitted in conjunction with the fiscal year 2002 defense budget request. At a time when the Department of Defense has rightly undertaken a comprehensive review of our military and its missions, it is troubling that we will pass yet another defense bill that is largely rooted in the long-ended cold war. I commend the Secretary of Defense for acknowledging the impact of the September 11 terrorist attacks on our future defense strategy, and urge him to continue to analyze of the role of our Armed Forces in combating terrorism and other challenges of the post-cold war world.

This bill is not perfect. To be sure, there are some good things in it. I am pleased that the committee has reduced the President's procurement request for the troubled V–22 Osprey from 12 aircraft to nine. I remain concerned, however, that those nine aircraft, and the Ospreys that have already been built and are currently being built, will require costly and extensive retrofitting following the ongoing review of the program. Since it remains unclear whether many of the problems with this aircraft can be fixed, and since the Department of Defense's decision on whether to move forward with this program remains a long way off, I am pleased that the committee has included language in its report requiring the Department of Defense to study alternatives to this aircraft.

We owe it to our men and women in uniform to provide them with safe, effective equipment. Their safety should be the principle that guides the important decision as to whether to proceed with this program. We should not move forward until we know for certain that this aircraft is safe and that the design flaws addressed in numerous reports have been corrected.

We also owe it to our military personnel and their families to provide them with decent facilities and housing. For that reason, I strongly support the provision of this bill that authorizes another round of base closures. We should continue to reassess our base structure to ensure that we are maximizing the use of our defense facilities.

By closing bases that are no longer needed, we can help to ensure that our military personnel and their families are not being forced to live and work in hazardous conditions. The decision to move forward with another round of base closures is an example of the hard decisions that this body will have to make as we face the realities of the Federal budget.

I am also concerned that this bill again focuses on procurement of costly weapons systems at a time when we should be redirecting more funding to readiness and to quality of life programs for our men and women in uniform and their families. I regret that this bill authorizes the conversion of four Trident I submarines to carry conventional weapons when the Defense Department requested the conversion of two submarines and the retirement of two submarines. I also regret that we continue to procure cold war-era weapons such as the Trident II submarine-launched ballistic missile and that we continue to operate the Navy's Extremely Low Frequency communications system.

This is a time for the administration, the Congress, and the country to stand together in the face of the horrific attacks on September 11. We must do everything we can to support our military personnel as they prepare to combat the forces of evil who perpetrated these vicious crimes and those who offer them financing, shelter, and support. While this bill is far from perfect, I will vote in favor of it.

Mr. WARNER. Mr. President, we are about to vote in 2 or 3 minutes; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I would like at this time again to thank all colleagues for their assistance in getting this very important piece of legislation up and carefully considered over a period of several days.

I thank the staffs—on my senior staff, Les Brownlee, who hopefully will be moving on to other assignments here in the near future, and David Lyles, his counterpart, and others. I am most grateful. Senator LEVIN and I have been on this committee 23 years. I guess this is our 23rd bill. We have had tremendous cooperation from colleagues, staff, and otherwise.

This morning it was quite clear there was unanimity on both sides of the aisle to proceed with this bill.

I thank my distinguished chairman. It is a pleasure to work with him. We had some hard decisions to make and I think we made them basically together. We eliminated from the bill many provisions which the chairman felt very strongly about regarding the missile defense funding language. But it was done, and done in a spirit to get this bill up and passed in the Senate, so now we go to the House and conference and hopefully we will send up to the President a very fine bill on behalf of the men and women of the Armed Forces.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank Senator WARNER, his staff, and all the Members of the Armed Services Committee for working in such a spirit of unity.

Our committee always is able to come together on national security matters. It has always been a joy to work on the Armed Services Committee because that committee works in such a bipartisan spirit.

There are differences from time to time, but those differences are resolved in ways which contribute to the security of this Nation. Now that we are in an emergency situation, more than ever it is essential that this committee help lead the way, in a way that does not avoid debate on issues but, where we were unable to resolve issues, that they be deferred. There are some issues that have been deferred to a later date for reasons I expressed at great length yesterday. The Presiding Officer had an opportunity to listen to that.

We have preserved our position on that. It is an important position, and we will raise that if and when the circumstances are appropriate. But for the time being, what is important is that this Senate now has a chance to express with one unified voice support for the men and women in the military, to make sure they have everything they need; that they have the resources, training, the equipment; that they have the pay; that they have the housing.

We have done everything we can, working with the administration, to speak with one strong and unified voice that the men and women in the military should be able to count on us in normal times and surely they ought to be able to count on us in these emergency times. I believe very firmly this bill does exactly that.

It could not have been accomplished, again, without the assistance of our staffs.

They are extraordinary. Again, Senator WARNER, as always, has worked very closely to make sure we could act together. For that I am grateful. I think the Nation is in his debt.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 3 minutes.

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

Mr. DOMENICI. Mr. President, I have nothing but accolades for the chairman and for the distinguished Senator from Virginia. This was a tough bill to put together. This is not the first time that it was tough and we got it done. We have had some where we didn't get it done. We had some that didn't reach conference until some events which weren't planned broke and it gave the bill momentum.

I am not here to complain about their efforts, their diligent work. But I am a little concerned about the fact that I had some very good amendments pending. There is a very serious misunderstanding because it seems to me that my staff was working with staff on a number of these amendments.

I was preparing to pull some of the amendments in a negotiation process. I want to state two of them that would have been very important to have. It has cosponsors, such as Senator MURKOWSKI, Senator BINGAMAN, Senator LUGAR, Senator BIDEN, Senator HOLLINGS, Senator LANDRIEU, and Senator THURMOND.

It has to do with trying to make sure the United States in its workings with Russia on plutonium disposition programs, which I happen to have something to do with—$200 million was appropriated to start this program in an urgent supplemental 2 years ago. You all know we have been having some very difficult problems carrying that nonproliferation agreement to fruition. It was supposed to be for America getting rid of some of its plutonium and Russia getting rid of some of theirs in a kind of collateral way. And we were putting up $200 million to get it going.

The administration has decided to change the program by cutting two or three pieces of the program but offered no plan.

All this says is when you have a plan, send it up, and we will consider it. In the meantime, we don't think you should pick a piece out of the program without telling us how you are going to keep it intact.

I think anybody around here would have accepted that, or at least would have thought it was something very serious, unless they do not care about the program. There are some who do not think the plutonium disposition program is very good. But they don't have the luxury of deciding that it is not good. It is the law of the land right now. It is hard and difficult to get it done.

An example of another one: Senator BINGAMAN, Senator LUGAR, and Senator HAGEL. This is on the coordination of nonproliferation programs and assistance thereto.

There is no question on the part of those experts around who looked at this issue that we have to coordinate these programs. We have come to the word ''coordination'' after this terrorist attack as it applies to a lot of programs. We must coordinate better between the FBI and their information system, the CIA and theirs, and DOE and theirs. We finally decided to get something coordinated.

Frankly, on the nonproliferation programs, we are desperately in need of coordination. God forbid that something happens and we will say, Where was the coordination? At least we can say we have been trying for a long time to get coordination. We didn't get it in this amendment because for some reason somebody here had a misunderstanding with us—neither of these two

Senators—or they just didn't think we ought to be doing this kind of thing on this bill.

In a sense, the cloture may very well have closed these off, but in the middle of negotiations we thought we should probably not have thought that. We probably should not have. Unless it gets done, we shouldn't think that in negotiations.

Having said that, I want to put these two amendments in by way of some thought that will go into what I was talking about. I will choose to take the remainder of my amendments and put them in now so that somebody at some point will be able to look and see if their amendments were reasonably good amendments. I believe with the exception of one or two, which I was prepared to change or withdraw, they are very good amendments. Ultimately, they are needed and should be paid for.

I will submit the package for perusal by those who might want to take a look to see if we could have made the bill a bit better, and at least be given some reasonable consideration.

I thank the Senators. I yield the floor.

Mr. WARNER. Mr. President, if I might for 1 minute, I think the Senator from New Mexico has some very constructive suggestions. I am familiar with them. I spoke just this morning with Senator LUGAR about a letter which he wrote to the Secretary of Defense, which is the subject matter of one of these amendments. I would have signed the letter with him. Yesterday I was engaged here. I hope in the context of the conference and otherwise we can address these important matters.

Mr. DOMENICI. It will be in the RECORD.

Mr. LEVIN. Mr. President, if the Senator from New Mexico will yield, let me also say, as someone who supports those amendments, that I will be working very hard in conference to see if we can find some way that is permitted in conference to get some of those issues resolved. I happen to be one who strongly supports those amendments. I thank him.

Mr. DOMENICI. The Senator from Michigan has attended a number of meetings where these issues were discussed. They are really serious issues. They will be coming along in a very good way.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I congratulate our two managers for the outstanding job they have done in getting us to this point. It was not easy. I am grateful to my chairman and to our ranking member for the excellent job they did in maneuvering and orchestrating the effort to this point. I expect we will have a very good vote, thanks in large measure to their leadership.

After this vote, it is my intention to move to the Vietnam trade bill. There may be a request to have a vote on the motion to proceed. It would be my desire to have the vote, if it is required, immediately following the vote on the Defense authorization bill. I urge Members to stay until we can clarify whether or not a second vote is required. If it is not required, the vote on the Defense authorization bill will be the final vote for the day.

We will be on the Vietnam trade bill either way—either on the motion to proceed, which I don't expect, or on the bill itself.

As my colleagues I am sure know, there is a 20-hour time limit. It is my hope and my plea that we don't feel the need to spend all 20 hours on this bill. It is an important piece of legislation. I don't minimize it. But we have a lot of work to do in what is a short workweek once again. We will take up the bill. I am hopeful we can have a good debate tonight and then vote on it tomorrow, and hopefully early in the day.

I ask my colleagues to stay on the floor until we know for sure whether there is a second vote. I urge my colleagues as well to come and debate this bill so we can move it along and, hopefully, vote on its final passage sometime tomorrow.

Mr. LEVIN. Mr. President, could I add my thanks to the majority leader for his very strong and determined leadership to bring this bill to a close. I must say it could not have happened without the determination of the majority leader to finally just simply file cloture. That is what it came to. We were not able to bring this to closure without that cloture motion.

The majority leader's leadership has been absolutely superb and essential. That is going to permit us to have a strong vote and a unified, bipartisan voice in support of our troops. Both the majority leader and the Republican leader at an earlier time had sought to limit amendments to some kind of procedure. I thank both the majority and Republican leaders for that effort. They did not succeed in achieving that, but the next step will be taken. The majority leader took that action. That is the true mark of leadership, and the Nation is very much in his debt.

Mr. DASCHLE. I thank the chairman for his comments.

Mr. WARNER. Mr. President, I join in thanking the Republican and Democrat leadership for their assistance in getting us to this point. Senator LOTT and Senator NICKLES also were on the floor last night until 8 o'clock, as was Senator REID. We thank them.

Mr. DASCHLE. I thank the Senator from Virginia.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THURMOND), is necessarily absent.

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

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—99

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

NOT VOTING—1

Thurmond

The bill (S. 1438) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. LEVIN. I move to reconsider the vote.

Mr. DODD. 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 Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 156, S. 1417; Calendar No. 157, S. 1418; and Calendar No. 158, S. 1419; that all after the enacting clause be stricken, en bloc; that the following divisions of S. 1438, as passed the Senate, be inserted as follows: Division A, S. 1419; Division B, S. 1418; and Division C, S. 1417; that the bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; and that the consideration of these items appear separately in the RECORD. I further ask unanimous consent that with respect to S. 1438, S. 1417, S. 1418, and S. 1419, as passed the

Senate; that if the Senate receives a message from the House with respect to any of these bills, the Senate then proceed to the House message; that the Senate disagree to the House amendment or amendments, agree to the request for a conference on the disagreeing votes of the two Houses, or request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, sometimes seemingly small issues take on a great significance in large debates. I raised the prospect of objecting to going to conference on this bill because of an issue that both in my State and potentially in my country looms very large.

A week ago, I raised with the committee my concerns that because of a merger by General Dynamics and another corporation, the United States of America is being left with one producer of smokeless gunpowder. One. One plant, one company, one location.

It is a highly volatile matter. Aside from the questions of what this does to the competitiveness for cost for the Pentagon, the waste it may produce, there is the danger of loss of production.

I remind my colleagues this is what fuels the TOW missile, hundreds of which are probably now making their way to the Middle East for antitank operations; our strategic forces with the Trident, the Hellfire missile that is used from aircraft and helicopters, one manufacturer.

It is my understanding the Pentagon is now considering acquiescing to an action by the Federal Trade Commission because of concerns about what this will do to government costs, monopoly status, safety and quality for what is a matter of great significance to our Armed Forces.

It was my hope and intention to include an amendment in the legislation that would have put the Senate on record that indeed the Federal Trade Commission should investigate and, if appropriate, take the proper action.

In my judgment, the right action is for the Pentagon to indeed ensure there are two suppliers and to divide the contract as we do with so many other items that are important for national security.

Because of the cloture vote, I could not include this amendment in the legislation, but it is my understanding the Secretary of Defense has now decided on the merits, on his own volition, to accede to the Federal Trade Commission.

I inquire of the chairman of the committee his understanding of this action and whatever actions he might be taking in coming days in regard to this concern.

Mr. LEVIN. I thank my friend from New Jersey for a number of things: First, for voting for cloture in a very difficult situation where he had an amendment about which he feels so strongly, which I happen to support. The amendment was also, of course, cosponsored by Senators CARPER and CORZINE. Even though this amendment would not be in order after the cloture vote, the stakes were so great in terms of the Nation's security to get this bill passed that we had a strong vote for cloture nonetheless. This was true of the Senator from New Jersey and a number of other Senators who knew their amendments would not be in order if cloture, in fact, were invoked. I thank him for putting that need of this Nation so high that even though this amendment which is so important then could not be made germane, nonetheless cloture was voted for.

We understand the Defense Department is going to express a view on this matter to the Federal Trade Commission, if it has not already done so, within the next few days. While I am not in a position to take a position on the merits because I do not know enough about the merits, and I would not do it anyway, I nonetheless believe it is important that the Department of Defense express itself, as the Senator's amendment provided for, since the amendment simply said it was the sense of the Senate the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection A to the FTC not later than 30 days after enactment.

I felt that was a very reasonable approach. It did not weigh in on the merits. It simply said this matter was so important the Defense Department should express its views.

The Senator has my assurance that if for any reason the Defense Department does not express its views to the FTC before we complete conference, or if it has not already done so, I would take whatever steps I could to make sure that, in fact, it does so before we bring back the conference report to the Senate.

Mr. TORRICELLI. Reclaiming my time, I thank the chairman of the committee, Senator LEVIN, for his consideration and his support. I believe the Secretary of Defense will make a proper communication to the Federal Trade Commission. If for any reason he does not, I am very grateful the chairman of the committee will express his own views at the appropriate time.

Obviously, if this is not successful in conference with this matter, we will return on the appropriations bill. What matters most is not simply the Greentree Chemicals and these few hundred people in Parlin, NJ, and those who work in Delaware. They matter to me and they matter to me enormously. More significantly, at a time when we have seen the vulnerability of our country and at a time of national emergency, the Nation, for principal defense items, cannot either on this specific item or speaking more broadly in national defense generally ever limit itself to single suppliers or create choke points in supplying our Armed Forces.

Today I am rising on behalf of a small company in New Jersey, but tomorrow it could be somebody in any city in any State in America. The principle still stands. We live in an age of terrorism, and even if we did not, we live in a time where simple industrial accidents cannot impair the ability of our country to supply ourselves or our Armed Forces.

I thank the Secretary of Defense for the action he has promised with the Federal Trade Commission, and I am particularly grateful to the Senator from Michigan for his own statement of support.

I withdraw my objection.

The PRESIDING OFFICER. Is there any further objection? Without objection, it is so ordered.

## DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2002

The bill (S. 1417) to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division C of S. 1438, which will be printed in a future edition of the RECORD.)

## MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2002

The bill (S. 1418) to authorize appropriations for fiscal year 2002 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division B of S. 1438, which will be printed in a future edition of the RECORD.)

## DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR THE FISCAL YEAR 2002

The bill (S. 1419) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division A of S. 1438, which will be printed in a future edition of the RECORD.)

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 1438, as

passed the Senate, be printed as a Senate document.

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

Mr. LEVIN. To the members of our committee, including the Presiding Officer who served so well to bring this bill to the floor; to Dave Lyles and our staff on this side of the aisle; Les Brownlee and his staff, but most important perhaps of all Senator WARNER for, as always, his extraordinary efforts to produce a bill in a bipartisan fashion, I am truly indebted. More importantly, the Nation has been advantaged by his service, and I am very grateful personally to him for all of his efforts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I echo the compliments made by Chairman LEVIN for the work of Senator WARNER. I will also say that Senator LEVIN did an outstanding job. It was great the Senate was able to work. We had no partisan votes, as I recall, on the DOD authorization bill, a very important bill for our national security and important for us. So now we can go on and finish the DOD appropriations bill, a very critical bill as well.

Again, my compliments to Chairman LEVIN and Senator WARNER for their leadership, and for all Senators working together to get this bill passed as expeditiously as we did.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## VIETNAM TRADE ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to calendar No. 154, H.J. Res. 51, the Vietnam trade bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 51), approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 10 minutes.

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

## INTERNET TAXING

Mr. MCCAIN. Mr. President, the Senator from Oregon and I, along with the Senator from North Dakota, Mr. DORGAN, and the Senator from Massachusetts, Mr. KERRY, and others have been working for years on the issue of Internet tax. We still have not reached an agreement. The moratorium expires very soon.

We will be introducing legislation today for another 2-year extension of the Internet tax moratorium. I hope we can get agreement on that, and in calmer and quieter times, we will be able to address and debate the issue of international taxation, which is a very difficult, very complicated, and an increasingly important issue to Governors, legislators, mayors, and city council members.

At this point in our American history, we need an extension of a couple years so in calmer and quieter times we can come to some agreement on this very important issue. That does not mean the Senator from Oregon and I are opposed to Internet taxes per se, but we have a long way to go before we are in agreement, so we will be introducing legislation today. I hope we can get unanimous agreement on it and move forward.

I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, today with Senators MCCAIN and LEAHY, I am introducing legislation that would extend the moratorium on discriminatory taxes on electronic commerce.

Senator MCCAIN is absolutely right. The moratorium expires in a few days, and we are very hopeful the bipartisan bill we are going to introduce today is going to help bring the Senate together on what has surely been a very contentious issue.

Considerable confusion even exists as to what the current law entails. For example, there are countless stories written that say there is a ban on Internet taxes. That is absolutely incorrect. The only thing that is banned today is taxes that single the Internet out for discriminatory treatment. We are extending that ban.

As Senator MCCAIN has noted, there are strong feelings on both sides of this issue. I happen to believe very strongly that no jurisdiction in this country has shown they have been hurt by their inability to discriminate against the Internet. Certainly folks in State and local government feel very strongly about it, and they have a right, at this time of economic concern, to know where the revenue is going to be for their essential needs.

Senator DORGAN, Senator KERRY, Senator HOLLINGS, and I intend to continue the very constructive conversations we have had literally for 18 months on the issue, but because it is important to move forward quickly, given the fact the moratorium expires, Senator MCCAIN, Senator LEAHY, and I are introducing our bipartisan effort today and plan to continue our conversation with our colleagues.

## LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred January 17, 2001 in Helena, MT. An openly gay student at Carroll College withdrew from school 14 days after being knocked unconscious and beaten in his dorm room. The victim did not initially report the incident due to fear of further retribution. Someone struck the student in the head with a bottle as he returned to his room from the dorm showers early in the morning and then beat him while he was unconscious. The attacker also wrote ''Die Fag'' on his body with an ink marker.

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

### HONORING DEAN DORT, CHARLES ORLEBEKE, AND DAVID WILLIAMS

• Mr. LEVIN. Mr. President, I want to commend the services of three midwesterners who are ending their terms on the Northeast-Midwest Institute's Board of Directors.

Dean Dort, Charles Orlebeke, and David Williams have provided stable leadership, offered a wealth of ideas, and advanced the Institute's credibility. Dean Dort is vice president of international affairs for Deere & Company, which is headquartered in Moline, IL. He has been a criminal trial lawyer, a Federal Criminal Court Judge, the representative of the Secretary of the Army to the United States Congress, and Washington counsel for Deere & Company.

Charles Orlebeke is a professor of urban planning and public affairs at the University of Illinois at Chicago. He previously served as executive assistant to Michigan Governor George Romney, founding dean of the urban planning and policy program at the University of Illinois at Chicago, and assistant under secretary and assistant secretary for policy development at the U.S. Department of Housing and Urban Development.

David Williams is vice president of Earth Tech, an engineering firm based in Chicago. He has served as commissioner of public works for the City of Chicago; a member of the Illinois Public Utilities Commission; and city manager of Inkster, Michigan. The Northeast-Midwest Institute provides policy

research for the bipartisan Northeast-Midwest Senate Coalition and its Great Lakes Task Force, which I co-chair with Senator MIKE DEWINE of Ohio. I again want to commend Dean Dort, Charles Orlebeke, and David Williams for their service on the board of the Northeast-Midwest Institute. They have provided valued counsel and helped increase that organization's reputation and effectiveness.●

## TRIBUTE TO DANE GRAY BALES, A KANSAS LEGACY

● Mr. ROBERTS. Mr. Chairman, I rise today to call attention to the death, August 26, 2001, of a good friend and distinguished Kansan, Dane Gray Bales of Logan, KS.

Mr. Bales was born in 1918 to a pioneer Kansas family. He served in the Army Air Corps in WWII and returned home to Kansas to work for the Hansen Oil Company.

Throughout his life he was a community builder and civic leader known across the State. Fort Hays State University gave him its Distinguished Service Award in 1985.

Mr. Bales is best known for his untiring support for higher education in Kansas. With his wife, Polly, he was life member of the University of Kansas Chancellor's Club, the School of Business Dean's Club, the School of Fine Arts Dean's Club, the Williams Fund, Jayhawks for higher education, the Mt. Oread Fund and other organizations.

They were major contributors for the Dane and Polly Bales Organ Recital Hall and the Wolff Organ and they established the first organ professorship at the University of Kansas.

I submit for the record a recent article from the Hays Daily News that comments on Mr. Bales' outstanding life of service to Kansas and the eulogy delivered by Kenneth Tidball, superintendent of schools in Logan.

I ask that the article and eulogy be printed in the RECORD.

The material follows:

[From the Hays Daily News, Sept. 2, 2001]

### LOGAN LEGACY

Flags flew at half-staff. Downtown businesses closed early. For at least an hour on Wednesday afternoon, this small Phillips County community closed up shop to pay its respect to a man who was more than just a lifelong resident.

Dane Bales embodied the tradition of small-town Kansas. While he carried the portfolio of an accomplished businessman, political activist and world traveler, Bales' appreciation and love for his hometown was one of his greatest attributes.

It was something he had learned at an early age.

His uncle, Dane G. Hansen, the namesake of a multimillion-dollar trust fund and not-for-profit foundation in downtown Logan, exemplified the same characteristics.

Hansen never married, and at the time of his death in 1965, his estate, valued at between $9 million and $16 million, was left to a foundation bearing his name. Those funds were to be used explicitly for the betterment of area residents.

That money had grown first from a simple general store, handed down to Hansen by his parents, Danish immigrants who were part of Logan's original settlement in the late 19th century. His business dealings later developed into a lumberyard, then road construction and finally the oil business. Ultimately, Hansen's success developed into exactly what he wanted, innumerable opportunities for Kansas residents.

For 36 years, it all overseen by his nephew, the lone descendant of the Hansen family.

At the time of Hansen's death, Bales was named to head the family trust and also was one of seven men handpicked by his uncle to head the Hansen Foundation. Now, Bales' widow, Polly, said the family legacy will continue, just without a family patriarch heading the board.

The couple's only son, Dane G. Bales Jr., died of leukemia in May 1998. His widow, Carol, now of Atchison, still serves as a trustee for the trust and foundation.

Polly Bales said legal documents stipulate that the trust will continue for 20 years after the death of the Hansen family's final descendant. That now ensures it will continue through 2021.

Although his life was surrounded by great experiences and people of all walks of life, this week Bales was remembered as a man who loved a few simple things.

The Rev. Ron Lowry told the hundreds of people who packed into the Logan United Methodist Church for Bales' funeral that he frequently tries to ''find the unique'' things in a person. That was a simple task this week, he said. ''There were so many unique things about Dane.''

Neighbor Kenneth Tidball talked about Bales' passion for golf. And while he loved Kansas football and basketball, golf had been his game for a number of years. He played his last round of 18 holes less than a month ago.

Following a lifelong admiration for airplanes, at age 46 he learned to fly and bought his first plane. Also an accomplished ham radio operator, Lowry said he shared that hobby with Bales. As he talked to Polly Bales about it, she joked with Lowry that if he's ever able to send a message to Bales' signal, he was to notify Bales that she also expected to hear from him.

''I appreciated the kind of love they had for each other,'' Lowry said. ''They were such a complement to each other.''

The two met while students at the University of Kansas. Polly Bales said her husband of nearly 60 years was dating her roommate while they were in school.

''I was trying to get the two of them together,'' she recalled.

Then one night, Bales called and asked if she wanted to go to Kansas City to attend an Ella Fitzgerald concert.

''I said, 'Oh I sure did.' That's how it started. We dated for at least a year and a half. I wasn't trying to get him. I didn't really notice him, but that's how it worked out,'' she said.

Their love of the Jayhawks was a shared passion. They were members of countless school-related organizations and activities, all dedicated to the promotion of higher education.

For 21 years they have hosted the area KU Honors Program, and in recent years have welcomed KU Chancellor Robert Hemenway's Wheat State Whirlwind Tour to the Dane G. Hansen Memorial Museum and Hansen Plaza. They were among the first to tour with the KU Flying Jayhawks and traveled with the group on 30 international trips.

They were major contributors for the Dane and Polly Bales Organ Recital Hall, adjacent to KU's performing arts center in Lawrence, and the couple since have established the university's first organ professorship.

Although Polly Bales said at first they ''protested a little bit'' the name of the recital hall, school officials told them that the Board of Regents already had decided on its name.

''So much of what we have is because of the Hansens. We thought that would be the name attached to it, but they said it was done. That was what they had decided,'' said Polly Bales, a former organ student at KU. ''What an honor.''

In 1985, the couple were awarded the Fort Hays State University Distinguished Service Award. Two years later, they were included in the KU Gallery of Outstanding Kansans, and both have received the Fred Ellsworth Medallion from the university.

''We were in pretty heady company,'' Polly Bales said with a smile.

Earlier this year, the couple received the Volunteers of the Year award from a 10-state district of the Council for Advancement and Support of Education.

All of those recognitions, which Polly Bales said they both cherished, hang in the hallway of the couple's home, built on the same stretch of land where Bales was born and where he died, and just across the street from Hansen Plaza.

''I always told him he didn't go too far,'' Polly Bales said of her husband, joking that he was born, worked and even died in an area equivalent to the size of a couple of city blocks.

His steadfast commitment to his hometown has not gone unnoticed. His death in fact brought an end to a long-standing record in Logan, 130 continuous years of business by a member of the Hansen family.

This week's issue of the Logan Republican, the weekly newspaper, refers to Bales on its front page as ''a legend.''

''The love he had for our community was extraordinary. He could have chosen to make his home anywhere in the world but he chose to stay in Logan, Kansas, where his family roots had long been a part of our community. The recognition and prestige he gave our little town will forever be remembered.''

Even among all of their success and fortune, Polly Bales said she knows her husband would be floored by all the attention showered on him this week. Floral shops delivered more than 80 arrangements in his name, and just one day's mail, full of sympathy cards and condolences, filled a couple of shoeboxes.

''He would be so thankful. I know he would,'' she said as tears filled the corners of her eyes. ''I'm so lucky that I fell into this family. They're so loving, and they've always taken care of me. But I'm going to miss him.''

### EULOGY FOR DANE GRAY BALES

(By Kenneth Tidball, Superintendent of Schools, Logan, KS, August 29, 2001)

A reporter from a big city newspaper called me Monday at my office to ask me why I was doing the eulogy for Dane Gray Bales. He said why isn't the governor or the chancellor of KU or Congressman Moran doing it. I told him I didn't know why, but I could tell him this, no one could be more honored, no one could feel more privileged than I did to talk about what a wonderful, kind, loving man Dane was.

I told that reporter that I felt so inadequate to do justice to the man we've come to honor today. There are so many of you gathered here that have had a much longer relationship with Dane that I have; some of you did business with Dane; some of you played golf with Dane; some of you flew, or skiied, or traveled or went to ballgames or supported KU or loved chocolate or did several of those things that made up such a

large part of Dane's life; I didn't have those special opportunities.

My special opportunity was that Dane was my neighbor. When we moved back to Logan, God saw to it that we had the special privilege of moving next door to the Bales. There I learned to respect and admire a descendent of true pioneer stock, a man with more determination and tenacity than most of us have bones in our body, a man who could do hand-to-hand combat with his fountain in the yard, or underground sprinkler and make them work again. He could also talk about world affairs, the stock market, education and consumer prices.

But a special delight was I always knew things were right with the world when I would look out my east window and see Dane up on his roof with his leaf blower, or getting ready to go play golf; wrestling with his fountain or getting ready to play golf; filling his bird feeder, putting ears of corn out for the squirrels, or getting ready to go play golf. There's no doubt about it, Dane loved to play golf.

Some of his golfing buddies have told me stories about Dane's game. Rich Wallgren says his special putting technique, the jump-n-putt, should be adopted by the PGA tour.

Jerry Patterson gave me the following observation from which I now quote:

''I have played a lot of golf with Dane, all over the state of Kansas and in a few other states as well. Dane was a very honest person in all that he was involved in. At the age of 83 his golf game wasn't as good as it might have once been and after tallying up, say an 8 on a hole, the scorekeeper, which was usually Rich or I, would try to make it a little easier on him. We'd ask Dane, 'You had a 7 didn't you?' He would answer back 'No, I had a dag-blasted 8.' If you are a golfer you know when someone offers to give you one less stroke on a hole, it tests your honesty. Dane always declined.

Dane loved the game of golf and when we had finished for the day, he would often ask, 'Where are we going tomorrow?' The answer from the rest of us usually was, 'I don't care, wherever you guys want to.' ''

Dane played 18 holes less than a month ago.

As dedicated as he was to his golf, he was even more dedicated to the responsibility of his office. Less than three weeks ago, Dane came back from KU medical center to work in his office for two hours because the trustee meeting was the following day. Dane faithfully felt the responsibility and the importance of carrying out the wishes of his Uncle Dane and rarely missed a meeting of either the Foundation or the Trust. As they traveled around the world, to 60 different countries, I always knew they would be home for the third Friday of the month.

There is no doubt that Dane was respected by important people and men of position. He was invited by then Secretary of Defense Dick Cheney to become a member of the Joint Civilian Orientation Committee and later the Defense Orientation Conference Association. With these organizations, Dane visited U.S. military installations in the U.S. and abroad.

Dane was among the first six men inducted into the Kansas Oil Pioneer Hall of Fame.

He and Polly were awarded the Fred Ellsworth Medallion for unique and significant service to KU and the Distinguished Service Award from Fort Hays State University. He and Polly received the Volunteer Award for District 6 for the Advancement and Support of Education.

He was a member of the Chancellor's Club, School of Business Dean's Club, Williams Fund, School of Fine Arts Dean's Club, Friends of the Lied Center, Friends of KU Libraries, Friends of Spencer Museum of Art.

Dane and Polly were honored by the KU Gallery of Outstanding Kansans in 1987.

There is no doubt about it, Dane has made his mark on the face of this earth. In the oil industry, in defense, in education, in the world of music with his role in the construction of the Bales Recital Hall at KU, and in cancer research.

A few years ago, I wrote Dane a short letter congratulating him for some recent honor bestowed upon him. I'm going to share with you the gist of that letter. ''In 1964 my father met D.G. Hansen. When he came back from that meeting he told me he had just met the smartest man he'd ever met. I would say the smartest man I ever met was Dane Bales.''

You know something, Dane would not like for us to make over him this way, he would be uncomfortable and embarrassed.

But I can't help it. I admired him so, I respected him so, and I, like the rest of you, will miss him so.

Dane was not a demonstrative person, but his love for Polly was legendary, and although they won't get to celebrate their 60th wedding anniversary this November, the last sentence that Dane said to Polly was ''I love you.'' What a beautiful memory.

I'm going to close with a quotation from a letter written by a grand-nephew of Dane's just last week. ''A man who spends his life doing God's work and helping others, is a man that will be remembered forever in the hearts of loved ones and all who have known him. I feel my life has been enriched having been able to say that Dane is my uncle. I know in the Bible that a 'proud person' is a sinner, but I will be forever 'honored' for what my Uncle Dane stands for and believes in. With all my love, Michael.''

My life has been enriched having been able to say that Dane was my neighbor.●

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## 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. WYDEN (for himself, Mr. MCCAIN, and Mr. LEAHY):

S. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act for 2 years, and encourage States to simplify their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. HATCH, Mr. DAYTON, Mr. AKAKA, Mr. JOHNSON, Mr. ALLARD, Mr. CRAPO, Mr. CRAIG, Mrs. LINCOLN, Mr. HELMS, and Mr. NELSON of Florida):

S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 1483. A bill to amend Family Violence Prevention and Services At to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1484. A bill to prevent fraud in the solicitation of charitable contributions, and for other purposes; to the Committee on the Judiciary.

By Mrs. CARNAHAN:

S. 1485. A bill to amend the Poison Prevention Packaging Act to authorize the Consumer Product Safety Commission to require child-proof caps for portable gasoline containers; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 165. A resolution establishing a Select Committee on Homeland Security and Terrorism; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KENNEDY, Mr. BROWNBACK, Mr. BIDEN, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLEN, Mr. FEINGOLD, Mr. BENNETT, Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mrs. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORRICELLI, Mr. SARBANES, Mr. LEVIN, Mr. INOUYE, Mr. JOHNSON, and Mr. REID):

S. Con. Res. 74. A concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 70

At the request of Mr. INOUYE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 96

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 96, a bill to ensure that employees of traveling sales crews are protected under there Fair Labor Standards Act of 1938 and under other provisions of law.

S. 721

At the request of Mr. HUTCHINSON, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from New Hampshire (Mr. GREGG)

were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 1140

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1147

At the request of Mr. NICKLES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1147, a bill to amend title X and title XI of the Energy Policy Act of 1992.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. NELSON of Florida) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Kansas (Mr. BROWNBACK) 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. 1465

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1465, a bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003.

S.J. RES. 8

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S.J. Res. 8, a joint resolution designating 2002 as the ''Year of the Rose''.

AMENDMENT NO. 1721

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1721 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. 1724

At the request of Mr. HELMS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 1724 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. 1750

At the request of Mr. DEWINE, his name was added as a cosponsor of amendment No. 1750 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. 1755

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1755 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.

At the request of Mr. CLELAND, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1760

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON of Florida), the Senator from Oregon (Mr. SMITH of Oregon), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1760 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. 1806

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1806 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. WYDEN (for himself, Mr. MCCAIN, and Mr. LEAHY):

S. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act for 2 years, and encourage States to simplify their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, I want to add my support to promoting electronic commerce and keeping it free from discriminatory and multiple State and local taxes. I am pleased to join the senior Senator from Oregon and the senior Senator from Arizona as an original cosponsor of the Internet Tax Moratorium Extension Act. I commend Senator WYDEN and Senator MCCAIN for their continued leadership on Internet tax policy.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is key to reaching its full potential, and creating new tax categories for the Internet is exactly the wrong thing to do. E-commerce should not be subject to new taxes that do not apply to other commerce.

Indeed, without the current moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce. Let's not allow the future of electronic commerce, with its great potential to expand the markets of Main Street businesses, to be crushed by the weight of discriminatory taxation.

We also need a national policy to make sure that the traditional State and local sales taxes on Internet sales are applied and collected fairly and uniformly. This two-year extension of the current moratorium gives our Governors and State legislatures time to simplify their sale tax rules and reach consensus on a workable national system for collecting sales taxes on E-commerce.

E-commerce is growing, our moratorium law is working, and we should keep a good thing going. I am proud to cosponsor the Internet Tax Moratorium Extension Act to encourage online commerce to continue to grow with confidence. I urge my colleagues to support its swift passage into law.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. HATCH, Mr. DAYTON, Mr. AKAKA, Mr. JOHNSON, Mr. ALLARD, Mr. CRAPO, Mr. CRAIG, Mrs. LINCOLN, Mr. HELMS, and Mr. NELSON of Florida):

S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, I am pleased to introduce the Animal Health Protection Act, AHPA, of 2001. I am proud that my good friend from Indiana, Senator LUGAR, stands with me today, as well as Senators HATCH, DAYTON, AKAKA, JOHNSON, ALLARD, CRAPO, CRAIG, LINCOLN, and HELMS. This legislation modernizes and consolidates important animal health statutes. We support the AHPA as a means towards improved domestic livestock protection.

As many of my colleagues are aware, the U.S. Department of Agriculture, USDA, is currently more prepared to protect our Nation's plants from foreign pests and diseases than to protect our domestic livestock from the same threats. Last year, the Plant Protection Act, a bill that greatly improved plant protection regulations, was signed into law. We need similar action to protect animal agriculture. The AHPA will expand USDA's legal authority to protect animals to that currently afforded for plant agriculture.

The AHPA updates and consolidates animal quarantine and related laws, some of which date back to the late 1800's and replaces them with one flexible statutory framework. USDA will be better prepared to take more effective, expeditious action to protect animal health.

This legislation also gives USDA authority to specifically address modern threats to all aspects of animal health. One such threat is foot-and-mouth disease. As our friends in Great Britain can attest, an outbreak of this destructive disease can cost a Nation billions of dollars and millions of livestock. In the U.K. alone, over one million animals had to be destroyed as a result of FMD. If we do not update our laws, I worry that our Nation will be vulnerable to the introduction and spread of foreign animal diseases like FMD or ''mad cow disease'', BSE. The recent discovery of BSE in Japan shows that the threats are still current. The price of prevention is vigilance.

Finally, this legislation has become even more important since the tragic events of September 11. Concerns about biosecurity and possible biological or chemical attacks directed at our Nations food supply must be taken very seriously. This legislation is crucial to fully protect domestic livestock and the U.S. food supply from these threats.

I hope that the Senate will be able to move quickly on this legislation, and I thank Senator LUGAR and others for working with me to get it introduced.

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. 1482

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Animal Health Protection Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Restriction on importation or entry.
Sec. 5. Exportation.
Sec. 6. Interstate movement.
Sec. 7. Seizure, quarantine, and disposal.
Sec. 8. Inspections, seizures, and warrants.
Sec. 9. Detection, control, and eradication of diseases and pests.
Sec. 10. Veterinary accreditation program.
Sec. 11. Cooperation.
Sec. 12. Reimbursable agreements.
Sec. 13. Administration and claims.
Sec. 14. Penalties.
Sec. 15. Enforcement.
Sec. 16. Regulations and orders.
Sec. 17. Authorization of appropriations.
Sec. 18. Repeals and conforming amendments.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

(A) animal health;

(B) the health and welfare of the people of the United States;

(C) the economic interests of the livestock and related industries of the United States;

(D) the environment of the United States; and

(E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this Act;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this Act are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;

(ii) to regulate effectively interstate commerce and foreign commerce; and

(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ANIMAL.—The term ''animal'' means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term ''article'' means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term ''disease'' means—

(A) any infectious or noninfectious disease or condition affecting the health of livestock; or

(B) any condition detrimental to production of livestock.

(4) ENTER.—The term ''enter'' means to move into the commerce of the United States.

(5) EXPORT.—The term ''export'' means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) FACILITY.—The term ''facility'' means any structure.

(7) IMPORT.—The term ''import'' means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) INTERSTATE COMMERCE.—The term ''interstate commerce'' means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) LIVESTOCK.—The term ''livestock'' means all farm-raised animals.

(11) MEANS OF CONVEYANCE.—The term ''means of conveyance'' means any personal property used for or intended for use for the movement of any other personal property.

(12) MOVE.—The term ''move'' means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) PEST.—The term ''pest'' means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) An animal.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(15) STATE.—The term ''State'' means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) THIS ACT.—Except when used in this section, the term ''this Act'' includes any regulation or order issued by the Secretary under the authority of this Act.

(17) UNITED STATES.—The term ''United States'' means all of the States.

**SEC. 4. RESTRICTION ON IMPORTATION OR ENTRY.**

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) REGULATIONS.—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled

under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) DESTRUCTION OR REMOVAL.—

(1) IN GENERAL.—The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this Act; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) REQUIREMENTS OF OWNERS.—

(A) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and

(iii) any article used in the importation of an animal.

(B) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

**SEC. 5. EXPORTATION.**

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) REQUIREMENTS OF OWNERS.—

(1) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) CERTIFICATION.—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

**SEC. 6. INTERSTATE MOVEMENT.**

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

**SEC. 7. SEIZURE, QUARANTINE, AND DISPOSAL.**

(a) IN GENERAL.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this Act;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this Act;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this Act; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this Act.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

(2) STATE ACTION.—

(A) IN GENERAL.—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

''(i) the Governor or an appropriate animal health official of the State; or

''(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

(B) NOTICE.—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

(C) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(c) QUARANTINE, DISPOSAL, OR OTHER REMEDIAL ACTION.—

(1) IN GENERAL.—The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) FAILURE TO COMPLY WITH ORDERS.—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) LIMITATION.—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) REVIEWABILITY OF DETERMINATION.—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review.

(3) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this Act;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this Act;

(C) any animal, article, or means of conveyance that is refused entry under this Act; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this Act by the owner.

**SEC. 8. INSPECTIONS, SEIZURES, AND WARRANTS.**

(a) GUIDELINES.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this Act;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this Act; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 7(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 7(b).

(c) INSPECTIONS WITH WARRANTS.—

(1) IN GENERAL.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this Act.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this Act, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this Act.

(B) EXECUTION.—The warrant may be applied for and executed by the Secretary or any United States marshal.

**SEC. 9. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.**

(a) IN GENERAL.—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

(b) COMPENSATION.—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this Act.

**SEC. 10. VETERINARY ACCREDITATION PROGRAM.**

(a) IN GENERAL.—The Secretary may establish a veterinary accreditation program that is consistent with this Act, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

**SEC. 11. COOPERATION.**

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) RESPONSIBILITY.—The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) SCREWWORMS.—

(1) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROCEEDS.—

(A) INDEPENDENT PRODUCTION AND SALE.—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

(i) deposited into the Treasury of the United States; and

(ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) ACCOUNT.—The United States portion of the proceeds shall be—

(I) deposited into the Treasury of the United States; and

(II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) CONSULTATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary shall consult with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) LEAD AGENCY.—The Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

**SEC. 12. REIMBURSABLE AGREEMENTS.**

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section; and

(2) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this Act relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(d) LATE PAYMENT PENALTIES.—

(1) COLLECTION.—On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31, United States Code.

(2) USE OF FUNDS.—Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

**SEC. 13. ADMINISTRATION AND CLAIMS.**

(a) ADMINISTRATION.—To carry out this Act, the Secretary may—

(1) acquire and maintain real or personal property;

(2) employ a person;

(3) make a grant; and

(4) notwithstanding chapter 63 of title 31, United States Code, enter into a contract, cooperative agreement, memorandum of understanding, or other agreement.

(b) TORT CLAIMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this Act.

(2) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary not later than 2 years after the date on which the claim arises.

**SEC. 14. PENALTIES.**

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this Act, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this Act, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A)(i) $50,000 in the case of any individual, except that the civil penalty may not exceed $1,000 in the case of an initial violation of this Act by an individual moving regulated articles not for monetary gain;

(ii) $250,000 in the case of any other person for each violation; and

(iii) $500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this Act that results in the person's deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) the ability to pay;

(B) the effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) such other factors as the Secretary considers to be appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—

(A) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) REVIEW.—The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) INTEREST.—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) SUSPENSION OR REVOCATION OF ACCREDITATION.—

(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this Act that violates this Act.

(2) FINAL ORDER.—The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(3) SUMMARY SUSPENSION.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this Act.

(B) HEARINGS.—The Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be deemed also to be the act, omission, or failure of the other person.

(e) GUIDELINES FOR CIVIL PENALTIES.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

**SEC. 15. ENFORCEMENT.**

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may gather and compile information and conduct any inspection or investigation that the Secretary considers to be necessary for the administration or enforcement of this Act.

(2) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to issue a subpoena to compel the attendance and testimony of any witness and the production of any documentary evidence relating to the administration or enforcement of this Act or any matter under investigation in connection with this Act.

(B) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.

(C) ENFORCEMENT.—

(i) IN GENERAL.—In case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, to require the attendance and testimony of any witness and the production of documentary evidence.

(ii) NONCOMPLIANCE.—In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(iii) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as contempt of the court.

(D) COMPENSATION.—

(i) WITNESSES.—A witness summoned by the Secretary under this Act shall be paid the same fees and mileage that are paid to a witness in a court of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) PUBLICATION.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(ii) REVIEW.—The procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and, to be effective, be signed by the Secretary.

(iii) DELEGATION.—If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review of the subpoena for legal sufficiency outside that agency.

(b) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this Act that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by any person with the Secretary in carrying out this Act, in any case in which the Secretary has reason to believe that the person has violated, or is about to violate this Act or has interfered, or is about to interfere, with the actions of the Secretary; or

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

(c) COURT JURISDICTION.—

(1) IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Northern Mariana Islands, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions are vested with jurisdiction in all cases arising under this Act.

(2) VENUE.—Any action arising under this Act may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) EXCEPTION.—Paragraphs (1) and (2) do not apply to subsections (b) and (c) of section 14.

**SEC. 16. REGULATIONS AND ORDERS.**

The Secretary may promulgate such regulations, and issue such orders, as the Secretary determines necessary to carry out this Act.

**SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.

(c) USE OF FUNDS.—In carrying out this Act, the Secretary may use funds made available to carry out this Act for—

(1) printing and binding, without regard to section 501 of title 44, United States Code;

(2) the employment of civilian nationals in foreign countries; and

(3) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

**SEC. 18. REPEALS AND CONFORMING AMENDMENTS.**

(a) REPEALS.—The following provisions of law are repealed:

(1) Public Law 97–46 (7 U.S.C. 147b).

(2) Section 101(b) of the Act of September 21, 1944 (7 U.S.C. 429).

(3) The Act of August 28, 1950 (7 U.S.C. 2260).

(4) Section 919 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2260a).

(5) Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306).

(6) Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 102 through 105).

(7) The Act of February 2, 1903 (21 U.S.C. 111, 120 through 122).

(8) Sections 2 through 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a, 114a–1, 115 through 120, 130).

(9) The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114d–1).

(10) The Act of June 16, 1948 (21 U.S.C. 114e, 114f).

(11) Public Law 87–209 (21 U.S.C. 114g, 114h).

(12) Section 2506 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114i).

(13) The third and fourth provisos of the fourth paragraph under the heading ''BUREAU OF ANIMAL INDUSTRY'' of the Act of May 31, 1920 (21 U.S.C. 116).

(14) The first section and sections 2, 3, 4, and 6 of the Act of March 3, 1905 (21 U.S.C. 123 through 127).

(15) The first proviso under the heading ''GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY'' under the heading ''BUREAU OF ANIMAL INDUSTRY'' of the Act of June 30, 1914 (21 U.S.C. 128).

(16) The fourth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''ANIMAL AND PLANT HEALTH INSPECTION SERVICE'' of title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (21 U.S.C. 129).

(17) The third paragraph under the heading ''MISCELLANEOUS'' of the Act of May 26, 1910 (21 U.S.C. 131).

(18) The first section and sections 2 through 6 and 11 through 13 of Public Law 87–518 (21 U.S.C. 134 through 134h).

(19) Public Law 91–239 (21 U.S.C. 135 through 135b).

(20) Sections 12 through 14 of the Federal Meat Inspection Act (21 U.S.C. 612 through 614).

(21) Chapter 39 of title 46, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—

(A) in paragraph (1), by striking '', or the owner's agent,''; and

(B) in paragraph (2), by striking ''or agent of the owner'' each place it appears.

(2) Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(A) by striking subsection (b) and inserting the following:

''(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.'';

(B) in the third sentence of subsection (e), by inserting ''to an agency other than the Office of Administrative Law Judges'' after ''is delegated''; and

(C) by striking subsection (f).

(3) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1540(h)) is amended in the first sentence by striking ''animal quarantine laws (21 U.S.C. 101–105, 111–135b, and 612–614)'' and inserting ''animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(f))''.

(4) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking ''of the cattle'' and all that follows through ''as herein described'' and inserting ''of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines''.

(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (c), by inserting after paragraph (1) the following:

''(2) VETERINARY DIAGNOSTICS.—The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act that relate to veterinary diagnostics.''; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

''(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);

''(C) the Animal Health Protection Act; or

''(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.''.

(c) EFFECT ON REGULATIONS.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 16 that supersedes the earlier regulation.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 1483. A bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I am introducing legislation today, with Senator MURRAY, that would address one of the most challenging and tragic crimes in our society. This bill is the Children Who Witness Domestic Violence Act. It is a comprehensive first step towards confronting the impact of domestic violence on children. This bill addresses the issue from multiple perspectives by providing funds for several key programs.

The bill would support multi-system interventions for children who witness domestic violence by providing nonprofit agencies with funding to bring various service providers together to design and implement intervention programs for children who witness domestic violence. These working partnerships would take advantage of local resources such as counselors, courts, schools, health care providers and battered women's programs to best address the needs of children in violent homes.

The bill would also create opportunities for domestic violence community agencies and elementary and secondary schools to work together to address the needs of children who witness and experience domestic violence. For example, domestic violence agencies could work with schools to provide domestic violence training to school officials and to students so they can make appropriate referrals and can understand how witnessing domestic violence impacts children's behavior and achievement. The groups could provide anger management and other educational programming to students so they can learn about and deal with the problem as they experience it.

The bill would also provide training to child welfare, and where appropriate, to court and law enforcement personnel to assist them in recognizing and treating domestic violence as a serious problem threatening the safety and well being to both children and adults. Training would include teaching staff to recognize the overlap between child abuse and domestic violence and to better identify the presence of domestic violence in child welfare cases. Staff would also be taught how to increase the safety and well-being of child witnesses of domestic violence as well as the safety of the non-abusing parent so that children can stay with their non-abusing parent when it is safe to do so.

The bill would provide funds to shelters so they can run programs to address the physical, emotional and logistical needs of children who stay there. The bill also would give funds to States to assist private and public agencies and organizations in expanding crisis nurseries—temporary respite care for children who are at risk of abuse in their homes. Such nurseries have proven effective in preventing child abuse and in keeping families together in a safe way, when possible.

Finally, the bill would fund comprehensive research to investigate the link between domestic violence and child abuse, the link between childhood exposure to domestic violence and violent behavior in youth and adults, and other key issues that can provide insight into appropriate remedies for this devastating problem.

Mr. President, I introduce this legislation today, because, as I have said before, nowhere is violence more isolated from view, more difficult to combat and more far reaching in its impact than violence in the home. To turn a blind eye to the suffering of the victims of domestic violence and their children is to be, however unwittingly, complicitous in the crime because it is out of sight and behind closed doors that domestic violence thrives.

This bill reflects the fact that the effects of domestic violence extend far beyond the moment when violence occurs. One of the most compelling marks that violence against women leaves is on our children. I am reminded of the voice of Quinese Robinson, a teenager from Minneapolis, who just last year, came home to find that her mother's husband had brutally murdered her mother. Quinese simply said, ''My Mom is the most important person in our life. When he killed her, he basically killed all four of us, because we do not have a mother.''

This is one story among millions. It is estimated that as many as 10 million children witness violence in the home each year, and much of this violence is repetitive. As many as 70 percent of children who witness domestic violence are also victims of child abuse. If we are serious about helping children and reducing youth violence, we cannot ignore the impact of domestic violence on children.

Studies indicate that children who witness their fathers beating their mothers suffer emotional problems, including slowed development, sleep disturbances, and feelings of hopelessness, depression, and anxiety. Many of these children exhibit more aggressive, antisocial, and fearful behaviors. They also show lower social competence that other children.

Children in homes where their mothers were abused have also shown less skill in understanding how others feel when compared to children from nonviolent households. Even one episode of violence can produce post-traumatic stress disorder in children. Children who witness domestic violence are at higher risk of suicide.

Jeffrey Edleson and others at the Minnesota Center Against Violence and

Abuse at the University of Minnesota collected multiple studies on the devastating results of this trauma. The examples are painful, but they deserve telling. One 4 year old girl named Julie witnessed her father stab her mother to death. In describing the event, Julie consistently placed her father at the scene of the crime and recounted her father's efforts to clean up after the crime. She could not describe her father's actions but when the district attorney saw Julie stabbing a pillow and crying ''Daddy pushed Mommy down,'' he was sure that the father had committed the crime.

A child who was being treated at San Francisco General Hospital saw his father cut his mother's throat. For a period of time after the crime, the child could not speak.

Not surprisingly, Edleson found that children growing up in violent families are more likely to engage in youth violence and that the social and economic risk factors for youth violence correspond to the risk factors for domestic violence and child abuse.

The Office of Juvenile Justice and Delinquency Prevention at the U.S. Dept. of Justice identifies family violence as a major risk factor in the lives of serious, violent and chronic juvenile offenders. It is estimated that as many as 40 percent of violent juvenile offenders come from homes where there is domestic violence.

In addition to increasing violence, witnessing domestic violence directly hinders school achievement. Child witnesses have higher incidences of impaired concentration, poor school attendance, being labeled an underachiever, and difficulties in cognitive and academic functioning.

As this overwhelming research indicates, domestic violence and violence against women permeate our entire society. People who try to keep family violence quiet and hidden behind the walls of the home ignore its tragic echoes in the hearts and minds of our children, in our schools, on the streets and in our human relationships.

In the face of this devastating situation, I call on my colleagues to say to these child witnesses around the country, that they will not suffer in silence, for that is what their abusers want them to do. Their cries will not be muffled behind closed doors and by the fear inflicted by abusive parents. We need to provide these children with a way out of violence and a way to deal with the pain of violence.

This bill represents a modest step to address this devastating problem. I urge my colleagues, in the names of all of these children, to support this critical legislation.

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By Mr. McCONNELL:

S. 1484. A bill to prevent fraud in the solicitation of charitable contributions, and for other purposes; to the Committee on the Judiciary.

Mr. McCONNELL. Mr. President, the Nation's armies of compassion have rallied in response to the events of September 11 and thus far have contributed more than $676 million to our Nation's charities. But this largess have proven an irresistible target to criminals who prey upon the generous and good-hearted nature of Americans in this time of national emergency. We heard reports of false charities exploiting well-intentioned Americans during the Gulf War and after the Oklahoma City bombing and we now hear similar reports that the September 11 attacks have given these unusually heartless criminals new opportunities to perpetrate fraud.

Almost daily we hear of American citizens receiving solicitations from phony charities. News reports from more than a dozen States, from New York to Florida to California, reveal that Americans are being asked to contribute to what turn our to be bogus victim funds, phony firefighter funds and questionable charitable organizations. The fraudulent solicitation of charitable contributions is a problem all across our Nation.

Well-meaning Americans unwittingly contribute an estimated $1.5 billion per year in contributions to fraudulent charities. This $1.5 billion is intended to feed rescue workers, shelter the homeless, and care for those who have lost loved ones. Instead, this money is siphoned into the pockets of cold-hearted criminals. In the wake of the September 11 attacks, the amount of misappropriated contributions will surely increase. The Better Business Bureau reports that inquiries from consumers about dubious fund-raising practices have increased approximately 40 percent since September 11. Unfortunately, these criminals frequently prey upon our Nation's seniors, whose fervent patriotism and generous hearts can make them easy marks for a grifter's scam.

These crooks often try to confuse their victims by using names that sound like reputable charities and relief efforts. For example, some scam artists ask for donations to the Red Cross of America or the Armenian Red Cross, not the legitimate relief organization known the world over as the American Red Cross. Other crooks use the name ''firefighter fund'' or ''victim's survivors fund'' in their fraudulent appeals.

While an informed donor is the first line of defense against sham solicitors, there also are steps Congress should take in addressing this problem. Current Federal law targets fraudulent solicitations and telemarketing scams related to the sale of products and services and sweepstakes and contests, but does not specifically cover the fraudulent solicitation of charitable contributions. That is why I rise today to offer legislation, the Crimes Against Charitable Americans Act, which would authorize law enforcement and regulatory agencies to specifically target these fraudulent solicitation.

My bill, the Crimes Against Charitable Americans Act, strengthens Federal law by first, making it a Federal crime to fraudulent solicit charitable contributions or donations. This crime would be punishable by a fine and imprisonment for 5 years, or both, and those convicted would be ordered to provide restitution to their victims. Second, my bill increases the penalty from 1 year to 5 years for those convicted of impersonating members or agents of the Red Cross in order to solicit contributions. Third, my bill directs the Federal Trade Commission, the Federal agency with primary enforcement against consumer fraud, to include charitable solicitations within its definition of telemarketing and to promulgate rules designed to end such fraudulent practices. These FTC regulations also give local and state officials the authority to persecute violators, which will increase the possibility that scam artists will be caught and punished. Finally, this legislation broadens the definition of telemarketing in federal law to include charitable solicitations and provides for up to a 10-year sentence enhancement for anyone who fraudulently solicits charitable contributions in connection with the commission of other Federal crimes. This maximum sentence enhancement of 10 years is reserved for those criminals who target our generous seniors with fraudulent appeals for money.

There are more than half-a-million federally recognized charities in America that raised more than $200 billion in contributions last year. Those who seek to profit from tragedy, especially the events of September 11, deserve a special degree of society's scorn and a special punishment under federal law. Not only do they steal valuable resources from the most worthy of recipients, but they erode the trust of the American people in legitimate charitable organizations. America is a generous and compassionate Nation and we must preserve the integrity of our charities and their ability to help others. The Senate can protect the noble work of our Nation's charities by passing the Crimes Against Charitable Americans Act.

I ask unanimous consent that the text of the bill, a letter of endorsement from the Bluegrass Area Chapter of the American Red Cross, and information sheets from the Federal Trade Commission and the AARP about fraud and charitable donations be printed in the RECORD.

There being no objection, the bill and the additional material were ordered to be printed in the RECORD, as follows:

S. 1484

*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 ''Crimes Against Charitable Americans Act of 2001''.

**SEC. 2. FRAUD AND FALSE STATEMENTS.**

Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1037. Fraud and related activity in the solicitation of charitable contributions**

''(a) OFFENSE.—It shall be unlawful for any person to knowingly and fraudulently solicit, cause to be solicited, or receive contributions, donations, or gifts of money or any other thing of value—

''(1) for an alleged charitable or beneficial organization, or an alleged charitable or beneficial purpose; and

''(2) in connection with a disaster or emergency which has been officially designated a Federal disaster or Federal emergency by the President or any other appropriate Federal official.

''(b) PENALTY.—A person who is convicted of an offense under subsection (a)—

''(1) shall be fined under this title or imprisoned for not less than 5 years, or both; and

''(2) shall be ordered by the court to pay restitution to any victim, and may be ordered to pay restitution to others, who sustained losses as a result of fraudulent activity of the offender under subsection (a).''.

**SEC. 3. TELEMARKETING AND CONSUMER FRAUD ABUSE.**

The Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.) is amended—

(1) in section 3(a)(2), by inserting after ''practices'' the second place it appears the following: ''which shall include fraudulent charitable solicitations, and'';

(2) in section 3(a)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) a requirement that any person engaged in telemarketing for the solicitation of charitable contributions, donations, or gifts of money or any other thing of value, shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to solicit charitable contributions, donations, or gifts, and make such other disclosures as the Commission considers appropriate, including the name and mailing address of the charitable organization on behalf of which the solicitation is made.''; and

(3) in section 7(4), by inserting '', or a charitable contribution, donation, or gift of money or any other thing of value,'' after ''services''.

**SEC. 4. RED CROSS MEMBERS OR AGENTS.**

Section 917 of title 18, United States Code, is amended by striking ''one year'' and inserting ''5 years''.

**SEC. 5. TELEMARKETING FRAUD.**

Section 2325(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting ''; or'';

(3) by inserting after subparagraph (B) the following:

''(C) a charitable contribution, donation, or gift of money or any other thing of value,''; and

(4) in the flush language, by inserting ''or charitable contributor, or donor'' after ''participant''.

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AMERICAN RED CROSS,
*Lexington, KY, October 2, 2001.*

Hon. MITCH MCCONNELL,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR MCCONNELL, I have reviewed your proposed Crime Against Charitable Americans Act of 2001 and on behalf of the Bluegrass Area Chapter of the American Red Cross fully endorse your efforts.

Whether handling donated funds or fees for products and services, upholding the public's trust is critically important to the Red Cross. The Red Cross is committed to high standards of financial stewardship and those who fraudulently solicit charitable contributions or donations erode the basic foundations of our organization.

I commend you for stepping forward in this effort to stop those who breed on opportunities of national disaster for personal gain. If I can be of assistance in promoting this act, let me know.

Sincerely,

PAUL B. HAY,
*Executive Director.*

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HELPING VICTIMS OF THE TERRORIST ATTACKS: YOUR GUIDE TO GIVING WISELY

In the wake of the September 11 terrorist attacks on the World Trade Center and the Pentagon, Americans are opening their hearts and wallets to help the nation recover. If you're thinking about donating to the cause, here are some tips to help you give wisely:

Donate to recognized charities you have given to before. Watch out for similar sounding names. Some phony charities use names that sound or look for those of respected, legitimate organizations.

Give directly to the charity, not solicitors for the charity. That's because solicitors take a portion of the proceeds to cover their costs. That leaves less for the victims.

Do not give out personal or financial information—including your Social Security number or credit card and bank accounts numbers—to anyone who solicits a contribution from you. Scam artists use this information to commit fraud against you.

Check out charities. Contact the Better Business Bureau's Wise Giving Alliance: 4200 Wilson Blvd, Suite 800, Arlington, VA 22203; (703) 276–0100; www.give.org.

Don't give cash. For security and tax record purposes, pay by check. Write the official name of the charity on your check. Or you can contribute safety online through www.libertyunites.org.

Ask for identification if you're approached in person. Many states require paid fundraisers to identify themselves as such and to name the charity for which they're soliciting.

To report a fraud, contact the Federal Trade Commission toll-free: 1–877–FTC–HELP (1–877–382–4357) or use the complaint form at www.ftc.gov. The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. The FTC enters Internet, telemarketing, identify theft and other fraud related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

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[From AARP Bulletin Online, Oct. 2001]

TRAGEDY CAN BE OPPORTUNITY FOR CON ARTISTS

Be very cautious of anyone soliciting money to help rescuers and victims of the recent tragic events in New York and Washington, D.C. The U.S. Postal Inspection Service, and other law enforcement agencies, are warning people about phone calls, e-mails or any other attempts to obtain donations.

Shortly after the tragedy, con artists claiming to represent victims, firefighters, law enforcement or charities were asking for money. If you want to donate, contact legitimate charities yourself rather than responding to requests.

Older consumers report that, on average, they get more than six calls or letters seeking charitable donations every week. That's more than 300 calls or letters every year. More than two-thirds of older consumers are not confident that unknown callers ''really represent the organization they say they do.'' [For more information, visit the AARP website's Telemarketing Fraud section.]

TIPS FOR CHARITABLE GIVING

Before you give, get more information:

Ask the charity's full name, address and telephone number.

Ask how much of your donation goes to the program that the request describes—and how much goes to administrative costs.

Call your state Attorney General or Secretary of State's office to see if the charity is registered.

Depending on your state, charities must file financial and other disclosure statements; get copies, and review them.

Don't provide your credit-card number or personal information to telephone or e-mail solicitors.

BE SURE YOU KNOW WHO IS CALLING

If a fundraiser calls, call the charity directly to ask if it is really sponsoring a fundraising drive.

Also beware of phony charity names that sound similar to legitimate organizations. Don't assume that you know a group because the name or symbols seem familiar.

PROTECT YOUR CHARITABLE DOLLARS

To ensure that your contributions actually benefit those in need, follow these guidelines:

Pay with a check or money order made out to the charity—not the fundraiser itself.

Don't give money at the door to a courier or messenger—nor by leaving a check under the doormat. Send your contribution directly to the charity.

Don't feel pressured to make a donation on the spot. There will be plenty of opportunities to contribute in the future.

Keep records of your donations and pledges, and check your records if someone says you made a pledge that you don't recall.

Know the difference between tax deductible and tax exempt. Donations to tax-exempt organizations are not necessarily tax deductible for you. If your donation is tax deductible, get a receipt.

ONLINE GIVING

The AARP Bulletin is providing links to some of the legitimate charities collecting money to help the victims of the September 11 tragedies.

The following Web sites can provide additional information on charitable giving and charity fraud.

Federal Trade Commission: If you suspect charity fraud, you can file a report online with the Federal Trade Commission. http://www.ftc.gov/.

Better Business Bureau: The Better Business Bureau has much advice on charitable giving, including donating used cars and tax deductibility issues. http://www.give.org/tips/index.asp.

Wise Giving Alliance: Want to check out national charities? This site has reports on hundreds of charities, how much of the money raised goes to administrative or fund raising costs, contact information and charitable missions. http://www.give.org.

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## STATEMENTS ON SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 165—ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

Mr. ROBERTS submitted the following resolution; which was referred

to the Committee on Rules and Administration:

S. RES. 165

*Resolved*,

**SECTION 1. ESTABLISHMENT OF SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM.**

(a) ESTABLISHMENT.—There is established a select committee of the Senate, to be known as the Select Committee on Homeland Security and Terrorism (in this resolution referred to as the ''Select Committee'').

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of the Select Committee are—

(A) to assist the Senate in coordinating and prioritizing Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States;

(B) to consult with and receive testimony from the President's Office of Homeland Security and other appropriate Federal agencies;

(C) to make such findings of fact as are warranted and appropriate; and

(D) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the Select Committee may determine to be necessary or desirable.

(2) LEGISLATIVE JURISDICTION.—There shall be referred to the Select Committee all proposed legislation, messages, petitions, memorials, and other matters relating to Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States.

(c) COMPOSITION.—

(1) IN GENERAL.—The Select Committee shall be composed, as follows:

(A) The Majority Leader of the Senate and the Minority Leader of the Senate.

(B) The chairman and ranking minority member of each of the committees designated by the Majority and Minority Leaders of the Senate, acting jointly, as having primary and preeminent jurisdiction over homeland security and terrorism.

(C) Two Members of the Senate who do not serve on any committee designated under subparagraph (B), appointed by the Majority Leader.

(D) Two Members of the Senate who do not serve on any committee designated under subparagraph (B), appointed by the Minority Leader.

(E) Two Members with expertise and experience in homeland security and terrorism, appointed by the Majority Leader.

(F) Two Members with expertise and experience in homeland security and terrorism, appointed by the Minority Leader.

(2) COCHAIRMEN.—The Majority and Minority Leaders of the Senate shall serve as cochairmen of the Select Committee.

(3) CO-VICE CHAIRMEN.—The Majority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(C) to serve as co-vice chairman. The Minority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(D) to serve as co-vice chairman.

(4) SERVICE.—For the purpose of paragraph 4 or rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the Select Committee shall not be taken into account.

**SEC. 2. POWERS.**

(a) IN GENERAL.—For the purposes of this resolution, the Select Committee is authorized—

(1) to make investigations into any matter within its jurisdiction;

(2) to make expenditures from the contingent fund of the Senate;

(3) to employ personnel;

(4) to hold hearings;

(5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(6) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946;

(7) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents; and

(8) to take depositions and other testimony.

(b) ADMINISTRATION OF OATHS.—The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the Select Committee may be issued over the signature of the chairman, the vice chairman or any member of the Select Committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

**SEC. 3. REPORTS.**

(a) TO THE SENATE.—The Select Committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the homeland security and antiterrorism activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees.

(b) FROM THE EXECUTIVE BRANCH.—The Select Committee shall obtain an annual report from the President. The report shall review the activities of the agencies or departments concerned to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States. An unclassified version of the report may be made available to the public at the discretion of the Select Committee.

**SEC. 4. INFORMATION SHARING.**

It is the sense of the Senate that the head of each department and agency of the United States should keep the Select Committee fully and currently informed with respect to homeland security and antiterrorism activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency, except that this does not constitute a condition precedent to the implementation of any such activity.

**SEC. 5. CONSTRUCTION.**

Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any homeland security or antiterrorism matter to the extent that such matter directly affects a matter otherwise within the jurisdiction of such committee.

## SENATE CONCURRENT RESOLUTION 74—CONDEMNING BIGOTRY AND VIOLENCE AGAINST SIKH-AMERICANS IN THE WAKE OF TERRORIST ATTACKS IN NEW YORK CITY AND WASHINGTON, D.C. ON SEPTEMBER 11, 2001

Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KENNEDY, Mr. BROWNBACK, Mr. BIDEN, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLEN, Mr. FEINGOLD, Mr. BENNETT, Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mrs. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORRICELLI, Mr. SARBANES, Mr. LEVIN, Mr. INOUYE, Mr. JOHNSON, and Mr. REID) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

S. CON. RES. 74

Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

Whereas Sikh-Americans form a vibrant, peaceful, and law-abiding part of America's people;

Whereas approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

Whereas Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

Whereas the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

Whereas many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

Whereas Sikh-Americans, as do all Americans, condemn acts of hate and prejudice against any American; and

Whereas Congress is seriously concerned by the number of hate crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent hate crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit hate crimes.

Mr. DURBIN. Mr. President, today I rise with 31 of my Senate colleagues to submit a resolution condemning bigotry and violence toward Sikh-Americans.

Last week, Amrith Kau Mago, a student at George Washington University, from my home State of Illinois, came to my office and brought the serious issue of hate crimes against Sikh-Americans in the wake of terrorist attacks on September 11, to my attention.

On the morning of September 11, 2001, our world as we knew it changed forever. On September 11, terrorists coordinated an attack on the American people by hijacking four commercial airplanes and flying them as missiles into occupied office buildings, the World Trade Center in New York and the Pentagon in Virginia. The staggering loss of life of over 6,000 innocent people, more than in any other day in our Nation's history; firefighters and police officers crushed under the rubble as they risked their lives to assist victims; shaken sense of security and confidence in our society; and a national anxiety about our future.

While we search for understanding, we must do our duty as Americans. We bury our dead. We comfort the wounded. We honor our heroes. And we work to protect and defend our Nation.

Unfortunately, in the aftermath of September 11, there are those, who in misguided anger and fear turned on their neighbors and fellow Americans. They mistook symbols of religious belief, such as turbans and beards, for distrust, terror, and destruction. In a twisted gesture of revenge, some vigilantes across America have taken it up on themselves to threaten, harass, and even kill our fellow Americans simply because some share some outward appearance of these terrorists, turbans, beards, olive skin.

In the past three weeks, the Sikh community has received nearly 300 reported incidents of threats, assaults, violence, and even death. Of course this is wrong and every American must speak out against it. Sikhism, like Islam, Hinduism, Buddhism, Judaism, Christianity, and Catholicism, is a religion based on teachings of peace, love, and equality. Over 22 million Sikhs around the world today follow there values everyday. That is why it was so painful to me to learn that Sikh Americans are suffering from injustice targeted at them simply for their dress and customs.

We must embrace the diversity that makes America what it is, a diversity that our enemies cannot understand or accept. We are a land of immigrants, and from the beginning of our Nation's history, we have always welcomed people from other nations.

Of the thousands who perished that tragic day of September 11, citizens of over 80 countries were included among Americans.

Recent terrorist attacks should never cloud our judgment when it comes to our fellow Sikh-Americans. Sikh-Americans share with us the pain and sorrow of September 11 tragedy. Hate crimes and violence, especially violence stemming from bias and bigotry should never be tolerated.

That is why today I am submitting a resolution condemning bigotry and violence against Sikh Americans. I am pleased to say that 31 of my Senate colleagues have already cosponsored the resolution and we expect that many others will join us in condemning hate crimes against Sikh-Americans. Representatives HONDA and SHAYS have expressed interest in introducing the exact same resolution in the House. Our country stands united with all Americans, including Sikh-Americans.

More than ever before, this is a time for us all to stand together. We are, of course, the United States of America. But today, we are a United America. As we stand together strongly against terrorism, let us also stand together as a country against prejudice and injustice targeted at each other.

Our enemies may hate us but we cannot be guided by hate, and we in America cannot hate one another. We are brothers and sisters under God's eyes. We are fellow American's under our Nation's flag and with this battle we must stand together, united by love and understanding.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1821. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1602 submitted by Mr. ALLARD and intended to be proposed 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.

SA 1822. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1823. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1824. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, supra, which was ordered to lie on the table.

SA 1825. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1826. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH, of New Hampshire, Mr. NICKLES, Mr. CRAPO, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1827. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH, of New Hampshire, Mr. NICKLES, Mr. CRAPO, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1438, supra, which was ordered to lie on the table.

SA 1828. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 1769 submitted by Mr. DODD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1829. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1830. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1831. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1832. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1833. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1834. Mr. LEVIN (for Mr. THOMAS (for himself and Mr. GRAMM)) proposed an amendment to the bill S. 1438, supra.

SA 1835. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and 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 1836. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. HOLLINGS, Ms. LANDRIEU, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1837. Mr. DOMENICI (for himself and 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 1838. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1839. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1840. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1841. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1842. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

**SA 1821.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1602 submitted by Mr. ALLARD and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

**Subtitle F—Uniformed Services Overseas Voting**

**SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

**SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.''.

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking ''and'' before ''(B)''; and

(2) by inserting before the period at the end the following: '', and (C) the standards submitted by the State under section 102(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) that are submitted with respect to elections that occur after the date of enactment of this Act.

**SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a), is further amended by inserting after subsection (a) the following new subsection:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **''FOR FEDERAL OFFICE''**.

**SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is further amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

**SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

**SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

**SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

**SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.**

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under'';

(2) by striking ''this section'' and inserting ''this subsection''; and

(3) by adding at the end the following:

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office where such use is consistent with State law.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office under paragraph (1), the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: ''Making a military installation available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) of title 10, United States Code, shall be deemed to be consistent with this section.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

**''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''.**

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.''.

**SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.**

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

**SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.**

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

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**SA 1822.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD 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:

In lieu of the matter proposed to be inserted, insert the following:

**Subtitle F—Uniformed Services Overseas Voting**

**SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

**SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.''.

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking ''and'' before ''(B)''; and

(2) by inserting before the period at the end the following: '', and (C) the standards submitted by the State under section 102(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) that are submitted with respect to elections that occur after the date of enactment of this Act.

**SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a), is further amended by inserting after subsection (a) the following new subsection:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **''FOR FEDERAL OFFICE''**.

**SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is further amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

**SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

**SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

**SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

**SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.**

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under'';

(2) by striking ''this section'' and inserting ''this subsection''; and

(3) by adding at the end the following:

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office where such use is consistent with State law.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office under paragraph (1), the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: ''Making a military installation available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) of title 10, United States Code, shall be deemed to be consistent with this section.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

**''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''.**

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.''.

**SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.**

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

**SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.**

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

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**SA 1823.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

**Subtitle F—Uniformed Services Overseas Voting**

**SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

**SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.''.

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking ''and'' before ''(B)''; and

(2) by inserting before the period at the end the following: '', and (C) the standards submitted by the State under section 102(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) that are submitted with respect to elections that occur after the date of enactment of this Act.

**SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a), is further amended by inserting after subsection (a) the following new subsection:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **''FOR FEDERAL OFFICE''**.

**SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is further amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

**SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

**SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

**SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

**SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.**

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under'';

(2) by striking ''this section'' and inserting ''this subsection''; and

(3) by adding at the end the following:

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office where such use is consistent with State law.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office under paragraph (1), the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: ''Making a military installation available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) of title 10, United States Code, shall be deemed to be consistent with this section.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

**''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''.**

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.''.

**SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.**

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

**SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.**

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

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**SA 1824.** Mr. KYL 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:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

**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).

**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 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.

(e) 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.

(f) 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.

(g) 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, covered United States persons 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.—Covered United States persons 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) covered United States persons 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, covered United States persons 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) covered United States persons 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 covered United States persons 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 covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the 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 COVERED UNITED STATES PERSONS 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 taken or directed by the President 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. 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 covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

**SEC. 1413. 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. 1414. SENSE OF CONGRESS.**

It is the sense of Congress that the President should take all appropriate steps to remove United States support for the Rome Statute.

**SEC. 1415. 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, other persons employed by or working on behalf 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).

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**SA 1825.** Mr. CORZINE 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:

Strike all after the first word and insert in lieu thereof the following:

**1066. Closure of Vieques Naval 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 had 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.''

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**SA 1826.** Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. NICKLES, Mr. CRAPO, and Mr. KYL) 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:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

**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 any 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 any 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 any 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).

**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 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.

(e) 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.

(f) 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.

(g) 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,

covered United States persons 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.—Covered United States persons 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) covered United States persons 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, covered United States persons 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) covered United States persons 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 covered United States persons 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 covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the 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 COVERED UNITED STATES PERSONS 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 taken or directed by the President 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. 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 covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

**SEC. 1413. 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. 1414. SENSE OF CONGRESS.**

It is the sense of Congress that the President should rescind the signature made on behalf of the United States to the Rome Statute.

**SEC. 1415. 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, other persons employed by or working on behalf of the United States Government, and other United States citizens 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).

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**SA 1827.** Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. NICKLES, Mr. CRAPO, and Mr. KYL) 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:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

**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 any 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 any 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 any 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).

**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 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.

(e) 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.

(f) 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.

(g) 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, covered United States persons 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.—Covered United States persons 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) covered United States persons 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, covered United States persons 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) covered United States persons 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 covered United States persons 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 covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the 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 COVERED UNITED STATES PERSONS 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 taken or directed by the President 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. 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 covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

**SEC. 1413. 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. 1414. SENSE OF CONGRESS.**

It is the sense of Congress that the President should rescind the signature made on behalf of the United States to the Rome Statute.

**SEC. 1415. 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, other persons employed by or working on behalf of the United States Government, and other United States citizens 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).

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**SA 1828.** Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 1769 submitted by Mr. DODD and intended to be proposed 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:

In the matter proposed to be inserted, strike all and insert the following:

**TITLE—BIPARTISAN FEDERAL ELECTION REFORM ACT OF 2001**

Strike all after the enacting clause and insert the following:

**SEC. ___01. SHORT TITLE.**

SHORT TITLE.—This Title may be cited as the ''Bipartisan Federal Election Reform Act of 2001''.

**Subtitle A—Blue Ribbon Study Panel**

**SEC. ___11. ESTABLISHMENT OF THE BLUE RIBBON STUDY PANEL.**

There is established the Blue Ribbon Study Panel (in this title referred to as the ''Panel'').

**SEC. ___12. MEMBERSHIP OF THE PANEL.**

(a) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members as follows:

(1) 3 members appointed by the Majority Leader of the Senate.

(2) 3 members appointed by the Minority Leader of the Senate.

(3) 3 members appointed by the Speaker of the House of Representatives.

(4) 3 members appointed by the Minority Leader of the House of Representatives.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) shall be chosen on the basis of experience, integrity, impartiality, and good judgment.

(2) PARTY AFFILIATION.—Not more than 6 of the 12 members appointed under subsection (a) may be affiliated with the same political party.

(3) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Panel, are not elected or appointed officers or employees of the Federal Government.

(c) BALANCE REQUIRED.—The Panel shall reflect, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Panel under section 103, and regional and geographical balance among the members of the Panel.

(d) DATE OF APPOINTMENT.—The appointments of the members of the Panel shall be made not later than 30 days after the date of enactment of this Act.

(e) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member of the Panel shall be appointed for the life of the Panel.

(2) VACANCIES.—A vacancy in the Panel shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(f) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Panel shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

**SEC. ___13. DUTIES OF THE PANEL.**

(a) STUDY.—The Panel shall complete a thorough study of—

(1) current and alternate methods and mechanisms of voting and counting votes in elections for Federal office;

(2) current and alternate ballot designs for elections for Federal office;

(3) current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that all registered voters appear on the polling list at the appropriate polling site;

(4) current and alternate methods of conducting provisional voting that include notice to the voter regarding the disposition of the ballot;

(5) current and alternate methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including blind and disabled voters and voters with limited English proficiency;

(6) current and alternate methods of voter registration for members of the Armed Forces and overseas voters, and methods of ensuring that such voters timely receive ballots that will be properly and expeditiously handled and counted;

(7) current and alternate methods of recruiting and improving the performance of poll workers;

(8) Federal and State laws governing the eligibility of persons to vote;

(9) current and alternate methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections;

(10) matters particularly relevant to voting and administering elections in rural and urban areas;

(11) conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time; and

(12) the ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—After studying the matters set forth in paragraphs (1) through (11) of subsection (a), the Panel shall develop recommendations regarding each matter and indicate which methods of voting and administering elections studied by the Panel under such paragraphs would—

(A) be most convenient, accessible, and easy to use for voters in elections for Federal office, including members of the Armed Forces, blind and disabled voters, and voters with limited English proficiency;

(B) yield the most accurate, secure, and expeditious system, voting, and election results in elections for Federal office;

(C) be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote; and

(D) be most efficient and cost-effective for use in elections for Federal office.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—After studying the matter set forth in subsection (a)(12), the Panel shall recommend how the Federal Government can best provide assistance to State and local authorities to improve the administration of elections for Federal office and what levels of funding will be necessary to provide such assistance.

(c) REPORTS.—

(1) FINAL REPORT.—

(A) IN GENERAL.—Not later than the date that is 6 months after the date on which all the members of the Panel have been appointed, the Panel shall submit a final report to Congress and the Election Administration Commission established under section ___21.

(B) CONTENTS.—The final report submitted under subparagraph (A) shall contain a detailed statement of the findings and conclusions of the Panel as to the matters studied under subsection (a), a detailed statement of

the recommendations developed under subsection (b), and any dissenting or minority opinions of the members of the Panel.

(2) INTERIM REPORTS.—The Panel may determine whether any matter to be studied under subsection (a), and any recommendation under subsection (b), shall be the subject of an interim report submitted as described in paragraph (1)(A) prior to the final report required under paragraph (1), and in time for full or partial implementation before the elections for Federal office held in 2002.

**SEC. ___14. MEETINGS OF THE PANEL.**

(a) IN GENERAL.—The Panel shall meet at the call of the chairperson.

(b) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Panel have been appointed, the Panel shall hold its first meeting.

(c) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

**SEC. ___15. POWERS OF THE PANEL.**

(a) HEARINGS.—

(1) IN GENERAL.—The Panel may hold such hearings for the purpose of carrying out this title, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this title.

(2) OATHS AND AFFIRMATIONS.—The Panel may administer oaths and affirmations to witnesses appearing before the Panel.

(3) OPEN HEARINGS.—All hearings of the Panel shall be open to the public.

(b) VOTING.—Each action of the Panel shall be approved by a majority vote of the members of the Panel. Each member of the Panel shall have 1 vote.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any Federal department or agency such information as the Panel considers necessary to carry out this title. Upon request of the Panel, the head of such department or agency shall furnish such information to the Panel.

(d) WEBSITE.—For purposes of conducting the study under section ___13(a), the Panel may establish a website to facilitate public comment and participation. The Panel shall make all information on its website available in print.

(e) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Panel, the Administrator of General Services shall provide to the Panel, on a reimbursable basis, the administrative support services that are necessary to enable the Panel to carry out its duties under this title.

(g) CONTRACTS.—The Panel may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

**SEC. ___16. PANEL PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(b) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(c) STAFF.—

(1) IN GENERAL.—The Panel may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. ___17. TERMINATION OF THE PANEL.**

The Panel shall terminate 30 days after the date on which the Panel submits its final report under section ___13(c)(1).

**SEC. ___18. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

**Subtitle B—Election Administration Commission**

**SEC. ___21. ESTABLISHMENT OF THE ELECTION ADMINISTRATION COMMISSION.**

There is established the Election Administration Commission (in this title referred to as the ''Commission'') as an independent establishment (as defined in section 104 of title 5, United States Code).

**SEC. ___22. MEMBERSHIP OF THE COMMISSION.**

(a) NUMBER AND APPOINTMENT.—

(1) COMPOSITION.—The Commission shall be composed of 8 members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Prior to the initial appointment of the members of the Commission and prior to the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the officer involved.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) shall be chosen on the basis of experience, integrity, impartiality, and good judgment.

(2) PARTY AFFILIATION.—Not more than 4 of the 8 members appointed under subsection (a) may be affiliated with the same political party.

(3) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees of the Federal Government.

(4) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment not later than the date on which the Commission first meets.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of 4 years, except that of the members first appointed—

(A) 4 of the members, not more than 2 of whom may be affiliated with the same political party, shall be appointed for a term of 5 years; and

(B) 4 of the members, not more than 2 of whom may be affiliated with the same political party, shall be appointed for 4 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall not affect its powers, but be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual chosen to fill a vacancy on the Commission occurring prior to the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members for a term of 1 year.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson only once during any term of office to which such member is appointed.

(3) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

**SEC. ___23. DUTIES OF THE COMMISSION.**

The Commission—

(1)(A) not later than 30 days after receipt of the recommendations of the Blue Ribbon Study Panel (in this title referred to as the ''Panel''), shall adopt or modify any recommendation of the Panel developed under subsection (b) of section ___13 and submitted to the Commission under subsection (c) of such section; and

(B) may update the recommendations adopted or modified under subparagraph (A) at least once every 4 years;

(2) not later than 6 months after the date of enactment of this Act, shall issue or adopt updated voting system standards and update such standards at least once every 4 years;

(3) shall advise States regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places to blind and disabled voters;

(4) shall have primary responsibility to carry out Federal functions under title I of

the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) as the Presidential designee;

(5) shall serve as a clearinghouse, gather information, conduct studies, and issue reports concerning issues relating to Federal, State, and local elections;

(6) shall carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7);

(7) shall make available information regarding the Federal election system to the public and media;

(8) shall assemble and make available bipartisan panels of election professionals to assist any State election official, upon request, in review of election or vote counting procedures in Federal, State, and local elections;

(9) shall compile and make available to the public the official certified results of elections for Federal office and statistics regarding national voter registration and turnout; and

(10) shall administer the Federal Election Reform Grant Program established under section ____24.

**SEC. ____24. FEDERAL ELECTION REFORM GRANT PROGRAM.**

(a) ESTABLISHMENT OF THE FEDERAL ELECTION REFORM GRANT PROGRAM.—There is established the Federal Election Reform Grant Program under which the Commission is authorized to award grants to States and localities to pay the Federal share of the costs of the activities described in subsection (d).

(b) APPLICATION FOR FEDERAL ELECTION REFORM GRANTS.—

(1) IN GENERAL.—Each State or locality that desires to receive a grant under this section shall submit an application to the Commission at such time, in such manner, and containing such information as the Commission shall require (consistent with the provisions of this section).

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) contain a request for certification by the Assistant Attorney General for Civil Rights (in this section referred to as the ''Assistant Attorney General'') described in paragraph (3);

(C) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and

(D) provide such additional assurances as the Commission determines to be essential to ensure compliance with the requirements of this section.

(3) REQUEST FOR CERTIFICATION BY ASSISTANT ATTORNEY GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each request for certification described in subsection (b)(2)(B) shall contain a specific and detailed demonstration that the State or locality—

(i)(I) is in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a), the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), and the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(II) is in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) in conducting elections for Federal office; and

(III) provides blind and disabled voters a verifiable opportunity to vote under the same conditions of privacy and independence as nonvisually impaired or nondisabled voters at each polling place;

(ii) permits provisional voting or will implement a method of provisional voting (including notice to the voter regarding the disposition of the ballot) consistent with the recommendation adopted or modified by the Commission under section ____23(1);

(iii) has implemented safeguards to ensure that—

(I) the State or locality maintains an accurate and secure list of registered voters listing those voters legally registered and eligible to vote; and

(II) only voters who are not legally registered or who are not eligible to vote are removed from the list of registered voters;

(iv) has implemented safeguards to ensure that members of the Armed Forces and voters outside the United States have the opportunity to vote and to have their vote counted; and

(v) provides for voter education programs and poll worker training programs consistent with the recommendations adopted by the Commission under section ____23(1).

(B) APPLICANTS UNABLE TO MEET REQUIREMENTS.—Each State or locality that, at the time it applies for a grant under this section, does not demonstrate that it meets each requirement described in subparagraph (A), shall submit to the Commission a detailed and specific demonstration of how the State or locality intends to use grant funds to meet each such requirement.

(c) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission shall establish general policies and criteria for the approval of applications submitted under subsection (b)(1).

(2) PRIORITY BASED ON DEFICIENCIES AND NEED.—In awarding grants to States and localities under this section, the Commission shall give priority to those applying States and localities that—

(A) have the most qualitatively or quantitatively deficient systems of voting and administering elections for Federal office; and

(B) have the greatest need for Federal assistance in implementing the recommendations, as adopted by the Commission.

(3) CERTIFICATION PROCEDURE.—

(A) IN GENERAL.—The Commission may not approve an application of a State or locality submitted under subsection (b)(1) unless the Commission has received a certification from the Assistant Attorney General under subparagraph (D) with respect to such State or locality.

(B) TRANSMITTAL OF REQUEST.—Upon receipt of the request for certification submitted under subsection (b)(2)(B), the Commission shall transmit such request to the Assistant Attorney General.

(C) CERTIFICATION; NONCERTIFICATION.—

(i) CERTIFICATION.—If the Assistant Attorney General finds that the request for certification demonstrates that a State or locality meets the requirements of subsection (b)(3)(A), or that a State or locality has provided a detailed and specific demonstration of how it will use funds received under this section to meet such requirements, the Assistant Attorney General shall certify that the State or locality is eligible to receive a grant under this section.

(ii) NONCERTIFICATION.—If the Assistant Attorney General finds that the request for certification does not demonstrate that a State or locality meets the requirements of subparagraph (A) or (B) of subsection (b)(3), the Assistant Attorney General shall not certify that the State or locality is eligible to receive a grant under this section.

(D) TRANSMITTAL OF CERTIFICATION.—The Assistant Attorney General shall transmit to the Commission a certification under clause (i) of subparagraph (C), or a notice of noncertification under clause (ii) of such subparagraph, together with a report identifying the relevant deficiencies in the State's or locality's system for voting or administering elections for Federal office or in the request for certification submitted by the State or locality.

(d) AUTHORIZED ACTIVITIES.—A State or locality that receives a grant under this section may use the grant funds as follows:

(1) IN GENERAL.—Subject to paragraph (2)—

(A) a State or locality may use grant funds to implement any recommendation adopted or modified by the Commission; and

(B) a State or locality that does not meet a certification requirement described in subsection (b)(3)(A) may use grant funds to meet that certification requirement not later than the first Federal election following the date on which the grant was awarded or the date that is 3 months after the date on which the grant was awarded, whichever is later.

(2) VOTING MECHANISM REQUIREMENTS.—Any voting mechanism purchased in whole or in part with a grant made under this section shall—

(A) have an error rate no higher than that prescribed by the voting systems standards issued or adopted by the Commission under section ____23(2);

(B) in the case of a voting mechanism that is not used for absentee or mail voting—

(i) permit each voter to verify the voter's vote before a ballot is cast;

(ii) be capable of notifying the voter, before the ballot is cast, if such voter votes for—

(I) more than 1 candidate (if voting for multiple candidates is not permitted) for an office; or

(II) fewer than the number of candidates for which votes may be cast for an office; and

(iii) provide such voter with the opportunity to modify the voter's ballot before it is cast; and

(C) have the audit capacity to produce a record for each ballot cast.

(3) COMPLIANCE WITH EXISTING LAW.—Each recipient of a grant under this section shall ensure that each activity funded (in whole or in part) with a grant awarded under this section is conducted in accordance with each law described in subsection (b)(3)(A)(i).

(e) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Commission shall pay to each State or locality having an application approved under subsection (c) the Federal share of the costs of the activities described in subsection (d).

(2) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs shall be a percentage determined by the Commission that does not exceed 75 percent.

(B) EXCEPTION.—The Commission may provide for a Federal share of greater than 75 percent of the costs for a State or locality if the Commission determines that such greater percentage is necessary due to the lack of resources of the State or locality.

(f) REPORTS.—

(1) STATES AND LOCALITIES.—

(A) IN GENERAL.—Not later than the date that is 6 months after the date on which a State or locality receives a grant under this section, such State or locality shall submit to the Commission a report describing each activity funded by the grant, including (if applicable) sufficient evidence that the State or locality has used or is using grant funds to meet the requirements of subsection (b)(3)(A).

(B) TRANSMITTAL.—Upon receipt of the report submitted under subparagraph (A), the Commission shall transmit such report to the Assistant Attorney General.

(2) COMMISSION.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date on which the first payment is made under subsection (e)(1), and annually thereafter, the Commission shall submit to Congress a report on the activities of the Commission and the Assistant Attorney General under this section.

(B) CONTENTS.—The report submitted under subparagraph (A) shall contain a description of the Federal Election Reform Grant Program established under subsection (a), a description and analysis of each grant awarded under this section, and such recommendations for legislative action as the Commission considers appropriate.

(g) AUDITS OF GRANT RECIPIENTS.—

(1) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this section shall keep such records as the Commission shall prescribe.

(2) AUDITS OF RECIPIENTS.—

(A) IN GENERAL.—The Commission—

(i) may audit any recipient of a grant under this section to ensure that funds awarded under the grant are expended in compliance with the provisions of this title; and

(ii) shall have access to any record of the recipient that the Commission determines may be related to such a grant for the purpose of conducting such an audit.

(B) OTHER AUDITS.—If the Assistant Attorney General has certified a State or locality as eligible to receive a grant under this section in order to meet a certification requirement described in subsection (b)(3)(A) (as permitted under subsection (d)(1)(B)) and such State or locality is a recipient of such a grant, the Assistant Attorney General, in consultation with the Commission shall, after receiving the report submitted under subsection (f)(1)(A)—

(i) audit such recipient to ensure that the recipient has achieved, or is achieving, compliance with the certification requirements described in subsection (b)(3)(A); and

(ii) shall have access to any record of the recipient that the Commission determines may be related to such a grant for the purpose of conducting such an audit.

(h) EFFECTIVE DATE.—The Commission shall establish the general policies and criteria for the approval of applications submitted under subsection (b)(1) in a manner that ensures that the Commission is able to approve applications not later than 30 days after the date on which the Commission adopts or modifies the recommendations under section 203(1).

**SEC. ___25. MEETINGS OF THE COMMISSION.**

The Commission shall meet at the call of any member of the Commission, but may not meet less often than monthly.

**SEC. ___26. POWERS OF THE COMMISSION.**

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings for the purpose of carrying out this title, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(2) OATHS AND AFFIRMATIONS.—The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) VOTING.—Each action of the Commission shall be approved by a majority vote of the members of the Commission. Each member of the Commission shall have 1 vote.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this title.

(f) WEBSITE.—The Commission shall establish a website to facilitate public comment and participation. The Commission shall make all information on its website available in print.

**SEC. ___27. COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—

(1) APPOINTMENT AND TERMINATION.—

(A) IN GENERAL.—The Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. ___28. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Commission such sums as may be necessary to carry out this title.

(b) FEDERAL ELECTION REFORM GRANTS.—For the purpose of awarding grants under section 204, there are authorized to be appropriated to the Commission—

(1) for each of fiscal years 2002 through 2006, $500,000,000; and

(2) for each subsequent fiscal year, such sums as may be necessary.

**SEC. ___29. OFFSET OF AUTHORIZED SPENDING.**

(a) IN GENERAL.—Budget authority provided as authorized by this title shall be offset by reductions in budget authority provided to existing programs.

(b) COMMITTEES ON APPROPRIATIONS.—The Committees on Appropriations of the House of Representatives and the Senate shall reduce budget authority as required by subsection (a) in any fiscal year that budget authority is provided as authorized by this title.

**Subtitle C—Election Administration Advisory Board**

**SEC. ___31. ESTABLISHMENT OF THE ELECTION ADMINISTRATION ADVISORY BOARD.**

There is established the Election Administration Advisory Board (in this title referred to as the ''Board'').

**SEC. ___32. MEMBERSHIP OF THE BOARD.**

(a) NUMBER AND APPOINTMENT.—The Board shall be composed of 24 members appointed by the Election Administration Commission established under section ___21 (in this title referred to as the ''Commission'') as follows:

(1) 12 members appointed by the chairperson of the Commission.

(2) 12 members appointed by the vice chairperson of the Commission.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) may—

(A) have experience administering State and local elections; and

(B) be members of nongovernmental organizations concerned with matters relating to Federal, State, or local elections.

(2) PROHIBITION.—A member of the Board appointed under paragraph (1) may not be a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), or hold a Federal office (as defined in such section) while serving as a member of the Board.

(3) FEDERAL OFFICERS AND EMPLOYEES.—No member of the Board may be an officer or employee of the Federal Government.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Board under subsection (a) shall be made not later than 90 days after the date on which all the members of the Commission have been appointed under section ___22.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a period of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Board shall not affect its powers, but shall be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy on the Board occurring prior to the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(3) EXPIRATION OF TERMS.—A member of the Board may serve on the Board after the expiration of the member's term until the successor of such member has taken office as a member of the Board.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a chairperson and vice chairperson from among its members to serve a term of 1 year.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

**SEC. ___33. DUTY OF THE BOARD.**

It shall be the duty of the Board to advise the Commission on matters relating to the administration of elections upon the request of the Commission.

**SEC. ___34. MEETINGS OF THE BOARD.**

(a) IN GENERAL.—The Board shall meet at the call of the chairperson.

(b) ANNUAL MEETING REQUIRED.—The Board shall meet not less often than annually.

(c) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

**SEC. ___35. VOTING.**

Each action of the Board shall be approved by a majority vote of the members of the Board. Each member of the Board shall have 1 vote.

**SEC. ___36. BOARD PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Board shall serve without compensation, notwithstanding section 1342 of title 31, United States Code.

(b) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

**SEC. ___37. TERMINATION OF THE BOARD.**

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

**SEC. ___38. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

**Subtitle D—Transition Provisions**

**Transfer to Election Administration Commission of Functions Under Certain Laws**

**SEC. ___41. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Administration Commission established under section ___21 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting ''and'' at the end;

(2) in paragraph (9), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

**SEC. ___42. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.**

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Administration Commission established under section ___21 all functions which the Presidential designee under title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) exercised before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff) is amended by striking subsection (a) and inserting the following:

''(a) PRESIDENTIAL DESIGNEE.—The Election Administration Commission shall have primary responsibility for Federal functions under this title as the Presidential designee.''.

**SEC. ___43. NATIONAL VOTER REGISTRATION ACT OF 1993.**

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Administration Commission established under section ___21 all functions which the Federal Election Commission exercised under the National Voter Registration Act of 1993 before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Federal Election Commission'' and inserting ''Election Administration Commission''.

**SEC. ___44. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.**

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission for appropriate allocation.

(b) PERSONNEL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission.

**SEC. ___45. EFFECTIVE DATE; TRANSITION.**

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Administration Commission under section ___23.

(b) TRANSITION.—With the consent of the entity involved, the Election Administration Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

**Coverage of Election Administration Commission Under Certain Laws and Programs**

**SEC. ___46. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.**

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ''or the Election Administration Commission'' after ''Commission''.

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ''or the Election Administration Commission'' after ''Commission''.

**SEC. ___47. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.**

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', the Election Administration Commission,'' after ''Federal Election Commission,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Administration Commission under section ___23.

**Subtitle E—Absent Uniformed Services Voters**

**SEC. ___51. MAXIMIZING ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS.**

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(1) in the matter preceding paragraph (1), by striking ''it is recommended that the States'' and inserting ''each State, in each election for Federal office, shall''; and

(2) by striking the heading and inserting the following:

**''SEC. 104. MAXIMIZING ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS.''.**

(b) CONFORMING AMENDMENTS.—

(1) Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)) is amended—

(A) in paragraph (2), by striking ''as recommended in'' and inserting ''as required by''; and

(B) in paragraph (4), by striking ''as recommended in'' and inserting ''as required by''.

(2) Section 104 of such Act (42 U.S.C. 1973ff–3) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(C) in paragraph (5) (as so redesignated), by striking ''the State or other place where the oath is administered'' and inserting ''a State''.

**Subtitle F—Miscellaneous**

**SEC. ___61. RELATIONSHIP TO OTHER LAWS.**

(a) IN GENERAL.—Any right or remedy established by this Act is in addition to each other right and remedy established by law.

(b) SPECIFIC LAWS.—Nothing in this Act may be construed to authorize or to require conduct prohibited under the following laws, or to supersede, to restrict, or to limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Rehabilitation Act of 1973 (42 U.S.C. 701 et seq.).

(4) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(5) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(c) EFFECT ON PRECLEARANCE REQUIREMENTS.—Any approval or certification by the Election Administration Commission or the Assistant Attorney General for Civil Rights of the application of a State or locality submitted under section ___24(b)(1) shall not affect any requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c).

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**SA 1829.** Mr. DODD 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:

In lieu of the matter proposed to be inserted, insert the following:

**TITLE ___—EQUAL PROTECTION OF VOTING RIGHTS**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Equal Protection of Voting Rights Act of 2001''.

**SEC. ___02. FINDINGS.**

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government ''of the people, by the people, and for the people'' where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

**Subtitle A—Commission on Voting Rights and Procedures**

**SEC. ___11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.**

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the ''Commission'').

**SEC. ___12. MEMBERSHIP OF THE COMMISSION.**

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

**SEC. ___13. DUTIES OF THE COMMISSION.**

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff–6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff–6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section ___31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) WEBSITE.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) CONTENT.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

**SEC. ___14. POWERS OF THE COMMISSION.**

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

**SEC. ___15. COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. ___16. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section ___13(c)(2).

**SEC. ___17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

**Subtitle B—Election Technology and Administration Improvement Grant Program**

**SEC. ___21. ESTABLISHMENT OF GRANT PROGRAM.**

(a) IN GENERAL.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section ___23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section ___22.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

**SEC. ___22. AUTHORIZED ACTIVITIES.**

(a) IN GENERAL.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as ''same-day'' voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section ___13(c)(2), to implement recommendations contained in such report under section ___13(c)(2)(B)(ii).

(b) REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section ___32(a), to implement the requirements under section ___31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section ___32(b), to implement the requirements under section ___31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section ___32(c), to implement the requirements under section ___31(c).

**SEC. ___23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.**

(a) GENERAL POLICIES.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities submitted under section ___24, including the requirements for State plans under paragraph (2).

(2) REQUIREMENTS OF STATE PLANS.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section ___31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section ____31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

**SEC. ____24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section ____22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section ____23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ____26(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) CONSISTENCY WITH STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPLICATION OF EFFORT.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ____26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

**SEC. ____25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section ____23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section ____24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section ____23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section ____24(b) in accordance with the general policies and criteria established under section ____23.

**SEC. ____26. FEDERAL MATCHING FUNDS.**

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section ____25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section ____22(b) insofar as a State or locality incurs expenses to meet the requirements of section ____31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

**SEC. ____27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.**

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

**SEC. ____28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.**

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

**SEC. ____29. DEFINITIONS OF STATE AND LOCALITY.**

In this subtitle:

(1) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term ''locality'' means a political subdivision of a State.

**SEC. ____30. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

**Subtitle C—Requirements for Election Technology and Administration**

**SEC. ___31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.**

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

**SEC. ___32. GUIDELINES AND TECHNICAL SPECIFICATIONS.**

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section ___31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section ___31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section ___31(c).

**SEC. ___33. REQUIRING STATES TO MEET REQUIREMENTS.**

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section ___31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section ___32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section ___22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section ___31(a).

**SEC. ___34. ENFORCEMENT BY ATTORNEY GENERAL.**

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

**Subtitle D—Uniformed Services Overseas Voting**

**SEC. ___41. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

**SEC. ___42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.**

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(2) by adding at the end the following new subsection (c):

''(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE VOTERS.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

''(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.''.

**SEC. ___43. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301

of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. ___44. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section ___42, is further amended by inserting after subsection (a) the following new subsection (b):

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **''FOR FEDERAL OFFICE''**.

**SEC. ___45. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section ___42(1), is further amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

**SEC. ___46. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section ___45, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter, if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

**SEC. ___47. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

**SEC. ___48. FEDERAL VOTING ASSISTANCE PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

**Subtitle E—Miscellaneous**

**SEC. ___51. RELATIONSHIP TO OTHER LAWS.**

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

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**SA 1830.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed 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:

In the matter proposed to be inserted, on page 2, between lines 18 and 19, insert the following:

(e) SENSE OF THE SENATE.—It is the sense of the Senate that all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live, should have an equal opportunity to east a vote and an equal opportunity to have that vote counted.

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**SA 1831.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

**TITLE ___—EQUAL PROTECTION OF VOTING RIGHTS**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Equal Protection of Voting Rights Act of 2001''.

**SEC. ___02. FINDINGS.**

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government ''of the people, by the people, and for the people'' where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

**Subtitle A—Commission on Voting Rights and Procedures**

**SEC. ___11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.**

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the ''Commission'').

**SEC. ___12. MEMBERSHIP OF THE COMMISSION.**

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

**SEC. ___13. DUTIES OF THE COMMISSION.**

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff–6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff–6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section ___31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) WEBSITE.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) CONTENT.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

**SEC. ___14. POWERS OF THE COMMISSION.**

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

**SEC. ___15. COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. ___16. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section ___13(c)(2).

**SEC. ___17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

**Subtitle B—Election Technology and Administration Improvement Grant Program**

**SEC. ___21. ESTABLISHMENT OF GRANT PROGRAM.**

(a) IN GENERAL.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section ___23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section ___22.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

**SEC. ___22. AUTHORIZED ACTIVITIES.**

(a) IN GENERAL.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as ''same-day'' voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section ___13(c)(2), to implement recommendations contained in such report under section ___13(c)(2)(B)(ii).

(b) REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section ___32(a), to implement the requirements under section ___31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section ___32(b), to implement the requirements under section ___31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section ___32(c), to implement the requirements under section ___31(c).

**SEC. ___23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.**

(a) GENERAL POLICIES.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities submitted under section ___24, including the requirements for State plans under paragraph (2).

(2) REQUIREMENTS OF STATE PLANS.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section ___31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

**SEC. ___24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section ___22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section ___23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ___26(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) CONSISTENCY WITH STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPLICATION OF EFFORT.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ___26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

**SEC. ___25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section ___23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section ___24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section ___23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section ___24(b) in accordance with the general policies and criteria established under section ___23.

**SEC. ___26. FEDERAL MATCHING FUNDS.**

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section ___25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section ___22(b) insofar as a State or locality incurs expenses to meet the requirements of section ___31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

**SEC. ___27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.**

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

**SEC. ___28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.**

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

**SEC. ___29. DEFINITIONS OF STATE AND LOCALITY.**

In this subtitle:

(1) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term ''locality'' means a political subdivision of a State.

**SEC. ___30. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

**Subtitle C—Requirements for Election Technology and Administration**

**SEC. ___31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.**

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the

voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

**SEC. ___32. GUIDELINES AND TECHNICAL SPECIFICATIONS.**

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section ___31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section ___31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section ___31(c).

**SEC. ___33. REQUIRING STATES TO MEET REQUIREMENTS.**

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section ___31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section ___32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section ___22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section ___31(a).

**SEC. ___34. ENFORCEMENT BY ATTORNEY GENERAL.**

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

**Subtitle D—Uniformed Services Overseas Voting**

**SEC. ___41. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

**SEC. ___42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.**

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(2) by adding at the end the following new subsection (c):

''(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE VOTERS.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

''(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.''.

**SEC. ___43. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. ___44. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section ___42, is further amended by inserting after subsection (a) the following new subsection (b):

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **''FOR FEDERAL OFFICE''**.

**SEC. ___45. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section ___42(1), is further amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

**SEC. ___46. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section ___45, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter, if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

**SEC. ___47. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

**SEC. ___48. FEDERAL VOTING ASSISTANCE PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

**Subtitle E—Miscellaneous**

**SEC. ___51. RELATIONSHIP TO OTHER LAWS.**

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

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**SA 1832.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD 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:

In the matter proposed to be inserted, on page 2, between lines 18 and 19, insert the following:

(c) SENSE OF THE SENATE.—It is the sense of the Senate that all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live, should have an equal opportunity to cast a vote and an equal opportunity to have that vote counted.

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**SA 1833.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD 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:

In lieu of the matter proposed to be inserted, insert the following:

**TITLE ___—EQUAL PROTECTION OF VOTING RIGHTS**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Equal Protection of Voting Rights Act of 2001''.

**SEC. ___02. FINDINGS.**

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government ''of the people, by the people, and for the people'' where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

**Subtitle A—Commission on Voting Rights and Procedures**

**SEC. ___11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.**

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the ''Commission'').

**SEC. ___12. MEMBERSHIP OF THE COMMISSION.**

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

**SEC. ___13. DUTIES OF THE COMMISSION.**

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff–6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff–6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section ___31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) WEBSITE.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) CONTENT.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

**SEC. ___14. POWERS OF THE COMMISSION.**

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the

order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

**SEC. ___15. COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. ___16. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section ___13(c)(2).

**SEC. ___17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

**Subtitle B—Election Technology and Administration Improvement Grant Program**

**SEC. ___21. ESTABLISHMENT OF GRANT PROGRAM.**

(a) IN GENERAL.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section ___23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section ___22.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

**SEC. ___22. AUTHORIZED ACTIVITIES.**

(a) IN GENERAL.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as ''same-day'' voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section ___13(c)(2), to implement recommendations contained in such report under section ___13(c)(2)(B)(ii).

(b) REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section ___32(a), to implement the requirements under section ___31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section ___32(b), to implement the requirements under section ___31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section ___32(c), to implement the requirements under section ___31(c).

**SEC. ___23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.**

(a) GENERAL POLICIES.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities submitted under section ___24, including the requirements for State plans under paragraph (2).

(2) REQUIREMENTS OF STATE PLANS.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section ___31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General

under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

**SEC. ___24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section ___22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section ___23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ___26(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) CONSISTENCY WITH STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPLICATION OF EFFORT.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ___26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

**SEC. ___25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section ___23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section ___24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section ___23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section ___24(b) in accordance with the general policies and criteria established under section ___23.

**SEC. ___26. FEDERAL MATCHING FUNDS.**

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section ___25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section ___22(b) insofar as a State or locality incurs expenses to meet the requirements of section ___31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

**SEC. ___27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.**

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

**SEC. ___28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.**

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

**SEC. ___29. DEFINITIONS OF STATE AND LOCALITY.**

In this subtitle:

(1) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term ''locality'' means a political subdivision of a State.

**SEC. ___30. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

**Subtitle C—Requirements for Election Technology and Administration**

**SEC. ___31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.**

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes

may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

**SEC. ___32. GUIDELINES AND TECHNICAL SPECIFICATIONS.**

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section ___31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section ___31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section ___31(c).

**SEC. ___33. REQUIRING STATES TO MEET REQUIREMENTS.**

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section ___31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section ___32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section ___22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section ___31(a).

**SEC. ___34. ENFORCEMENT BY ATTORNEY GENERAL.**

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

**Subtitle D—Uniformed Services Overseas Voting**

**SEC. ___41. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

**SEC. ___42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.**

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(2) by adding at the end the following new subsection (c):

''(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE VOTERS.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

''(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.''.

**SEC. ___43. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. ___44. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section ___42, is further amended by inserting after subsection (a) the following new subsection (b):

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

**SEC. ___45. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section ___42(1), is further amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

**SEC. ___46. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.**

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section ___45, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter, if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

**SEC. ___47. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

**SEC. ___48. FEDERAL VOTING ASSISTANCE PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

**Subtitle E—Miscellaneous**

**SEC. ___51. RELATIONSHIP TO OTHER LAWS.**

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

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**SA 1834.** Mr. LEVIN (for Mr. THOMAS (for himself and Mr. GRAMM)) 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 the material beginning with page 264, line 21 and ending with page 266, line 6.

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**SA 1835.** Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the 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).

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**SA 1836.** Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. HOLLINGS, Ms. LANDRIEU, and Mr. BIDEN) 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 C of title XXXI, add the following:

**SEC. 3135. UNITED STATES PARTICIPATION IN UNITED STATES AND RUSSIA PLUTONIUM DISPOSITION PROGRAMS.**

(a) LIMITATION ON MODIFICATION OF UNITED STATES PARTICIPATION IN PROGRAMS.—No modification may be made in United States participation in the current United States and Russia plutonium disposition programs until the date on which the Secretary of Energy notifies the congressional defense committees of the modification.

(b) PLUTONIUM DISPOSITION PROGRAMS.—For purposes of this section, the current United States and Russia plutonium disposition programs are the following:

(1) The United States Plutonium Disposition Program identified in the January 1997 Record of Decision setting forth the intention of the Department of Energy to pursue a hybrid plutonium disposition strategy that includes irradiation of mixed oxide fuel (MOX) and immobilization, and the January 2000 Record of Decision of the Surplus Plutonium Disposition Final Environmental Impact Statement identifying the Savannah River Site, South Carolina, for plutonium disposition activities.

(2) The United States-Russian Agreement on the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, signed in September 2000 by the Government of the United States and the Government of Russia.

(c) SCOPE OF MODIFICATIONS.—Any modification of United States participation in a current United States or Russia plutonium disposition program shall provide for the disposition of not less than 34 tons of Russian weapons-grade plutonium on a schedule which completes disposition of such plutonium not later than 2026, the date envisioned in the Agreement referred to in subsection (b)(2).

(d) ELEMENTS OF NOTIFICATION OF MODIFICATION.—In notifying the congressional defense committees of any proposed modification to United States participation in a current United States or Russia plutonium disposition program under subsection (a), the Secretary shall provide the committees with—

(1) an assessment of any impact of such modification on other elements of the environmental management strategy of the Department of Energy for the closure or cleanup of current and former sites in the United States nuclear weapons complex;

(2) a specification of the costs of such modification, including any costs to be incurred in long-term storage of weapons-grade plutonium or for research and development for proposed alternative disposition strategies; and

(3) a description of the extent of interaction in development of such modification with, and concurrence in such modification from—

(A) States directly impacted by the plutonium disposition program;

(B) nations participating in current programs, or proposing to participate in future programs, for the disposition of Russian weapons-grade plutonium, including the willingness of such nations to offset the costs specified under paragraph (2); and

(C) the Russian Federation.

(e) ANNUAL REPORT ON FUNDING FOR FISSILE MATERIALS DISPOSITION ACTIVITIES.—The Secretary of Energy shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth the extent to which amounts requested for the Department for such fiscal year for fissile material disposition activities will enable the

Department to meet commitments for such activities in such fiscal year.

(f) LIMITATION ON ALTERNATIVE USE OF CERTAIN FUNDS FOR DISPOSITION OF PLUTONIUM.—The amount made available by chapter 2 of title I of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–560) for expenditures in the Russian Federation to implement a United States/Russian accord for disposition of excess weapons plutonium shall be available only for that purpose until the Secretary of Energy submits a notification of a modification to the congressional defense committees under subsection (a).

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**SA 1837.** Mr. DOMENICI (for himself and 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 title X, add the following:

**SEC. 1066. CRITICAL INFRASTRUCTURES PROTECTION.**

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

(1) The Information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the nation.

(b) POLICY OF UNITED STATES.—It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, essential human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

(c) SUPPORT OF CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BY NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—(1) The National Infrastructure Simulation and Analysis Center (NISAC) shall provide support for the activities of the President's Critical Infrastructure Protection and Continuity Board under Executive Order ____.

(2) The support provided for the Board under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to members of the Board, and other policymakers, on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to members of the Board and other policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

(3) Modeling, simulation, and analysis provided under this subsection to the Board shall be provided, in particular, to the Infrastructure Interdependencies committee of the Board under section 9(c)(8) of the Executive Order referred to in paragraph (1).

(d) ACTIVITIES OF PRESIDENT'S CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BOARD.—The Board shall provide to the Center appropriate information on the critical infrastructure requirements of each Federal agency for purposes of facilitating the provision of support by the Center for the Board under subsection (c).

(e) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term ''critical infrastructure'' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on national security, national economic security, national public health or safety, or any combination of those matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized for the Department of Defense for fiscal year 2002, $20,000,000 for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under subsection (c) in that fiscal year.

(2) The amount available under paragraph (1) for the National Infrastructure Simulation and Analysis Center is in addition to any other amounts made available by this Act for the National Infrastructure Simulation and Analysis Center.

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**SA 1838.** Mr. DOMENICI 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 317, after line 23, add the following:

**SEC. 908. EVALUATION OF STRUCTURE AND LOCATION OF ARMY ENVIRONMENTAL POLICY INSTITUTE.**

(a) EVALUATION REQUIRED.—The Secretary of the Army, acting through the Assistant Secretary of the Army for Installations and Environment, shall carry out a thorough evaluation of the current structure and location of the Army Environmental Policy Institute for purposes of determining whether the structure and location of the Institute provide for the most efficient and effective fulfillment of the charter of the Institute.

(b) MATTERS TO BE EVALUATED.—In carrying out the evaluation, the Secretary shall evaluate—

(1) the performance of the Army Environmental Policy Institute in light of its charter;

(2) the current structure and location of the Institute in light of its charter; and

(3) various alternative structures (including funding mechanisms) and locations for the Institute as a means of enhancing the efficient and effective operation of Institute.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the evaluation carried out under this section. The report shall include the results of the evaluation and such recommendations as the Secretary considers appropriate.

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**SA 1839.** Mr. DOMENICI 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 B of title VII, add the following:

**SEC. 718. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.**

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''who is on active duty'' and inserting ''described in paragraph (2)''; and

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

''(2) Members of the uniformed services referred to in paragraph (1) are as follows:

''(A) A member of a uniformed service on active duty.

''(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

''(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

''(ii) the request for orders has been approved;

''(iii) the orders are to be issued but have not been issued; and

''(iv) does not have health care insurance and is not covered by any other health benefits plan.''.

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**SA 1840.** Mr. DOMENICI 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 B of title II, add the following:

**SEC. 215. ADDITIONAL FUNDING FOR UPGRADES TO THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY.**

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Theater Aerospace Command and Control Simulation Facility (TACCSF) (PE207605F) is hereby increased by $7,250,000.

(2) The amount available under paragraph (1) for the Theater Aerospace Command and Control Simulation Facility is in addition to any other amounts available under this Act for the Theater Aerospace Command and Control Simulation Facility.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for Joint Expeditionary Force (PE207028) is hereby decreased by $7,250,000.

**SA 1841.** Mr. DOMENICI 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 B of title II, add the following:

**SEC. 215. ADDITIONAL FUNDING FOR ADVANCED TACTICAL LASER.**

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy for the Advanced Tactical Laser (ATL) (PE603851D8Z) is hereby increased by $35,000,000.

(2) The amount available under paragraph (1) for the Advanced Tactical Laser is in addition to any other amounts available under this Act for the Advanced Tactical Laser.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $35,000,000, with the amount of the decrease to be allocated as follows:

(1) $20,000,000 shall be allocated to amounts available for Deployable Joint Command and Control (PE603237N).

(2) $15,000,000 shall be allocated to amounts available for Shipboard System Component Development (PE603513N).

**SA 1842.** Mr. DOMENICI 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 B of title II, add the following:

**SEC. 215. ADDITIONAL FUNDING FOR ADVANCED RELAY MIRROR SYSTEM DEMONSTRATION.**

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Advanced Relay Mirror System (ARMS) demonstration (PE603605F) is hereby increased by $9,200,000.

(2) The amount available under paragraph (1) for the Advanced Relay Mirror System demonstration is in addition to any other amounts available under this Act for the Advanced Relay Mirror System demonstration.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for MILSATCOM (PE603430F) is hereby decreased by $9,200,000.

## NOTICE OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on S. 1480, a bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; and other proposals related to energy infrastructure security.

The hearing will take place on October 9 at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements should address them to the Committee on Energy and Natural Resources, Attn. Jonathan Black, United States Senate, Washington, D.C. 20510.

For further information, please call Patty Beneke at 202/224–5451 or Deborah Estes at 202/224–5360.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 2, 2001, to conduct an oversight hearing on the ''Trade Promotion Coordinating Committee, TPCC.''

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 2, at 10 a.m. to conduct a hearing. The committee will receive testimony on the status of proposals for the transportation of natural gas from Alaska to markets in the lower 48 States and on legislation that may be required to expedite the construction of a pipeline from Alaska.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Nomination of Eugene Scalia, to be Solicitor for the Department of Labor during the session of the Senate on Tuesday, October 2, 2001. At 10:30 a.m.

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

### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 2, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on the interaction of old-growth forest protection initiatives and national forest policy.

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

### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet on October 2, 2001, at 10 a.m. on surface transportation security.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Finance Committee be discharged from further consideration of the nomination of Thomas B. Wells to be a judge of the United States Tax Court; that the HELP Committee be discharged from further consideration of the nomination of Leslie Lenkowsky to be chief executive officer for the Corporation for National Service; that the Senate proceed to their immediate consideration; that the nominations be considered en bloc and confirmed; that the motions to reconsider be laid on the table, any statements be printed at the appropriate place in the RECORD, the President be immediately notified, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

### THE JUDICIARY

Thomas B. Wells, of Maryland, to be a Judge of the United States Tax Court for a

term expiring fifteen years after he takes office.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Leslie Lenkowsky, of Indiana, to be Chief Executive Officer of the Corporation for National and Community Service.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDERS FOR WEDNESDAY, OCTOBER 3, 2001

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 3; further, on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 51, the Vietnam Trade Act.

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

## PROGRAM

Mr. REID. Therefore, Mr. President, the Senate will convene on Wednesday at 10 a.m. and resume consideration of the Vietnam Trade Act. We hope to complete action on the Vietnam Trade Act early tomorrow morning, or certainly before noon, and begin consideration of the Foreign Operations Appropriations Act.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:26 p.m., adjourned until Wednesday, October 3, 2001, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 2, 2001:

DEPARTMENT OF ENERGY

MICHAEL SMITH, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE ROBERT WAYNE GEE.

DEPARTMENT OF STATE

LYONS BROWN, JR., OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

CAMERON R. HUME, OF NEW YORK, 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 SOUTH AFRICA.

ERIC M. JAVITS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES CURIE, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE NELBA R. CHAVEZ, RESIGNED.

DEPARTMENT OF JUSTICE

DAVID E. O'MEILIA, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE STEPHEN CHARLES LEWIS, RESIGNED.

DAVID R. DUGAS, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE LEZIN JOSEPH HYMEL, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

*To be lieutenant general*

MAJ. GEN. DANIEL JAMES III, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

GREGORY A. ANTOINE, 0000 MC

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

RICHARD A. GUERRA, 0000
JEFF B. JORDEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MARTIN B. HARRISON, 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate October 2, 2001:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LESLIE LENKOWSKY, OF INDIANA, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

THE JUDICIARY

THOMAS B. WELLS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT.

# EXTENSIONS OF REMARKS

## PAYING TRIBUTE TO SARA DARNELL

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Sara Darnell on earning the prestigious Fulbright Award, which will allow her to teach and study in the United Kingdom during the upcoming academic year.

Established by Congress in 1946, the Fulbright Award program is the oldest U.S. Government sponsored academic exchange program. Recipients of Fulbright Awards are selected on the basis of academic and professional achievement as well as leadership potential in one's respective field. In receiving this award, Ms. Darnell was one of only 200 teachers out of 750 applicants to earn the Fulbright Award.

Therefore Mr. Speaker, I ask that my colleagues join me in thanking Sara Darnell for her continued devotion to excellence in education and congratulate her for receiving the Fulbright Award.

## PROCLAMATION FOR ROBERT GREGORY EISNER

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young men, Robert Eisner. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on Friday, October 12.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Eisner, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Robert and his family.

## TRIBUTE TO WALESKA MARTINEZ

### HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. MILLER of Florida. Mr. Speaker, I ask that my following statement be entered into the RECORD. It is with great sadness that I inform my colleagues of the loss of a committed public servant, Waleska Martinez. Waleska was a passenger on the United Airlines Flight 93 that was hijacked on September 11, 2001, and crashed outside Pittsburgh, PA.

Waleska Martinez's career with the Census Bureau spanned 13 years during which she worked with strong commitments to excellence and innovation on all major Regional Office automation operations in support of the Current Survey programs, the Decennial Census, and Census Tests.

She began her career in 1988 as a clerk in the New York Regional Census Center. Within a matter of months she was promoted to an Assistant Manager for Administration position and then to an Administrative Specialist position. During the 1990 Census, Ms. Martinez provided exemplary payroll/personnel support and other administrative support and guidance to all areas of the Regional Census Center and the District Offices. In addition, she developed specialized automation reports and spreadsheets that provided managers with valuable, easy-to-use information on the status of critical administrative activities.

In 1991, upon the successful completion of her 1990 Census Administrative Specialist duties and responsibilities, Ms. Martinez was transferred to the New York Regional Office as a Special Survey Technician. On the basis of her considerable academic and technical background and experience in the areas of computer science and management information systems, Ms. Martinez was called upon to serve as the Regional Office Computer Specialist in early 1993. During the following years of major expansion in Regional Office automation and the introduction of Computer-Assisted Personal Interviewing for the major Current Survey programs, Ms. Martinez kept the New York Regional Office in the forefront of automation support, training, and performance.

In 1998, Ms. Martinez was selected to serve as the Census 2000 Automation Supervisor for the New York Region and was given full technical, operational and managerial responsibility for the entire range of automation hardware, software, and support including a complex telecommunications network for the Regional Census Center and the 39 Census 2000 Local Census Offices.

During her career with the Census Bureau, Ms. Martinez was the frequent recipient of performance awards and special act awards in recognition of her outstanding technical and managerial skills and innovative contributions in all areas of automation. She received the Bronze Medal Award, the highest honorary award granted by the Census Bureau in 1998.

## THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CROWLEY. Mr. Speaker, October 1, 2001, marks the 41st anniversary of the Independence of Republic of Cyprus. It was on this date in 1960 that Cyprus became an independent republic after decades of British colonial rule. Cyprus and the United States have much in common. Both countries achieved their independence from Britain, and commemorate the anniversary of that independence as their national holiday. Moreover, both the United States and Cyprus maintain close relations with Britain today.

Cyprus and the United States also share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under law. This year, the people of Cyprus and the Cypriot-American community mark Cyprus Independence Day with a heavy heart, as the shock and grief over the September 11 terrorist attacks continues to be felt. The leaders and the people of Cyprus have expressed strong condemnation for the terrorists and those who support them, while voicing their solidarity with the American people. The Cyprus government has pledged to cooperate with the U.S. Government and all the other governments engaged in the battle against terrorism. Messages from Cypriot officials and religious leaders, including Cyprus President Glafcos Clerides, the Ministry of Foreign Affairs of Cyprus, the Ambassador of Cyprus to the United States Erato Kozakou Marcoullis, and the Primate of the Cyprus Church, Archbishop Chrysostomos, expressed shock and horror at these devastating attacks and a commitment of support and friendship in a time of need.

Within hours of the terrorist attacks, Cyprus President Glafcos Clerides—who was on his way to New York at the time for meetings at the U.N.—strongly denounced the terrorist attacks. In a message to President Bush the day after the attacks, the Cyprus President strongly condemned, ''in the most unequivocal manner, these cowardly, horrific acts against the American people and extend to the families of the victims my heartfelt condolences on behalf of the government and the people of Cyprus.'' In its September 12 statement, the Ministry of Foreign Affairs of Cyprus noted that, ''The terrorist attacks were attacks not

against the United States and its people but against the international legal order, democracy, freedom and the most fundamental of all human rights, that of the right to life. Yesterday, terrorists attacked humanity and human dignity.'' The statement continued, ''Yesterday's events underline that the members of the international community, both individually and collectively, must redouble their efforts in a more systematic and coordinated manner to fight terrorism and its sponsorship.''

The Cyprus Government, adopting a decision by the European Union, declared September 14 a Day of Mourning for the victims. Flags were flown at half-mast, while high-ranking officials and ordinary people signed a book of condolences at the U.S. Embassy in the capital of Nicosia. Many Cypriots laid flowers at the Embassy.

Overseas Cypriots have also denounced the terrorist attacks against the US, describing them as ''barbaric acts against humanity.'' The International Coordinating Committee Justice for Cyprus (PSEKA), the World Federation of Overseas Cypriots (POMAK) and all their member organizations worldwide, said they were devastated by the terrorist attacks against thousands of people in the U.S. and that ''these barbaric acts against humanity prove nothing but the apathy and sickness of those committing them. Our prayers are for the families and with those missing and unaccounted for, and we praise those individuals who have given themselves selflessly, helping to the best of their abilities.''

Sadly, at least one American of Cypriot descent was killed in the attacks. Michael Tarrou, 38, an air steward, and his fianceé Amy King, were aboard United Airlines flight 175, which crashed into one of the World Trade Center towers. United States Ambassador to Cyprus Donald Bandler expressed gratitude for the sympathy and support received from the Cyprus government and people and expressed his condolences ''to Cypriots who have lost members of their family and friends in this tragic and senseless attack.''

Unfortunately, the commemoration of Cyprus's Independence Day is also clouded by the fact that 37 percent of the Mediterranean island nation's territory continues to be occupied by a hostile foreign power, as it has been for more than a quarter of a century. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country. 1,493 Greek Cypriots, including four Americans of Cypriot descent, have been missing since 1974; the remains of another Cypriot American were found and identified in 1997, following an investigation mandated by the United States Congress.

In 1983, in flagrant violation of international law and the treaties establishing the Republic of Cyprus and guaranteeing its independence and territorial integrity, Ankara promoted a ''unilateral declaration of independence'' in the area under its military occupation. The U.S. Government and the U.N. Security Council condemned the declaration and attempted secession. To date, no other country in the world except Turkey recognized the so-called ''Turkish Republic of Northern Cyprus.''

In a landmark May 10, 2001 decision, the European Court of Human Rights found Turkey responsible for continuing violations of human rights, emphasizing that the Republic of Cyprus is the sole legitimate Government of Cyprus and pointing out that Turkey is engaged in the policies and actions of the illegal occupation regime.

Since 1974, the U.N. has adopted numerous resolutions on Cyprus that call for the withdrawal of all foreign forces from the island, the return of the refugees to their homes in safety and respect for the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus. The Security Council stated in 1999 that, ''a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded and comprising two political equal communities as described in the relevant Security Council resolutions, in a bicommunal and bi-zonal federation and that such a settlement must exclude union in whole or in part with any other country or any form of partition of secession.'' These parameters were reiterated by the Security Council on June 11, 2001.

The Government of the Republic of Cyprus accepts these parameters as the basis for negotiations leading to the reunification of the island. However, Rauf Denktash, the leader of the Turkish-Cypriot side, backed by Ankara, withdrew from the peace talks last November and earlier this month rejected U.N. Secretary General Kofi Annan's invitation to resume the talks on September 12, claiming the ground had not been prepared for talks and insisting on his demand for recognition of his self-styled regime in Turkish occupied Cyprus.

On September 26, 2001, the U.N. Security Council expressed disappointment over the ''unjustified decision'' of the Turkish side to decline an invitation by the U.N. Secretary General to resume the search for a comprehensive settlement in Cyprus in New York in September. The Council stressed that ''progress can only be made at the negotiating table'' and urged all those concerned to cooperate with Kofi Annan and his Special Adviser Alvaro de Soto to help move the peace process forward. Council members encouraged the Secretary General and his Special Adviser to ''continue their efforts using the guidelines in Security Council resolutions 1250, namely that there should be no preconditions, that all issues are on the table, that both sides should make a commitment in good faith to negotiate until a settlement is reached and that there should be a full consideration of relevant U.N. resolutions and treaties.'' They also gave their ''full support to the Secretary General's efforts to achieve a comprehensive settlement to the Cyprus problem.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty. Today, Cyprus is one of the leading candidate nations to join the European Union in the next round of expansion, in 3 to 4 years. On June 19, 2001, a concurrent resolution (H. Con. Res. 164) was introduced, ''expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union that will provide significant rights and obligations for all Cypriots.'' The measure has 60 co-sponsors.

On September 15, 2001, U.S. State Department Special Coordinator for Cyprus Thomas Weston reiterated Washington's ''unwavering support'' for U.N. efforts to find a negotiated settlement in Cyprus and said that the Republic's European Union accession process offers ''an incentive'' towards achieving this objective. He also said that Turkey, through its engagement with the EU for membership, can and should contribute towards a Cyprus solution. ''U.S. policy is very clear on Cyprus'' EU accession: we support Cyprus' accession and we believe the accession process offers an incentive and it is helpful to achieve a settlement in Cyprus,'' Mr. Weston said, noting that Washington continues to back the EU Helsinki conclusions which say a political settlement in Cyprus would facilitate accession but it is not a precondition for EU membership. He added, ''we believe that Turkey, through its political dialogue with the EU and the national program it has put forward, can and should contribute towards a comprehensive settlement of the Cyprus question.''

The relationship between Cyprus and the United States is strong and enduring. The people of Cyprus stand with the American people at this time of tragedy in the United States, and share in the firm resolve to uphold the ideals of freedom, justice and democracy threatened by the evil hand of terrorism. For our part, on this important day, we continue to stand with the people of Cyprus in the continuing wish for a bizonal, bicommunal and federal Cyprus, created on the basis of the United Nations Security Council resolutions.

## TRIBUTE TO MRS. ANNA VAYDA

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. LANGEVIN. Mr. Speaker, I rise today to pay my respects to a great woman who passed away last month. Mrs. Anna Vayda was 91 years old and a vibrant woman all her life. She was instrumental in the chartering of the American Veterans and American Veterans Auxiliary. In 1946, she came to Washington, D.C. to lobby Congress on providing a national charter for the organization. Through her many trips and tireless efforts, she met the likes of former Speakers John McCormac, Frances Roberts and Tip O'Neill. In addition to lobbying for the national charter, she played a central role in gaining women veterans full membership in the American Veterans and not just the Auxiliary.

Mrs. Vayda is survived by a son, Joseph Vayda; her brother, Walter Zupkofska; nine grandchildren, including my good friend Eva Geoppo; twenty great-grandchildren; and five great-great-grandchildren. They are a testament to Mrs. Vayda's long and successful life. She will be greatly missed and our thoughts and prayers go out to all those who mourn her loss.

## VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING, SEPTEMBER 11, 2001

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 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.

ON BEHALF OF ETHAN CASAVANT AND JAIME SANTERRE—REGARDING EDUCATION IN VERMONT PRISONS, MAY 7, 2001

Jamie Santerre. Ethan and I visited the Chittenden Regional Correctional facility.

Ethan Casavant. We spoke with Mary Tripp, a teacher at the facility, one of three. There is her and John Long, who are both full-time teachers, and there is one who is based on independent study and special ed. I don't remember her name, though.

Jamie Santerre. The facility was built in the late 1970s. In the 1980s, the facility had an open library, where people who went there could only, get their GEDS. And the classes that they have now, which are like math, social studies, art, English and science, they started in 1998, where anyone under 22 without a high school diploma had to attend in an attempt to get their high school diploma.

Ethan Casavant. Just to touch up on that a little bit,, even if, say, you are 16 years old and you drop out of high school and end up going to the prison system, you have to go back to the schools to graduate or get your diploma. They won't let you just get off of it or get out of it. But, anyway, the classes are Monday through Friday, like any other school. There is independent study and regular class, like three, four people to a class. There is three classrooms, an art room, and one with science and social studies, that you can't do labs or like chemistry or physics or anything like that, because they can't trust the inmates with any of those materials. The materials are also supplied to them for free so that they can, you know, use them all and learn just like anybody else. They have a library that they can use. For resources, they have some computers, but they don't have Internet access for safety reasons, or any of that. Anything they need to download off the Net, the teachers do before the classes and go over it. The Vermont Correctional Facilities school system are the only schools in the state that require literacy competency before you graduate. Any other high school, you don't have to be fully literate to graduate. And Mary Trip, the teacher we talked to, said that about 20 percent of the population of the inmates attend class regularly. And if you get the diploma from their high school, you have just as good a chance of getting a job as you would from graduating from any other school. You know, you might just not like it for personal satisfaction.

ON BEHALF OF DEREK WONG, DREW ARNOLD, TERICIA SAVAGLIO, AND ALEX WHITTELSEUI REGARDING BROADCASTING EXECUTIONS TO THE PUBLIC, MAY 7, 2001

Alex Whittelseui. We are from Rice High School, obviously, and our topic was the issue of the morality and ethical viewpoint of broadcasting executions to the public, because we felt it was important, because the upcoming execution of Timothy McVeigh is actually going to be televised and shown on a closed-circuit in the Oklahoma City area. And we feel that that is not going to make justice, it is more going to just make—how do I say this?—just make it worse, because of the fact that it's going to almost glorify what Timothy McVeigh did, and how he is going to die a martyr. And we just feel it shouldn't be shown on TV, and that it is just wrong to do that.

Theresa Savaglio. To begin with, a little bit of background on the execution. He is dying by lethal injection, which is a series of three shots. First he is given a sedative. They are using sodium pentetate. And then they are going to inject pancurium bromide to stop his respiration, and then finally potassium chloride to stop the beating of his heart. That is actually one of the most common forms of capital punishment, because it is the least painful. According to Amnesty International, they believe that any form of execution violates basic human rights, which are stated in the Universal Declaration of Human Rights, and which the United Nations adopted this declaration in 1948. And so they believe that, since we are a member of the United Nations, we should also use this and ban executions. They think that any person sent to death should be able to appeal to a higher court, which we do allow. And Timothy McVeigh's execution is going to be the first capital punishment case for the federal government in, I believe, maybe 38 years. So it is a pretty big issue. Amnesty also believes that, no matter what reason the government uses to execute their prisoners in its custody, and no matter the form of execution, the death penalty can't be separated from human rights, because you are taking this person's life from them. And another interesting aspect of this is that the cost of executing a person and the process to lead up to that is more expensive than life imprisonment, because of all the appeals and court costs.

Congressman Sanders. Okay.

Alex Whittelseui. From a pool of randomly picked 2,621, 1,494 people said that they would not view the execution—which is 57 percent—and 1,127 said they would. And that is just kind of to throw out the fact that most Americans would not want to watch this execution.

Derrick Wong. Those who said they would not watch the execution said that they could not draw anything from seeing a death on television. And they said that an execution on TV would only act as entertainment for our society, which then becomes a pity. People against televised executions are concerned for the condemned's feelings, and of his or her family's feelings as well. They say that it is bad enough that a person has to die for their actions, and that televising it would not have a positive effect. Some say that Phil Donahue wants the execution to be televised because it is his sad attempt to be on primetime television, and those opposed are concerned with the issue of ethics and the morals. There is a huge controversial issue of whether the televised execution of Timothy McVeigh, which is coming up on May 16th, and there is a lot of arguments that his execution should be televised, even among those who oppose capital punishment. Even Timothy McVeigh wants his execution to be televised, because he hopes that he will become a martyr for the people with the same intentions as him, getting revenge against the government. Ashcroft approved a closed-circuit televising of the execution for the 250 to 300 survivors and families of the deceased, but there be no public viewing to the general population. Anti-death penalty activist, Sister Helen Prejean, said that the execution could happen, but she is against it. However, she does not feel it should be televised, and she is the author of Dead Man Walking, and believes that criminals being put to death would just grow if you have it televised. She is aware of assertions that the executions are good for the families of the killer's victims, but says that she does not believe that, and that she has watched the victim's families going through this, watching the person die, waiting for them to die, and being promised it was going to give them closure, and coming out with an empty chair at their dining table, but it hasn't done anything to bring back the life of their loved ones. Execution have been behind closed doors since the 1930s, and in a quote by Richard Tietzer, he supports televising executions because it used to be very public and not done behind prison walls, meaning the more people that know about the death penalty, the better they are going to be able to judge it, and the whole process is carried out in the people's name and they should know if those acting in their name are doing so carefully and humanely. Some view the media as vultures descending on the execution in Oklahoma City to feed on McVeigh's infamy. 1,400 journalists have registered for credentials with the Bureau of Prisons to cover the May 16 execution, at Terre Haute, Indiana, with more reporters in Oklahoma City. The media wants to feed off the fact that there hasn't been a federal execution since 1963. Walter Genic, a journalist professor from southern Illinois, at the University of Carbondale, said that McVeigh's execution is going to be another media orgasm. It is sensationalist lust. And the general feeling from a mother of a daughter who was murdered said that she doesn't feel that it is appropriate to execute someone, especially being televised, because it doesn't do anything except show that this person is dying, and you know that they're dying from witnesses there.

Drew Arnold. There were 23 electrocution executions recorded between 1983 and 1999 in Jackson, Georgia. They were aired on a New York radio program on WNYC, and they said that it was their journalistic responsibility to air the executions. VPR decided not to air them, because, just because it exists doesn't mean it has to be made public. And people don't need to see their taxes at work killing prisoners.

## PAYING TRIBUTE TO JILL SOLOMON

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Jill Solomon on earning the prestigious Fulbright Award, which will allow her to teach and study in the United Kingdom during the upcoming academic year.

Established by Congress in 1946, the Fulbright Award program is the oldest U.S. Government sponsored academic exchange program. Recipients of Fulbright Awards are selected on the basis of academic and professional achievement as well as leadership potential in one's respective field. In receiving

this award, Ms. Solomon was one of only 200 teachers out of seven hundred and fifty applicants to earn the Fulbright Award.

Therefore Mr. Speaker, I ask that my colleagues join me in thanking Jill Solomon for her continued devotion to excellence in education and congratulate her for receiving the Fulbright Award.

## PROCLAMATION FOR EVAN CHRISTIAN BROWNELL

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young men, Evan Brownell. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on Sunday, October 7th.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Brownell, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Evan and his family.

## TRIBUTE TO MARION BRITTON

### HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness that I inform my colleagues of the loss of a committed public servant Marion Britton. Marion was a passenger on the United Airlines Flight 93 that was highjacked on September 11, 2001, and crashed outside Pittsburgh, Pennsylvania.

Marion Britton's career with the Census Bureau spanned 21 years during which she worked with dedication and distinction on all major Regional Office field data collection operations including the Current Survey programs, the Decennial Census, and Census Tests.

She began her career in 1980 in New York City as a Field Operations Assistant during the 1980 Census. In 1981, Ms. Britton accepted a position as a Survey Clerk in the New York Regional Office. Desiring a supervisory position, she applied for and was selected in 1983 to participate in the Census Bureau sponsored Upward Mobility Program. In 1989, upon her successful completion of this program, she advanced to a Supervisory Survey Statistician position in the New York Regional Office. In recognition of her considerable abilities to manage technically and operationally complex field data collection operations, Ms. Britton was selected to work on the 1995 Census Test in Paterson, New Jersey, managing the critical coverage measurement operations. The 1995 Census Test was an essential part of the development of the overall design of Census 2000. Ms. Britton had also participated in the initial test of the Computer-Assisted Personal Interviewing coverage measurement instrument and training and contributed input that proved beneficial on a nationwide basis.

After her considerable contributions to the successful completion of the 1995 Census Test, she was promoted in rapid succession to the position of Coordinator in the New York Regional Office in 1996, where she managed and directed several Supervisory Survey Statisticians assigned to Current Survey programs and then to Assistant Regional Census Manager, in 1997. In this position, she was instrumental in leading the crucial preparations and early operations for Census 2000. In 1998, Ms. Britton was called upon to serve as the Assistant Regional Director and given full operational and managerial responsibility for the New York Regional Office during the period of time while Census 2000 was being conducted. This was also a period of major expansion of the Current Survey programs. Shortly after this, she was selected to serve in an expanded managerial role as the Deputy Regional Director which included providing direct guidance and leadership for the Census 2000 Accuracy and Coverage Evaluation. After the completion of Census 2000, Ms. Britton returned to her position as the Assistant Regional Director for the New York Regional Office.

During her career with the Census Bureau, Ms. Britton earned several major honors and awards for her outstanding managerial and technical skills and innovative contributions. She received the Census Award of Excellence in 1988, the Bronze Medal Award, the highest honorary award granted by the Census Bureau, in 1993, and the National Partnership for Reinventing Government's ''Hammer Award'' in 1999 for her work on the American Community Survey.

## DR. EDWARD AYENSU ON THE BENEFITS OF MASS HIV/AIDS TESTING AND COUNSELING FOR VULNERABLE POPULATIONS

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McDERMOTT. Mr. Speaker, I would like to include the following statement in the official RECORD. I have the highest regard for Dr. Ayensu, and would like to commend this body's attention to his work. As Dr. Ayensu has rightly stated, the lack of surveillance is a significant problem in the struggle against HIV/AIDS in Africa. If we are to truly overcome this disease, we must heed people like Dr. Ayensu. I hope that my colleagues find his work as beneficial as I have.

THE BENEFITS OF MASS HIV/AIDS TESTING AND COUNSELING FOR VULNERABLE POPULATIONS

My name is Edward S. Ayensu. I am President of the Pan African Union for Science and Technology, Chairman of the Council for Scientific and Industrial Research of Ghana, Member of the Independent Inspection Panel of the World Bank and formerly a Director and Senior Scientist at the Smithsonian Institution in Washington D.C.

The fearsome prospect that HIV/AIDS can inadvertently be transmitted to any one of us—regardless of our social and economic standing—requires that decision makers the world over should make a political commitment to help halt this, the most formidable plague of all time.

As an African whose continent is experiencing untold levels of human suffering because of AIDS, I would like to offer an observation which is based on extensive field experience. Many people are dying needlessly in Africa and in other developing countries because a large percentage of people in these societies have no means of knowing their HIV-status. Knowledge of one's HIV status provides a powerful stimulus towards self-protection. For those who test HIV-negative, the realization that they are yet to be attacked by the virus results in a strong determination to remain forever free of the disease through the accepted means of self-protection. For individuals who test positive, there is generated a powerful restraint on infecting others. The net outcome is a dramatic check in HIV-spread.

Based on our current knowledge of the disease, it is evident that early diagnosis of the infection has enormous benefits for both HIV-negative and HIV-positive individuals. A key line of defense against the rapid spread of the disease accordingly is to ensure that everybody in a vulnerable community is tested as soon as possible—certainly long before the disease begins to break down the immune system and the external manifestation of its dreadful effects set in.

It is therefore absolutely essential that we employ the best and the most efficient and practical ultra rapid test kits available today to undertake a mass Shielded Testing and Counseling Program. Most of the currently available tests for HIV are laboratory based and unsuitable for mass testing in the field where the required infrastructure may not be available. However, most of the available rapid tests are not suitable partly because of an unacceptably high percentage of false positives and negatives, and also because of the need for unwieldy logistical support services such as refrigeration.

First and foremost the assay must be for blood, serum or plasma and must be stable at temperatures ranging from −20°C to +45°C. This is particularly important because the high HIV prone areas are in pan tropical regions of the world and in countries where the rural communities do not have refrigeration facilities for tests that require it. The test has to be fool proof in its performance with built-in controls to avoid misinterpretations. It must be designed not to produce false-positive and false-negative results. The sensitivity and specificity must be 100 per cent. It must be suitable for mass testing (e.g. up to 1000 people per day with a team of

four persons administering the test and serving as counselors). It must be a test that is suitable for clinics, doctors' offices and rural areas where medical infrastructure does not exist. The cost must be lower than the costs for laboratory tests. Finally, it must enable the use of simple pictorial instructions so that uninstructed persons can perform it.

For HIV-positive individuals, the heightened awareness of the possible onset of opportunistic diseases enables the latter to be quickly addressed. It further enables the individual to assume a new lifestyle (including good nutritional habits and sufficient exercise) and to take medication that reduces the viral load in the blood. The knowledge of being diagnosed HIV positive will enable the individual to avoid transmitting the virus to others. It will also help the person to develop long-term plans for his or her future and dependents.

The problem of arresting the rapid spread of HIV/AIDS is by no means confined to the developing countries. There are, however, highly vulnerable communities (sometimes enclaves) in the developed countries, where the HIV/AIDS transmission is largely heterosexual, and the communities in question are relatively speaking, socially deprived or disadvantaged.

It is therefore necessary that the current spread of the disease be viewed as a universal problem, which knows no boundary and requires the collective effort of us all to contain it.

## INSTALLATION OF THOMAS AHART AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate Thomas B. Ahar of Phillipsburg, New Jersey, on his installation as President of our nation's largest insurance association—the Independent Insurance Agents of America (IIAA)—next month in Honolulu. As president of Ahart, Frinzi & Smith in Phillipsburg, Tom was elected to IIAA's Executive Committee in October of 1996 and honored by his peers last year when he was named President-Elect. His career as an independent insurance agent has been marked with outstanding service and dedication to his clients, community, IIAA, the Independent Insurance Agents of New Jersey, and his colleagues across the country.

Tom began his volunteer service within the insurance industry with the Independent Insurance Agents of New Jersey where he served as president and chairman of the board. He also represented the state as its representative to IIAA's National Board of State Directors. He was chairman of IIAA's Education Committee for four years before being elected to the Association's executive leadership panel. As a member of IIAA's Executive Committee, he has worked to strengthen the competitive standing of independent agents by helping to provide the tools they need to run more successful businesses. Outside IIAA, Tom has served as a member of the board of the New Jersey Joint Underwriting Authority and was president of the Eastern Agents Association. He has served as an advisor to the American Institute for Chartered Property Casualty Underwriters and the Insurance Institute of America.

During his dedicated time with the insurance industry, Tom has been honored with several state and local awards. They include the 1982 New Jersey Young Agent of the Year, the 1986 and 1987 New Jersey Executive Committee Chairman of the Year Award, the 1993 New Jersey Insurance Person of the Year Award, and the 1994 IIA of Hunterdon/Warren County Agent of the Year Award.

Tom also has distinguished himself as an active and concerned member of his community. He has served as a member of his local school board, a trustee at his church, and a little league coach for 25 years, involved with boy's wrestling, boy's baseball, girl's basketball and girl's softball.

During these productive and active years, Tom has accomplished much. I bid him a successful year as president of the Independent Insurance Agents of America. As his past accomplishments show, Tom will serve his fellow agents with distinction and strong leadership. I wish him all the best as IIAA President.

## RECOGNIZING THE FIRST SUCCESSFUL TRANSPLANT OF A TOTALLY IMPLANTABLE ARTIFICIAL HEART

### HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. NORTHUP. Mr. Speaker, I would like to take this opportunity to praise a pioneering medical event that took place in my district, Louisville, KY, on July 2, 2001. The horizons of medical possibilities were expanded when, at Jewish Hospital, a team of doctors led by Drs. Laman A. Gray, Jr., M.D. and Robert D. Dowling, M.D. successfully performed the world's first totally implantable artificial heart surgery. The doctors, supported by a team of fourteen nurses and staff, completed the procedure in seven hours. I am pleased to report that the recipient of the first ABIOMED heart, Robert Tools, is resting comfortably and improving steadily in his daily physical rehabilitation. Mr. Tools fit a precise profile that was required for the first recipient, and the opportunity to receive the heart was virtually his only chance of survival after years of struggling with heart disease. Three months after the surgery, we are joined by his doctors in being encouraged by his improving strength and mobility.

Not only has this surgery changed the life of one man who was facing near certain death, but it has stretched the boundaries of medical possibilities for people around the world. This outstanding achievement would not have been possible without the teamwork and unyielding efforts of the doctors, researchers and medical professionals who have worked for over twenty years toward the goal of creating a totally implantable heart. In an alliance of the public and private sectors: Jewish Hospital, The University of Louisville and ABIOMED, Inc., came together to ensure that their goal was met. In doing so, they have created an opportunity for over 100,000 people in the United States alone to have access to a life-saving procedure that did not exist prior to this breakthrough.

With the current shortage in the supply of organ donors, the creation of a totally implantable artificial heart is unmatched in its medical significance. I am so impressed with the bravery shown by everyone involved in this event—from the medical professionals to the patient and the patient's family. I would like to commend the team of doctors and researchers at Jewish Hospital, The University of Louisville, and ABIOMED, Inc, who worked tirelessly for so many years toward this goal. Furthermore, it is overwhelming to imagine the courage it must have taken for Mr. Tools and his family to become part of the team, and I thank them for their irreplaceable contribution.

I am proud to report that just two weeks ago at Jewish Hospital, the second totally transplantable heart surgery was performed by Drs. Gray and Dowling. The doctors report that the patient, Tom Christerson, is tackling his recovery head-on. I am hopeful that success stories such as these will begin to be told at hospitals around the country. Through continued teamwork and support for medical research, I am confident that they will.

As we move ever-forward in the field of heart medicine, I will always be grateful to the wonderful team in Louisville on whose shoulders the initial responsibility of stepping forward rested. Their efforts have created an unprecedented opportunity for hundreds of thousands of patients facing fatal heart disorders. For that I am truly thankful. I hope that the efforts of Drs. Dowling and Gray, Jewish Hospital, The University of Louisville, ABIOMED and their patients will inspire us to continue striving for such medical excellence.

## A PROCLAMATION HONORING DANIEL LEE NEFF

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. NEY. Mr. Speaker, Whereas, Daniel Lee Neff served as director of Ohio's Office of Appalachia under former Governor George Voinovich from '94–'98, and assistant director from '91–'94; and

Whereas, Mr. Neff is a veteran public policy professional in Ohio and Executive Director of the Ohio Mid-Eastern Government's Association in Cambridge; and

Whereas, Mr. Neff has been selected as Director of Local Development Districts for the Appalachian Regional Commission and Managing Director of the Development District Association of Appalachia; and

Whereas, Mr. Neff has proven how local leaders working at the grassroots can spark regional and local positive change for all Appalachian communities;

Therefore, I commend his contributions as a citizen and leader and support and wholly affirm his appointment that gives honor to Ohio as he continues to achieve great things for his Appalachian neighbors.

## HONORING ROD SINCLAIR

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor a friend, Rod Sinclair of Mariposa County, CA in my district. Rod passed away early Tuesday morning at the John C. Fremont Hospital in Mariposa.

Rod spent 27 years serving the people of Mariposa County as a deputy Sheriff, Sergeant and Captain in the Mariposa County Sheriffs Department. As a very visible figure in the community, Rod was known to all as a practical, friendly 'old style' officer, who was able to enforce the law by knowing the who, what, when and where about everything that was happening in the community. Later in his career, he was responsible for modernizing the Sheriff's Information systems, and took great delight in learning the newest technology.

After work and on weekends, Rod spent innumerable hours working in support of youth sports, particularly football. He maintained the football field at the fairgrounds, and made sure that the ''Mustangs'' stayed organized, active and funded through community support.

Following his retirement, Rod was a visible fixture at the Mariposa Fairgrounds where he volunteered doing maintenance and special projects as needed by his wife, Linda, who is the Fair Manager.

Rod will be missed by his wife Linda Sinclair, and his sons Ed and Jeffrey. Ed has followed Rod as a Deputy Sheriff in Mariposa, and Jeffrey serves his country as a Lieutenant Commander on board the *USS Enterprise.*

Mr. Speaker, I am saddened by this loss. Mariposa County has lost one of its true characters and community supporters with the passing of Rod Sinclair.

## REMOVING THE HANDCUFFS FROM THE INTELLIGENCE COMMUNITY

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BEREUTER. Mr. Speaker, in 1995, the Central Intelligence Agency established guidelines that limited the ability of its field personnel to recruit individuals with checkered backgrounds. Henceforth, the human rights history of potential assets would have to be thoroughly vetted. This limitation has been criticized by the National Commission on Terrorism, by former CIA Directors Woolsey and Gates, by the Vice-President, and others. They correctly note that it is precisely those individuals with shady backgrounds who are able to infiltrate terrorist organizations. If we are to penetrate and destroy highly secretive networks such as al Qaida, then we must deal with some very unsavory characters. We must remove the handcuffs from our intelligence service.

Mr. Speaker, this Member places into the RECORD a prescient op/ed from the September 14, 2001, edition of the Norfolk Daily News. Entitled ''Spies Needed to Stop Terrorism,'' the editorial correctly notes that this nation must overcome its aversion to old-fashioned spying and aggressively seek to infiltrate and destroy terrorist networks. Therefore, this Member strongly urges his colleagues to carefully read this editorial as this is one area that we must reform successfully to win the war against terrorism.

SPIES NEEDED TO STOP TERRORISM

NEW REPORT SHOWS WHY COVERT ACTIVITIES AND USE OF INFORMANTS ARE NECESSARY

This week's terrorist acts have introduced Americans to a frightening new world in which terrorism could someday be even worse—nuclear bombs in suitcases, for instance—and what that means is that we have to become as surefire as possible in stopping it. We won't if we do not get over our aversion to old-fashioned spying.

As the National Commission on Terrorism pointed out in a report last year, you cannot prevent terrorism if you don't know the plans of the terrorists, and you cannot know the plans unless you infiltrate terrorist organizations. Six years ago, the CIA backed off aggressive recruitment of infiltrators because some of them had themselves committed despicable acts. The agency no longer wanted to dirty its hands.

But as the commission report observes, police have long used informants who were themselves criminals. The public accepts the practice for the obvious reason that it helps police control crime. Controlling terrorism is an even more compelling reason to put aside qualms, for as the commission noted and this week's terrorism demonstrates, terrorism has graduated from a Marxist-Leninist model of killing relatively few to a fanatical model of killing as many as possible.

The commission analysis is that the Marxist terrorists had a political agenda that they felt could not be fulfilled it their acts took too many lives and spurred widespread public disgust, whereas the religiously motivated terrorists of today are simply seeking revenge. If it is hate that drives you more than the accomplishment of a particular goal, the more deaths achieved, the more satisfaction. We already know that thousands were killed Tuesday. Armed with nuclear weapons, terrorists could kill millions, and that fact provides a context in which the question of spying should be considered.

## SECRETARY DON EVANS REGARDING KAMCO

### HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. LATOURETTE. Mr. Speaker, I was heartened by the response that I received from the Honorable Donald Evans, Secretary of the U.S. Department of Commerce, regarding the Korean Asset Management Corporation (KAMCO) and its relationship with Dongkuk Steel Mills of South Korea. Secretary Evans' statement is indicative of a genuine commitment on the part of the Administration to ensure that a fair and equitable environment is prevalent for American steelworkers. I look forward to working with Secretary Evans in the near future to help safeguard and protect our domestic steel industry.

THE SECRETARY OF COMMERCE

*Washington, DC, August 17, 2001.*

His Excellency CHANG, CHE SHIK,

*Minister of Commerce, industry, and Energy of the Republic of Korea, Seoul.*

DEAR MR. MINISTER: I enjoyed meeting President Kim and Minister Hwang at the CBCD Ministerial earlier this year. I felt we had good meetings and very productive discussions, and I look forward to continuing those discussions with you.

One of the first issues I would like to discuss regards the upcoming September auction of Hanbo Iron and Steel by the Korea Assett Management Corporation (KAMCO). As you know, the United States has long term concerned about financial support for Hanbo from the Government of Korea. To put this issue in its proper context, in a 1998 exchange of letters with our government, the Korean Government stated that the sale of Hanbo would take place under a transparent process following international customs and practices. There were also assurances that Hanbo's creditors were committed to selling Hanbo through international competitive bidding that would ''provide equal opportunities for all potential purchasers and that the market will dictate the terms of the assets sales and disposition.'' In addition, the Korean Government has assured the United States that POSCO would not bid on Hanbo and that the Korean Government would not provide financial support for the purchase of Hanbo.

I am encouraged by KAMCO's commitment to auction the company, in whole or in part, as well as its refusal to enter into private, non-transparent negotiations with companies before the open bidding process has begun. As KAMCO prepare to complete the sale of Hanbo, I would like to emphasize that it is important that the auction be conducted in the most open and transparent manner possible.

Toward this end, I believe it is imperative that (1) the Korean Government only accept market-based bids, from financially sound firms; (2) financing from Korean Government-owned or controlled banks not be used to secure any sale; and (3) the bid selection process be based on commercial, not political factors. I feel strongly that by implementing these guidelines the Korean Government will fulfill its previous assurances that Hanbo will not receive any further government support and will be sold through a market-based process.

I appreciate your concern and continued cooperation in ensuring that the sale of Hanbo is completed as efficiently and expeditiously as possible. I look forward to working with you in the future.

Warm regards,

DONALD L. EVANS.

*July 10, 2001.*

Hon. DONALD EVANS,

*Secretary, U.S. Department of Commerce, Washington, DC.*

DEAR SECRETARY EVANS: Both domestic and foreign steelmakers generally acknowledge the worldwide excess production capacity has seriously harmed U.S. steelmakers. There may be differences in various studies about how much excess capacity exists, but all involved seem to agree that much of the excess has been caused by market distorting subsidies and that these should be stopped.

Dongkuk Steel Mills of South Korea is an excellent example of a financially weak company that has used political muscle to get government loans at subsidized interest rates to survive and expand. During the last three years Dongkuk earnings have failed to equal its interest expense. This should be measured against a benchmark articulated by McKinsey & Co., a highly respected international consulting company, which provides that a company with less than two times interest coverage is likely to fail. Generally, even ''junk'' quality coverage ratio, Dongkuk has apparently just been granted an $80 million credit facility by Korea Development Bank (KDB), an agency of the Korean government which is funded indirectly

by the IMF. The loan is at an interest rate well below what the company could get in the normal course of business. We have been critical in the past of Korean government loans of this type which have been used to build additional steel capacity and have indirectly come from IMF funds.

By all measures, Dongkuk is the weakest of the (non-bankrupt) steel mills in Korea and should not have been eligible for the KDB loan due to its size (larger than allowed) and poor credit standing. It has arranged for stories in the Korean press claiming that it has been profitable in 2001. However, its financial filings with the Korean government Financial Supervisory Service shows a large loss. Dongkuk has also been found guilty of dumping both steel plate and rebars in the U.S. market. It appears that the company has dumped its products in the U.S. to generate high gross sales numbers to support its campaign for a government subsidy to help bail out an unprofitable company, even though these sales were unprofitable.

Dongkuk's public campaign has been extended to the U.S. where a recent delegation of Korean steel industry leaders that came to the U.S. to lobby various trade officials was composed of nearly only officials of Dongkuk and its subsidiary, Union Steel.

I am writing to request that your office initiate an investigation into Dongkuk's financial arrangements, including its use of IMF funds through the Korean Development Bank to provide subsidies to the Korean steel industry. Please also advise us whether these arrangements violate any of the U.S. trade laws and please also take such actions as they may be appropriate to ensure that Dongkuk is barred from acquiring any additional steel assets, either directly or indirectly, in Korea as long as it continues to obtain subsidized funds from the Korean Development Bank.

I want to thank you in advance for your kind consideration of my request and I look forward to hearing from you in the near future. I remain

Very Truly Yours,

STEVEN C. LATOURETTE,
*Member of Congress.*

## IDAHO'S RESOLUTION FOR ENERGY POLICY

### HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. OTTER. Mr. Speaker, I respectfully offer for my colleagues' attention the following astute remarks contained in the resolution proposed by the Canyon County Republican Central Committee and adopted by the Idaho Republican Party at its 2001 Summer State Central Committee Meeting on June 16, 2001. 1 could not agree more with the statements and sentiments of my fellow Idaho Republicans, and am pleased that this Congress has begun to take steps to see that the energy goals of Idaho and other states are fulfilled as quickly as possible.

A RESOLUTION OF THE IDAHO REPUBLICAN PARTY

Whereas, over the last decade, the West has experienced tremendous economic and population growth. The growth has resulted in significant new demands on energy resources of all types. Over the last year, the United States, and the West in particular, have seen its surplus energy resources disappear, resulting in unprecedented prices for electric energy and natural gas. This situation has resulted in curtailment of energy intensive industries and subsequent employment displacement. Furthermore, the situation has revealed that there is not adequate amounts of electric energy generation or electric and gas transmission available to meet current or future needs due to a variety of reasons, including non-existent national energy policy, lack of new investment in construction, inefficient sitting regulations, local opposition, and a myriad of statutory and regulatory impediments;

Whereas, the West plays a critical role in energy policy and development due to its abundance of natural gas, clean coal, hydropower resources, and emerging non-hydropower renewable resources;

Whereas, the citizens of Idaho have historically been the beneficiaries of some of the lowest energy costs in the United States largely because of the clean, renewable hydropower, an efficient electric distribution and transmission system and proximity to affordable natural gas reserves and pipelines;

Whereas, these energy resources have played a significant role in the development of Idaho's economic prosperity and will play a key role in future economic growth and energy cost affordability for Idaho citizens;

*Now, therefore, be it resolved*, That the Idaho Republican Party urges policy makers at all levels of government, to support and enact energy policies that continue to allow Idaho citizens to have access to clean, affordable, and reliable energy. These policies should include, but are not limited to, a streamlined regulatory process for construction and operation of electric generation, electric transmission, and natural gas pipelines. These policies should also specifically include support for hydropower relicensing reform, improving energy efficiency and conservation, development and deployment of new technologies for traditional and emerging generation systems and short-term measures to support low-income families with energy payments.

*Be it further resolved*, That policy makers at all levels coordinate their policies and procedures with each other to maximize taxpayer dollars and provide non-duplicative, efficient and effective government oversight responsibility.

This resolution proposed by the Canyon County Republican Central Committee, was duly considered and adopted by the Idaho Republican Party at its 2001 Summer State Central Committee Meeting.

IN WITNESS WHEREOF I have hereunto set my hand and Seal of the Part at Twin Falls, Idaho, this 16th day of June, A.D. 2001.

Trent L. Clark, State Party Chairman

## TRIBUTE TO PORT AUTHORITY EMPLOYEES LOST ON SEPTEMBER 11, 2001

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to all those who perished in the attacks on America on September 11, 2001. To their family members and friends, words cannot adequately express the feelings that I and all Americans have for the pain and loss they have and will continue to endure.

Among the brave firefighters and police officers and thousands of other innocent people who perished in the collapse of the World Trade Center, were seventy-four employees of the Port Authority (PA) of New York and New Jersey. These men and women, who were dedicated to making our transportation system in the New York and New Jersey the best in the world, are sorely missed by their families, friends and a grief stricken nation. The energy, the innovation, and the commitment to public service of these PA employees will long be remembered by me and a grateful nation.

The work and sacrifice of these PA officials must not only be remembered by America and all Americans, but it also must be honored. I will honor these brave men and women by building on the proud legacy they have left to the PA.

Clearly, the American people's united commitment to continuing our love of freedom, democracy, rule of law, tolerance and justice, will prevail during the ensuing days and months as our nation pursues all those responsible for the September 11, 2001, attack on America. In that struggle, let us neither waiver nor bend in our global campaign against those who cut short the lives of thousands of Americans.

Mr. Speaker, I ask that the attached list of Port Authority of New York and New Jersey employees who were lost in the September 11, 2001 attack on the World Trade Center be included in the CONGRESSIONAL RECORD.

Deborah H. Kaplan, Douglas G. Karpiloff, Sergeant Robert M. Kaulfers, Frank Lalama, Officer Paul Laszcynski, Officer David P. Lemagne, Officer John J. Lennon, Officer John D. Levi, Executive Director Neil D. Levin, Margaret S. Lewis, Officer James F. Lynch, Robert H. Lynch, Myrna Maldonado, Captain Kathy Mazza, Officer Donald J. McIntyre, Officer Walter A. McNeil, Dir./Supt. of Police Fred V. Morrone, Officer Joseph M. Navas, Pete Negron, Officer James Nelson, Officer Alfonse J. Niedermeyer, David Ortiz, Officer James W. Parham, Nancy E. Perez, Officer Dominick A. Pezzulo, Eugene J. Raggio, Officer Bruce A. Reynolds, Franceis S. Riccardelli, Officer Antonio J. Rodrigues, Officer Richard Rodriguez, Chief James A. Romito, Kalyan K. Sarkar, Anthony Savas, Officer John P. Skala, Edward T. Strauss, Officer Walwyn W. Stuart, Officer Kenneth F. Tietjen, Lisa L. Trerotola, Officer Nathaniel Webb, Officer Michael T. Wholey, Joseph Amatuccio, Officer Christopher C. Amoroso, Jean A. Andrucki, Richard A. Aronow, Ezra Aviles, Arlene T. Babakitis, James W. Barbella, Officer Maurice V. Barry, Margaret L. Benson, Daniel Bergstein, Edward Calderon, Officer Liam Callahan, Lieutenant Robert D. Cirri, Carlos Dacosta, Dwight D. Darcy, Niurka Davila, Officer Clinton Davis, Frank A. De Martini, William F. Fallon, Stephen J. Fiorelli, Officer Donald A. Foreman, Officer Gregg J. Froehner, Barry H. Glick, Officer Thomas E. Gorman, Joseph F. Grillo, Ken G. Grouzalis, Patrick A. Hoey, Officer Uhuru G. Houston, Officer George G. Howard, Officer Stephen Huczko, Inspector Anthony P. Infante Jr., Prem N. Jerath, Mary S. Jones, Officer Paul W. Jurgens.

## MUSCULAR DYSTROPHY CHILDHOOD ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

SPEECH OF

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 717, the Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001. I would also like to thank my colleague Mr. ROGER WICKER and Chairman BILIRAKIS for their leadership on this issue.

Mr. Speaker, Duchenne Muscular Dystrophy (DMD) is the most lethal childhood genetic disorder worldwide, affecting approximately one in every 3,500 boys. DMD is hereditary and is characterized by rapidly progressive muscle weakness that almost always results in death by 20 years of age. Unfortunately, there has been little emphasis placed on research to find a cure for this horrible disease. I was pleased to see Mr. WICKER take the lead by introducing H.R. 717, and I was proud to sign on as a cosponsor. This bill will create research centers within the National Institutes of Health (NIH) and the Centers for Disease Control (CDC) to increase data collection, epidemiological studies, and surveillance activities. I am hopeful that the added emphasis and resources this bill provides will speed advances in the treatment of this terrible disease. It is an important piece of legislation that will give hope to those who suffer from DMD and those who care for them. I urge my colleagues to give it their support.

## THE INTERNATIONAL VENTURE PHILANTHROPY FORUM

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join in me in recognizing a landmark event that will take place next week in Budapest, Hungary. The International Venture Philanthropy Forum (IVPF), sponsored by the Nonprofit Enterprise and Self-Sustainability Team (NESsT), will bring together social entrepreneurs, corporate leaders, and donors to discuss methods for advancing venture philanthropy in developing nations. This mission merits the attention of all Members of this House, as it is inextricably linked to the role of civil society organizations as advocates for freedom and public welfare in emerging democracies.

We all remember the euphoria that accompanied the collapse of the Iron Curtain a decade ago. We recall the joy of seeing democracy and human rights restored to long-suffering peoples, of watching Berliners dance on the Berlin Wall and Czechs celebrate in the streets of Prague. These revolutions inspired us all; nevertheless, they did not eliminate our fear that these miraculous changes might prove fleeting. The tragedies of the twentieth century justified this concern. As Slovak hero Alexander Dubcek told the celebrating throngs in Wenceslas Square: ''An old wise man said, 'If there once was light, why should there be darkness again?' Let us act in such a way to bring the light back again.''

During the years after the demise of the Warsaw Pact, the governments of the United States and Western Europe helped to keep the beacon shining. Billions of dollars in aid and expertise flowed into these new democracies, much of which went to strengthen the work of budding nongovernmental organizations (NGOs) across the region. These NGOs served as the ''glue'' of civil society, looking out for public interests that otherwise might have been underrepresented in the cacophony of change: environmental protection, small business development, rights for children and the disabled, freedom of the press, and a host of other vital causes.

Mr. Speaker, this international financial assistance helped NGOs to smooth the transition from communism to more vibrant societies. However, the need for nonprofit community support continued to grow throughout the 1990's. The planned doctrines of yesteryear were supplanted overnight by new sets of uncertain rules and unanswered questions: How can social guarantees—albeit unpopular ones—be replaced without dramatically increasing poverty levels? How can entrepreneurship be nurtured in lands that had previously regarded this trait as criminal? What role should enterprise play in encouraging growth, upholding worker rights, and protecting natural resources? NGOs throughout this region often bear the responsibility of answering these questions and helping to fill the gaps passed over by social change.

To this day, available financial resources fail to satisfy these mounting needs. The discretionary income of populations in most emerging democracies is generally not high enough to support philanthropy, especially given the lack of a recent local traditions of private charity. Consequently, many NGOs still depend principally on foreign aid sources, reflecting a lack of financial diversity that foreshadows an array of real and potential difficulties:

As the demand for capital grows, some governments and private funding institutions have reduced their commitment to foreign aid. Given their financial dependence, NGOs are subject to the consequences of these choices. Available funds are often earmarked for specific projects, leaving NGOs with limited resources to built organizational capacity. Given the short-term commitment that such grants usually entail, nonprofits may feel the need to ''go where the money is,'' even at the expense of their missions and operating goals.

Mr. Speaker, the call to expand the nonprofit capital market in emerging democracies is one that must be heard throughout the international community. The IVPF—by exploring the potential of venture philanthropy models and their practical application to developing economies—will address this ever-growing mandate.

What is venture philanthropy? Quite simply, it involves applying the tools of the for-profit sector to expand the reach of the community organizations. Practitioners stretch the nonprofit capital market by asking beneficiaries to act like business people. Venture philanthropists often offer loans and equity equivalents rather than traditional donations; engage nonprofit managers with an array of technical and strategic advisory service; build organizational capacity through the development of skills and networks; and, most important of all, set clear performance goals and expect ''portfolio members'' to achieve concrete social and/or financial returns on investment.

Mr. Speaker, I am proud to say that the Roberts Enterprise Development Fund (REDF), recognized worldwide as an innovative force in this field, operates in and around my Bay Area congressional district. Principals from REDF and a wide array of venture philanthropy trendsetters will be featured at the IVPF, and their contributions will be melded with those of George Soros, Karl Schwab, and dozens of leading corporate and humanitarian voices from across the international community. The tragic events of September 11th will make it impossible for me to join them; nevertheless, I am excited by the Forum's role as a catalyst for the expansion of the nonprofit capital market in emerging democracies around the world.

Above all, I would like to pay tribute to the principal sponsor of the IVPF, the Nonprofit Enterprise and Self-Sustainability Team. From its offices in Budapest and Santiago, this organization has emerged as an international leader in the effort to foster social entrepreneurship and venture philanthropy in developing nations. NESsT's co-directors, Nicole Etchart and Lee Davis, direct initiatives that clearly address the challenges and needs of NGOs in Central Europe and Latin America.

Last year, NESsT launched the NESsT Venture Fund (NVF) in Central Europe, which seeks to assist a portfolio of NGOs as they diversify their financing sources through entrepreneurship. The NVF invests both financial and capacity-building assistance to expand these social enterprises and generate new, sustainable income for NGOs to supplement philanthropic support. I am pleased to note that the United States Agency for International Development (USAID) is in the process of making a $300,000 award to support this work. Given the innovative nature of this project as well as the outstanding track record of NESsT's leaders, I can think of few better uses for USAID resources.

During the Forum, NESsT will also introduce ''Not Only For Profit: Innovative Mechanisms for Philanthropic Investment,'' a book analyzing the unique contributions of eleven pioneers to the development of the nonprofit capital market. These organizations—all of which will be represented at the Forum by founders and senior staff—include: The Calvert Foundation, The EcoEnterprises Fund (The Nature Conservancy), Endeavor, the Environmental Loan Fund (Environmental Support Center), FOLADE, Integra Ventures, Investors in Society (Charities Aid Foundation), the Local Investment Fund, New Profit Inc., REDF, and the South-North Development Initiative. I look forward to reading—and learning from—this book.

Mr. Speaker, for all these reasons and many more, I urge my colleagues to join me in recognizing the important mission of the International Venture Philanthropy Forum and the outstanding contributions of its principal sponsor, the Nonprofit Enterprise and Self-Sustainability Team.

## HONORING FRANK HARRIETTE CALDWELL

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the loss of a very generous, caring member of our community. Frank Harriette Caldwell died on Sunday, September 16, 2001 after enduring a prolonged illness. A woman devoted to helping others, ''Frankie'' passed away at the age of 83.

Mrs. Caldwell was born on June 2, 1918 in Galveston, Texas. She received her teaching degree at the University of Denver and began her life of service. She started teaching in Colorado at the Mitchell Elementary School in 1956 and remained there for twenty-seven years. She retired from teaching in 1983. Although her career in teaching contributed significantly to the children in her community, she did not stop there. She was also active in fundraising for charities, an active member of the Denver Links and contributed significantly to other local organizations including the Denver Junior Police Band. In addition to these contributions to her community, she was a loving wife of sixty years and mother to four. Mrs. Caldwell was also the proud grandmother to eleven and great-grandmother to seven.

Mr. Speaker, Mrs. Caldwell was a valued member of her community and will be missed by many. Her charity has affected so many lives in so many ways. She will be remembered and loved for all that she has done. I would like to express my deep sympathy to her family in this time of mourning and thank her for the contributions to our community.

## RECOGNIZING THE HARLEY DAVIDSON FINAL ASSEMBLY PLANT OF KANSAS CITY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Harley Davidson Final Assembly Plant of Kansas City for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families, and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of businesses and workers like Harley Davidson the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11 terrorist attacks, the Harley Davidson Final Assembly Plant of Kansas City has raised more than $5,000 from its employees and an additional $1,800 in T-Shirt and flag sales. Nationwide, Harley Davidson has contributed more than $1,000,000 to assist in the rescue efforts and to provide for the grieving families. Additionally, 32 police motorcycles have been donated to the New York Police Department. The patriotism and persistence of Harley Davidson and its employees is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

## THANK YOU TO THE BOARD OF DIRECTORS OF THE RATTERMAN/SHELL MEMORIAL SCHOLARSHIP FUND FOR MAKING A DIFFERENCE IN BRADLEY COUNTY, TN

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WAMP. Mr. Speaker, I invite my colleagues to join me in commending the work of a very special group of individuals from Cleveland, TN. The Board of Directors for the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund has provided college funds to many high school students in Cleveland and Bradley County area for 15 years.

On June 21, 1986, Scott Ratterman passed away. To honor his memory, his friends and colleagues created a college scholarship fund that would award one deserving Cleveland High School senior $1,000 for his or her college graduation. When Ed Shell—a very active board member of the Ratterman Memorial Scholarship Fund—passed away in July 1990, the Board of Directors renamed the fund the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund. With Mr. Shell's passing, an additional scholarship was added to include Charleston High School.

In 1995, the Board of Directors expanded and created 4-year scholarships. To mark the 11th anniversary of Mr. Ratterman's death and the 7th anniversary of Mr. Shell's death, an additional scholarship to a Bradley County High School student was added to the fund. The Board of Directors has since expanded again to include Cleveland State Community College and Middle Tennessee State University.

Over the past 15 years, the Ratterman/Shell Memorial Scholarship Fund has raised and contributed over $101,000 to deserving local students. A majority of the contributions come from a golf tournament that is held every second Friday in October. Again this year, many citizens in Bradley County will come together as a community to help raise money to defray the cost of a college education for hard-working students.

When a noble idea is coupled with a dedicated group of people—great things can happen. I want to thank all those involved in the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund for their vision and hard work.

## ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. MALONEY of New York. Mr. Speaker, it is with great pleasure that I speak today in honor of the 41st anniversary of the Republic of Cyprus. It was on October 1 in 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Cypriot friends that I have come to know are one of its greatest rewards.

Cyprus and the United States have a great deal in common. We share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law.

While we are pleased to celebrate this joyous day in Cyprus history, it is with a heavy heart in light of the September 11 terrorist attacks. I am deeply appreciative to the people of Cyprus and the Cypriot-American community who have extended their voices of support and have expressed strong condemnation for the terrorist attacks. In fact, within hours of the attacks, Cyprus President, Glafcos Clerides, strongly denounced the terrorist acts.

Unfortunately, Cyprus is not without its own difficult history; 37 percent of this nation is still occupied by a hostile foreign power, and it has been for more than 25 years.

On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Every year, on or around July 20, 1, along with my dear friend Representative BILIRAKIS, sponsor a Special Order to remember the anniversary of the Turkish invasion in a tradition that has become one of our proudest traditions.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest

standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

Today, Cyprus is one of the leading candidate nations to join the European Union in the next round of expansion, in 3 to 4 years.

While we are hopeful that a unified Cyprus will join the EU, fortunately, it is not a precondition to accession as the leader of the Turkish Cypriot side, Rauf Denktash has continued to balk at resuming peace talks. He rejected U.N. Secretary General Kofi Annan's invitation to resume talks for a unified Cyprus.

In the times we are facing, it is clear that divisions among people create harmful, destructive environments. The United States has expressed its unwavering support for a peaceful solution to the Cyprus problem and I wholeheartedly agree. The relationship between Cyprus and the United States is strong and enduring. We stand together in this bittersweet time, celebrating democracy and freedom while mourning a horrific tragedy.

Thank you.

## AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WAXMAN. Mr. Speaker, on September 21, the House passed H.R. 2926, legislation providing billions of dollars of financial relief to the airline industry from the September 11 terrorist attack. Unfortunately, H.R. 2926 was rushed through the legislative process without any independent assessment of the actual losses incurred by air carriers or consideration by the relevant committees. And it was considered on the House floor under a rule that prohibited any amendments and limited debate to one hour.

Although I support the well-meaning intentions that motivated H.R. 2926 and the paramount need to provide aid to the victims of the September 11 tragedies, I oppose this fundamentally flawed bill and want to take a few minutes to explain my reservations.

H.R. 2926 fails to address essential measures, such as airline security and assistance to displaced workers, but includes numerous provisions with cost ramifications that have not been considered carefully. While the bill provides specifically for $15 billion in relief to the airlines, the final cost of the bill could easily be far higher. Further, the bill establishes a compensation scheme for victims that could commit federal taxpayers to pay more to the families of deceased Wall Street executives than to the families of the firefighters who lost their lives trying to rescue others. This may well be a policy choice that Congress would have ultimately made, but it is not a policy choice or precedent that Congress carefully considered or even debated.

NO PROVISIONS TO IMPROVE AIRLINE SECURITY

The most important element of an airline relief bill is improving airline security. Unless airline security is improved, any airline bailout may fall. No matter how many billions of taxpayer dollars are given to the airlines, no airline can stay afloat if Americans refrain from flying.

Unfortunately, the bill contains no funding for airline security measures. It also contains no provisions to enhance security, such as making airline security a federal responsibility. The legislation thus does little to assure Americans that flying will be safe again.

The rationale for failing to address airline security is that airline security should remain an airline responsibility and should not be ''federalized.'' But this is exactly the same reasoning that is responsible for our current, deeply flawed system of airline security. In past years, the airline industry has resisted implementing stringent security measures on the grounds that the costs are prohibitive. As recently as the week following the September 11 attacks, an Alaska Airlines executive testified that he believed Americans would be unwilling to pay a three-dollar surcharge on their airline tickets to fund security measures.

NO SUPPORT FOR DISPLACED WORKERS

In the aftermath of the September 11 attacks, airlines reportedly have already laid off over 100,000 workers, and some airlines are refusing to honor the standard severance provisions of their labor contracts. H.R. 2926, however, provides no relief whatsoever for these workers and their families. It contains no funds for laid-off workers who now lack health insurance. It contains no assistance for job-training that would help these workers find new employment. And it contains no funds to help support laid-off workers and their families during the search for new employment.

At the same time that the legislation ignores the needs of laid-off workers, the bill protects airline executives who earn millions of dollars in compensation. The legislation provides that to qualify for loans, airlines must freeze current executive compensation at 2000 levels for two years and limit severance pay to twice that amount. This means that airline CEOs can continue to earn astronomical salaries and receive multi-million dollar severance packages.

Airlines do not have to limit executive salaries at all to qualify for the other benefits provided in the legislation, such as the $5 billion in grants awarded by the bill, the limits on liability, and the potential federal payment of increased airline insurance premiums.

EXCESSIVE RELIEF FOR THE AIRLINE INDUSTRY

The airline industry deserves federal support after the September 11 attacks. But I am concerned that the level of relief in the bill may go beyond what is reasonable.

After the September 11 attacks, the Federal Aviation Administration grounded all airplanes for two days and gradually resumed service thereafter. This order caused a cash crunch for the airlines. They could take in no revenue during the shutdown, but remained responsible for many fixed costs. Airlines estimated that these losses amounted to $330 million per day. The airlines' strongest case is for federal relief to compensate them for this loss. (It should be noted, however, that even without a federal order, the airlines—which had the primary responsibility for safety—would have likely halted flights until new safety procedures were in place.)

But the legislation provides many other forms of relief. The rationale for this additional relief is tenuous at best. There was no independent review of the need for these transfers of billions of dollars from federal taxpayers to the airlines.

$5 Billion in Grants. Under the legislation, $5 billion in grants are available to the airlines that can be used to offset any future losses between now and the end of the year that are attributable to the attack. Many other types of businesses will have downturns in revenues resulting from the attacks, but only the airline industry is likely to receive this special relief. Moreover, the bill provides minimal guidance on how the airlines are to calculate the losses. For example, the bill leaves open the possibility that an airline could choose to reduce its flights between now and the end of the year, lay off thousands of workers, but still obtain a substantial amount of the profit it would have realized had it flown a full schedule.

$10 Billion in Loan Guarantees. The bill also provides $ 10 billion in federal loan guarantees. This measure was rushed through the legislative process without a reasoned examination of the need for this component in light of other relief provided by the package. Even the Administration initially opposed inclusion of this measure. In a September 20 hearing before the Senate Banking Committee—just one day before enactment of the bill—Treasury Secretary Paul H. O'Neill testified that if Congress approved the Administration's $5 billion grant proposal, ''the idea of loan guarantees makes no sense.''

Federal Payment of Insurance Premiums. The bill allows the government to pay increases on insurance premiums for the airline industry, as well as for any vendors, agents and subcontractors of airlines, from an existing federal airline insurance fund. The rationale for this provision is difficult to understand, particularly since other provisions in the bill limit airline liability for the September 11 attack and future terrorist attacks. But the costs are potentially enormous, as the provision covers not only airlines, but a broad range of related entities. The existing insurance fund contains only $83 million, but it is likely that the costs of increased premiums would substantially exceed that amount. Thus, to cover this cost, the federal government would have to appropriate additional money for the insurance fund.

Further, making the federal government responsible for any premium increases provides a disincentive for the insurance industry and the airlines to negotiate low premium costs.

PROBLEMATIC VICTIM COMPENSATION SCHEME

The legislation contains provisions to provide federal compensation to the victims of the September 11 attacks. I strongly support this humanitarian gesture, but I have questions about the details of the victim compensation scheme, and whether Congress has adequately considered the implications of this provision.

The bill provides that a Special Master should use a tort model to determine the extent of compensation to individuals, basing compensation in part on the ''economic'' losses suffered, which includes the ''loss of earnings or other benefits related to employment'' of the victim. This model makes sense when a defendant has been held responsible for a wrongful death. But when the compensation is being provided by the federal taxpayer, it may result in inequities.

As a government, we should not value the life of a Wall Street executive more than the life of a firefighter, secretary, or janitor. But under a strict application of the tort model, Wall Street executives with large incomes would have greater ''economic'' damages and hence would be entitled to larger federal payments than firefighters, secretaries, or janitors who also lost their lives.

The language in this area of the bill provides the Special Master with some discretion, and I hope the Special Master will use this discretion to ensure that the victim compensation is administered fairly. But I regret that the haste in which this legislation was put together made refining the victims compensation provisions impossible.

There is a second important question that Congress didn't address: Should the compensation system in this bill be the model for future victims of terrorist acts or natural disasters? Past victims of terrorist attacks have not received the generous compensation amounts H.R. 2926 envisions. Apart from the obvious fairness question of how best to give victims and their families similar compensation, there are cost considerations that Congress did not evaluate if the model in H.R. 2926 is to be used in future cases.

In short, compensation to the victims of the September 11 tragedies is appropriate and important. H.R. 2926, however, fails to thoughtfully address:

How to allocate compensation among victims killed or injured on September 11;

Whether past victims of terrorist attacks should be similarly compensated;

Whether the compensation system will be a model for future victims;

The estimated aggregate cost of this compensation system;

How federal compensation will be coordinated with other compensation that the victims and their families will receive from charitable funds and other sources.

UNKNOWN AND POTENTIALLY SIGNIFICANT COST RAMIFICATIONS

In addition to the problems described above, the legislation also has another provision that could end up costing the federal taxpayer billions of dollars. The bill allows the Secretary of Transportation to determine that an air carrier is not liable for claims regarding losses suffered by third parties above $100 million in the aggregate arising from any terrorist acts that occur in the 180-day period following the enactment of the bill. Where the Secretary makes this certification, the government is responsible for liability above that amount. In the event of another airline-related tragedy or tragedies resulting from terrorist acts, this provision potentially could result in the expenditure of many billions of additional government funds.

LACK OF INDEPENDENT REVIEW

The many substantive problems with the airline relief bill are the result of a defective process. Although the bill commits federal taxpayers to providing tens of billions of dollars in relief, there was no meaningful opportunity for review of the merits of the legislation by independent experts without a stake in the outcome.

In particular, Congress erred by not adequately involving the General Accounting Office in review of this legislation. Nonpartisan and independent, GAO specializes in evaluating expenditures of federal programs. Yet Congress made no request for a formal GAO analysis before enacting the bill.

CONCLUSION

H.R. 2926 reflects a commendable and understandable response to a heart-breaking national tragedy. Unfortunately, the process used to draft the legislation prevented the careful review that is needed to ensure the bill is an effective and fair response to terrorist acts.

By omitting any provision dealing with airline security or compensation for displaced workers, this legislation unwisely focuses just on responding to the immediate needs of the major airlines. That need is unquestionably urgent, but addressing it without resolving other urgent problems is a mistake.

H.R. 2926 received so little scrutiny that it's impossible to assess how much the bill will cost federal taxpayers. At a minimum, this legislation will obligate the federal government to provide $15 billion in financial assistance, but the actual costs could be far higher. And if this bill becomes a model for other affected industries or future victims of terrorist attacks, the total costs could multiply rapidly.

In the aftermath of the September 11 attacks, our nation has learned to put a premium on the value of shared sacrifice.

Shared sacrifice was embodied by the firefighters who charged into the World Trade Center to rescue people they never met and who died in the effort. Shared sacrifice, we're told, is over 100,000 workers losing their Jobs in the airline industry, and many being denied promised severance benefits. And shared sacrifice will be exemplified in the commitment of the men and women in our armed services who are being sent into battle.

But under H.R. 2926, we have found there are limits to shared sacrifice. This bill asks for no sacrifices from those who earn millions in the airline industry. To the contrary, it allows airline executives to continue to earn millions of dollars in salary and compensation, while at the same time imposing no new security responsibilities on the airlines and providing no relief to laid-off workers.

That is inexcusable.

Congress and the Bush Administration are going to have to respond to unexpected demands and urgent needs in the coming months. It is essential that our legislative responses be thoughtful, carefully responsive to actual problems, and effective.

Given the haste in which it was considered, H.R. 2926 likely fails these tests. We can do better in future challenges, and we owe it to our nation to do better.

## IN HONOR OF STANLEY MATHER

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. OSE. Mr. Speaker, I rise today to honor the memory of a constituent and friend of mine, Mr. Stanley Mather and to commemorate his life and the service he gave to his community. Stan served our community as a plant pathologist for thirty-one years with the California State Department of Food and Agriculture, where he tirelessly fought to keep California's fruit crops free of viruses. On Sunday, July 22, 2001, Stanley Mather suffered a heart attack and died in his home in Sacramento, California.

Stan first publicly served our nation as a gunnery officer aboard the battleship, USS *Nevada*, during World War II, where he saw close combat in Europe during the invasion of France in 1944 and the battles for Okinawa and Iwo Jima the following year. During the following three decades, Stan served in a variety of positions, always focusing on fruit virus control programs.

Most notably, it was his work as a member of the Sacramento Rotary Club that first led me in contact with him. Over the last few years, Stan and I have worked closely on many occasions and I consider it a true honor to have had him as a friend. While he is sorely missed, I am reassured knowing that his legacy will live on for generations to come.

## PAYING TRIBUTE TO THE MONTROSE COUNTY SHERIFF'S POSSE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to acknowledge the selfless dedication of the Montrose County Sheriff's Posse. This organization in Montrose County consists of over forty members that volunteer their time and services to their community.

The Posse helps the residents of Montrose County in times of need by providing assistance with search and rescue efforts and forest fire control as well as many other relief activities. In the year 2000, they provided over 2,300 hours of not only their time and effort but also their own equipment. They have managed to remain an effective organization because of the dedication of their volunteer members. The Montrose County Sheriff's Posse provides important public service to a community that makes an effort to financially fund the volunteer organization.

Mr. Speaker, the Montrose County Sheriff's Posse provides an essential service to their community. Their commitment to such an important cause is admirable. I would like to thank the Posse for their valuable assistance and wish them continued success and community support in their future efforts.

## NATURE MAY PROVIDE COMFORT FOR VICTIMS OF TERRORIST ATTACKS

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. RAHALL. Mr. Speaker, over the last weeks Members of Congress have stepped outside of party boundaries, joining together and unanimously supporting millions of dollars to aid victims, families, and rescue workers affected by the September 11th attacks. Now, in addition to financial assistance, it is important for us to provide outlets for these victims and their families through the grieving and recovery process.

The legislation I introduce today continues the bipartisan spirit of the Congress, as it is cosponsored by Resources Committee Chairman JAMES HANSEN. The bill would direct the Secretary of the Interior to create a program under which the survivors and families of the victims of the attacks on the World Trade Center and the Pentagon, as well as the emergency personnel who responded to that crisis, may visit our national parks, forests, and public lands free of charge.

Ralph Waldo Emerson said Nature is the symbol of the spirit and that Nature turns all

malfeasance to good. While this proposal cannot adequately respond to the loss of those who grieve, perhaps the experience of our Nation's greatest treasures—our parks and forests, our mountains and rivers—will help strengthen America's well-being—physically, mentally and spiritually. That is why I have named this bill the Healing Opportunities in National Parks and the Environment Act, the HOPE Act. It is important that we keep hope alive in the wake of the recent tragic events as we recover and rebuild.

There may come a time when a fireman, or a nurse, or a survivor, who has seen far too much pain and suffering, may decide that a day at the lake with his or her family would provide welcome relief. Let us continue to aid these victims and family members as we already have financially. Let us provide the victims and family members the symbol of the spirit—to aid in their spiritual and mental healing. We can facilitate this by providing lifetime free access to all of our natural wonders.

This legislation will make that possible. This legislation is just a small gesture that might encourage someone who is suffering to seek comfort in the beauty of this great land. Like most Americans we continue to struggle with a response to these events. This is just one step Congress can take to support America's greatest natural resources, our citizens.

## TRIBUTE TO FREVERT TRUE VALUE HARDWARE

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize Frevert True Value Hardware for their work and donations in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of businesses like the Frevert True Value Hardware signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11 terrorist attacks, Frevert True Value Hardware has volunteered to paint an American Flag in the yards of local patriots who make a financial contribution to provide for the grieving families and rescue workers. The patriotism and persistence of Frevert True Value Hardware is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## PROBLEM FACING LAWMAKERS, LAW ENFORCEMENT, SOCIAL, CIVIL AND RELIGIOUS LEADERS

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WAMP. Mr. Speaker, I rise today to call attention to the critical problems facing lawmakers, law enforcers, and social, civil, and religious leaders in our nation. These problems are being addressed by the International Bible Reading Association, as well as by Senators, Representatives, and civic, religious, and national statesmen who are confident that the Bible contains the answers to our nation's dilemma.

The great American scholar Noah Webster wrote: ''All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery, and war proceed from their despising or neglecting the precepts contained in the Bible.'' Noah Webster stated the facts over 150 years ago; but, because of the increased pace of our society over just the past 50 years, reading the Bible has declined and violence and immorality have accelerated.

The Bible has had a monumental impact upon the development of our Western civilization, whose literature, art, and music are filled with images and inspiration that can be traced to its pages. More importantly, our laws, our sense of justice, our charity, and our moral standards all find their origin in the Bible. Bible reading impresses upon the minds of readers the principles of morality, truth, justice, and respect for the sacredness of human life.

The Bible, which is a fundamental part of our national heritage, has had a more profound affect on the moral fabric of American society than any other document. It was the basis for our Founding Fathers' belief in the inalienable rights of the individual—rights which they found explicit in the Bible. This same sense of individual freedom and justice permeates the ideals set forth in the Declaration of Independence and the Constitution. The influence of both the Old and New Testaments has formed the basis of our laws, our national character, and our system of values. It was the biblical view of man—affirming the dignity and worth of the human person made in the image of our Creator—which inspired the principles upon which the United States is founded. Many historians credit George Washington with identifying the United States as ''One Nation Under God''; therefore, today we inscribe In God We Trust on our coins.

Responding to a Joint Resolution of the House and Senate, in a 1990 Proclamation, President George Bush wrote: ''I invite all Americans to discover the great inspiration and knowledge that can be obtained through thoughtful reading of the Bible.''

The Bible has not only influenced the development of our nation's values and institutions, but has also enriched the daily lives of millions of men and women who have looked to it for comfort, hope, and guidance.

Mr. Speaker, because of the overwhelming acceptance of the Bible in the history of our nation, I invite my colleagues in the House of Representatives to join me in commending the International Bible Reading Association for its request to George W. Bush, President of the United States, to proclaim 2002 as the Year for all America to read through the Bible.

## RECOGNIZING THE CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE ARTS, WILLIAM J. IVEY, ON HIS RETIREMENT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Chairman William J. Ivey, on his retirement from the National Endowment for the Arts.

Since 1998, Chairman Ivey has dedicated himself and the NEA to preserving the great arts tradition of this nation and to broadening the public's awareness of the tremendous benefits that the arts have to offer.

Under Chairman Ivey's leadership, the NEA and its many programs have exposed countless Americans to the rich rewards of the arts, while benefitting our communities, our children, and our economy.

In 1997, he was honored by Tennessee Governor Don Sundquist for his diligent work as Director of the Country Music Foundation, and was praised by the Tennessee Arts Commission for his efforts in reaching out to the community.

Chairman Ivey's passion for preserving historic recordings of popular and classical music ensure that generations to come will have the opportunity to learn and appreciate the musical treasures of our past.

While I am saddened to see Chairman Ivey's tenure at the NEA come to an end, I am confident that he will continue to be a strong advocate for the arts community.

Mr. Speaker, I again urge my colleagues to join me in recognizing Chairman Ivey for his commitment to the arts and for his leadership to this nation.

## VIOLENCE AGAINST SIKHS EXPOSED—ATTACKS MUST STOP

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BURTON of Indiana. Mr. Speaker, I spoke previously about the violence against

Sikh Americans in the wake of the attacks on the World Trade Center and the Pentagon. I have said previously that these attacks must stop. Now efforts are underway to expose them through the media and to collect information to catalogue these incidents. I applaud those efforts.

Last weekend, a Sikh gasoline station owner in Mesa, Arizona, Balbir Singh Sodhi was shot to death at his gas station by someone, who apparently thought the gas station owner was a supporter of Osama bin Laden because of his turban and beard. It should be noted that 99.9 percent of the people who wear turbans and beards in this country are Sikhs.

Mr. Speaker, this kind of crime must be condemned. The Sodhi killing was just one of over one hundred incidents of harassment or violence against Sikhs. All of these crimes are catalogued on the internet at http://www.sikh.org/hatecrime for the information of the public.

This past Tuesday, September 18, the Council of Khalistan held a press conference to expose the violence against Sikh Americans. They called for an investigation by Attorney General Ashcroft. One of the Sikhs, who created the website I mentioned above, Amardeep Singh Bhalla, was there to announce it. The news conference was attended by reporters from IBN Radio, News Channel 8, and a Chicago TV station, WMAQ. News Channel 8 broadcast it in the evening of the 18th and IBN Radio broadcast it on the 19th.

The Council of Khalistan has put out a press release about the press conference. I would like to place this in the RECORD at this time for the information of my colleagues.

DR. AULAKH, SIKH LEADERS CONDEMN MURDERS OF SIKHS AND OTHERS

SIKHS ARE NOT MOSLEMS—ASK ATTORNEY GENERAL TO INVESTIGATE

WASHINGTON, D.C., Sept. 18, 2001.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today condemned the murders of Sikhs and other Americans in the wake of the World Trade Center attack. Dr. Aulakh an other Sikh leaders spoke at the National Press Club. The press conference was attended by reporters from NewsChannel 8, NBC, the Japanese newspaper Sankei Shimbun, India Globe, and others.

''I call on Attorney General John Ashcroft to look into this nationwide pattern of violence and I urge the victims these attacks to call their police departments and their local prosecutors,'' Dr. Aulakh said. ''This is the best way I ensure that those who perpetrate this violence are appropriately punished.''

''I condemn the violence against Muslim Americans and I condemn the attacks on Sikh Americans,'' Dr. Aulakh said. There have been over 100 acts of harassment or violence against Sikhs. Since the World Trade Center and Pentagon bombings on Tuesday, there has been a wave of violent incidents aimed at Sikhs and other individuals. Over the weekend, a Sikh gasoline station owner was murdered at his business in Mesa, Arizona. The Granthi of the Sri Guru Singh Sabha Gurdwara in Fairfax, Virginia was attacked while walking with his wife. Attackers threw a brick through the window of a local Sikh, Ranjit Singh of Fairfax, Virginia. They were in attendance at the press conference.

Another local Sikh, Sher Singh, was arrested by police in Rhode Island after the attack, but was released the next day. A couple of young Sikhs were attacked in Brooklyn, New York. Sikh businesses have been stoned and cars have been burned. An Egyptian Christian man was shot in San Gabriel, California. A Pakistani Muslim who owned a grocery store was shot in Dallas.

''Sikh Americans, Muslim Americans, Christian Americans, our neighbors and countrymen, are being harassed and acts of violence are being committed against them merely because of their religious or ethnic heritage,'' Dr. Aulakh said. ''All Americans should join together to condemn these cowardly acts.''

''What a group of terrorists did Tuesday was a terrible crime and an act of war against America, but it was done by group of individuals who are no more typical of their religion than Timothy McVeigh is typical of Christianity,'' said Dr. Aulakh. ''Members of minority religious communities are being targeted for violence, and this is unacceptable especially in America.''

''Sikhism is an independent, divinely revealed, monotheistic religion with our own symbols and has no relation to other religions like Islam, Hinduism, Judaism, or Christianity, but we respect all religions'' Dr. Aulakh said. He noted that Sikhism has its own symbols. ''Among those symbols are a turban and beard. That does not make us supporters or associates of Osama bin Laden, yet we are being targeted for violence in the wake of the atrocities last Tuesday.'' I said.

Two young Sikh activists announced the creation of a website for information about hate crimes against Sikhs. It can be found at http://www. sikh.org/hatecrime. They noted that ''99.9 percent'' of the people who wear turbans in America, are Sikhs.

''Let's not let America descend to the level of those who attacked it,'' Dr. Aulakh said.

## HONORING NICK GRAY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the bravery of a great American, Nick Gray, who fought for the United States in World War II and survived the attack at Pearl Harbor and the battle at Guadalcanal. Mr. Gray now resides in Montrose, Colorado.

Mr. Gray and the rest of the 25th Infantry Division were stationed in Hawaii at the time of the attack at Pearl Harbor on December 7, 1941. He awoke to the sounds of 351 Japanese attack planes destroying the base around him. Nick and his captain narrowly escaped the destruction by finding refuge in a river that swept them off the island of Guadalcanal and threw them into the depths of the Pacific Ocean. Nick fought the currents of the ocean throughout the day before making collapsing near the shore where he was pulled ashore by a comrade. Thousands of Americans were lost that day, but Nick Gray survived and continued to fight for our nation in the Pacific. He took part in the historic Guadalcanal campaign and the march to Tokyo. Many more Americans lost their lives during the war, but Nick fought valiantly and survived. However, Nick's good friend, Marion Burch, lost his life in the Pacific shortly after the two had the opportunity to spend some time together. Now at the age of eighty-two years old, Nick enjoys a more peaceful life in Colorado.

Mr. Speaker, Nick Gray courageously fought for our country. From the surprise attack at Pearl Harbor through the end of WWII, Mr. Gray remained steadfast in serving the United States. We are indebted to him for his bravery and perseverance during a time of mayhem and struggle. It is my honor to thank and pay tribute to Mr. Gray for defending our nation and preserving American freedoms.

## TRIBUTE TO DOUGLAS D. KETCHAM

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Douglas D. Ketcham.

Douglas Ketcham was 27 years of age. He was a graduate of University of Virginia and was beginning his career as a bond trader for Cantor Fitzgerald Securities in the World Trade Center.

Douglas Ketcham's life brutally ended when he was a target of terrorist aggression, by a radical extremist group that declared a religious crusade against America and her people. The terrorists sought to end the very things that Douglas' life embodied: liberty, individualism, and opportunity.

Midlothian and the Richmond area, and even our entire nation, has experienced the loss of a friend and patriot. Douglas Ketcham's parents and his loved ones do not mourn alone for him; a whole country joins their sorrow.

On Tuesday, September 11, 2001, a precious life was ripped from our midst.

Douglas Ketcham set himself in the heart of America's business center. He represented the American dream: Hard work and dedication in pursuit of success for himself, his family and community.

On September IIth, Douglas Ketcham reported for work on the 104th floor of the World Trade Center. This day of infamy will remain in American hearts forever—while Douglas Ketcham and many others were conducting the nation's business, terrorists ruthlessly took their lives. Because Mr. Ketcham lived as a symbol of America, he was targeted by those who plot the demise of freedom and democracy.

We owe Douglas Ketcham for paying the price with his life for our freedom, and we will always remember his sacrifice. Let us honor his memory.

## TRIBUTE TO THE GREATER KANSAS CITY CHAPTER OF THE AMERICAN RED CROSS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Greater Kansas City Chapter of the American Red Cross for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and

women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Greater Kansas City Chapter of the American Red Cross signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Greater Kansas City Chapter of the American Red Cross has assisted in local telethons, blood drives, and volunteer efforts to support the nationwide relief effort to provide for the grieving families and rescue workers. The patriotism and persistence of the Greater Kansas City Chapter of the American Red Cross is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## A TRIBUTE TO THE COMMISSION FOR THE PREVENTION OF VIOLENCE AGAINST WOMEN

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. FARR. Mr. Speaker, I rise today to congratulate the Commission for the Prevention of Violence Against Women on the recent celebration of its twentieth anniversary. The Commission has been working to end domestic violence and sexual assault through education and prevention programs throughout the city of Santa Cruz in my district. I am pleased to be able to honor its work here in the U.S. Congress.

The Commission contributes an abundance of life-enhancing, and often life-saving, resources to the city of Santa Cruz. Its violence prevention initiatives include self-defense classes, support services for sexual assault and domestic violence victims, violence prevention programs for lesbians, and workshops for men who want to overcome violence tendencies toward women. It directs educational programs to teach leadership to teens, and age-appropriate awareness training in schools. The Commission also offers legal advocacy including paralegal services and temporary restraining order assistance, and police officer training. The Commission engages in public awareness campaigns, including outreach to often-overlooked populations, offering assistance in English and in Spanish. It is clear that the Commission does much to improve the well-being of women and of all the community members of Santa Cruz.

Mr. Speaker, I am proud to honor the commitment and diligence of all those who work for the Commission for the Prevention of Violence Against Women. Its twentieth anniversary is a tribute to the critical role they play in our area, and I wish them continued success during the next twenty years.

## PERSONAL EXPLANATION

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. DUNN. Mr. Speaker, I was not recorded on Rollcall number 355. I was unavoidably detained and therefore, could not vote. Had I been present, I would have voted aye.

I ask unanimous consent that this statement be printed in the appropriate part of the CONGRESSIONAL RECORD.

## HONORING THE SERVICE AND RETIREMENT OF DR. JAMES VOSS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, to aid and direct an educational institution is a noble task and is worthy of recognition from this prestigious body. On October 8, 2001, Dr. James Voss will announce his retirement from the Colorado State University Veterinary Teaching Hospital. As Dr. Voss steps down, I would like to recognize the contributions that he has made to so many individuals and to Colorado State University.

Stemming from a childhood on a farm and exposure to plowing fields with draft horses, James used his knowledge in 1977 to break ground for the Veterinary Teaching Hospital with a team of horses. He has been an integral member of University community for 43 years dedicated countless hours of service during this time. He has served as the Dean of the College of Veterinary Medicine and Biomedical Sciences and offered numerous innovations and new ideas to the field of veterinary medicine. Due to his lasting impression on the University, it will rename the celebrated hospital the James L. Voss Veterinary Teaching Hospital. While James remains humble in his tribute, his efforts have raised the national reputation of the Colorado State University veterinary college, which is now recognized as the number two school to attend in the nation for animal health and research according to US News and World Report.

Dr. Voss received his degree from the same institution in veterinary medicine and then returned to his alma mater to occupy the academic positions of Department Chair, Director of the Veterinary Hospital and Assistant Dean prior to becoming the Dean in 1986. Under his leadership, the research budget has increased, a number of academic programs were established and the academic curriculum bolstered.

Mr. Speaker, Dr. James Voss has left a lasting mark on Colorado State University and all of its students. Dr. Voss has made significant advancements in the field of veterinary medicine applicable all over the world. As James celebrates his retirement, I would like to congratulate Dr. James Voss on all of his accomplishments and extend my warmest regards and best wishes to him throughout the many years to come. He is an outstanding administrator and educator and he should be very proud of everything that he has achieved.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 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. DEGETTE. Madam Chairman, I rise today to give my qualified support to H.R. 2586, the 2002 Defense Authorization Act and to explain the reasoning behind my vote. Although I support a strong and effective national defense, I have opposed Defense authorization and appropriations bills in the past. Many of the funds included in past bills would have gone to purchase weapon systems and other items that the Pentagon did not request and whose efficacy was questionable. I voted against past bills because I believe Congress must more effectively target scarce resources to all our national priorities.

However, one of the reasons that I am supportive of this legislation today is the fact that we are heading into a potentially protracted and difficult military conflict and it is important that our nation's armed services have necessary and appropriate resources available to them quickly. Additionally, I voted for H.R. 2586 with the understanding that certain controversial and questionable provisions of the bill will be worked out in conference with the Senate.

The Defense Authorization bill contains provisions that will provide increased benefits to the men and women of our armed forces, including retirees, and their families. The bill will include the largest increase in pay for members of our nation's military in 19 years. Additionally, this pay raise will be targeted to provide lower-paid enlistees with greater benefits.

With housing prices rising across the country, lower-paid members of our voluntary military forces sometimes struggle to pay their housing costs. The Defense Authorization bill would effectively reduce the current out-of-pocket housing costs for servicemembers from

15 percent to 11.3 percent by next year, and would seek to completely eliminate the out-of-pocket housing expenses by 2005. The 2002 Defense Authorization bill would also provide $17.6 billion for defense healthcare including funding for promised care under TRICARE for Medicare-eligible military retirees.

The bill also includes important environmental cleanup provisions and assistance to foreign nations for humanitarian efforts. The bill would provide $3 billion for the Energy Department to clean facilities with extensive and severe environmental damage before those facilities close. Funding for the development of new technologies to clean the environment is also included in the bill.

Despite these important provisions, I have grave concerns with certain provisions in the bill that I believe could harm our nation's relations with key allies. This bill includes $8.2 billion for missile defense, which is 55 percent more than the current funding level. It also includes authorization to construct a test bed for a national missile defense system in Alaska. This test bed could violate the AntiBallistic Missile (ABM) treaty, which has been the cornerstone of international arms control for nearly 30 years. The proposed national missile defense system has only been tested in ways that can be described as artificial, and a majority of those tests have failed. In fact, a panel of Defense Department experts cautioned that Congress's rush to install a national missile defense was a ''rush to failure.''

Congress's misguided insistence on developing a missile defense shield and its apparent willingness to abrogate the ABM treaty will seriously injure America's relations with its foreign allies. Our European allies—Britain, France and others—have expressed reservations about America's unilateral approach toward national missile defense. Additionally, Congress's insistence on a national missile defense that violates the ABM treaty could incite another arms race. Already, China has warned that it would acquire as many ballistic missiles with as many warheads as possible if the United States unilaterally deploys a missile defense.

While I strongly oppose provisions in the bill that would violate the ABM treaty by pushing forward with the development of a missile shield, I voted for the Defense Authorization bill with the understanding that both Republicans and Democrats will work together to come to an agreement on these contentious provisions. The Senate has already indicated its intention to cut $1 billion from the funding contained in the bill for missile defense and it intends to consider a separate bill at a later date that will ensure Congress's authority to oversee any missile tests that could violate the ABM treaty.

## TRIBUTE TO THE STUDENT BODY AND FACULTY OF CHOTEAU ELEMENTARY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Student Body and Faculty of Choteau Elementary for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of young people like that of Choteau Elementary signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Student Body and Faculty of Choteau Elementary has contributed and raised more than $2,300 in a school-wide change drive for the grieving families and rescue workers. The patriotism and persistence of Student Body and Faculty of Choteau Elementary is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## DEPARTURE OF NEA CHAIRMAN WILLIAM J. IVEY

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Mr. William J. Ivey, Chairman of the National Endowment for the Arts, who will be stepping down on September 31, 2001.

Since 1998, when the United States Senate unanimously confirmed Mr. Ivey as NEA Chairman, he has forged effective working relationships with more than 250 members of the U.S. Congress.

Through these relationships, Mr. Ivey helped secure a $7 million funding increase for the NEA's Challenge America program in Fiscal Year 2002, their first budget increase in a decade. The Challenge America program developed by Mr. Ivey supports arts education, services for young people, cultural heritage preservation, community partnerships and expanded access to the arts. Without a doubt, this program will contribute to the rich artistic and cultural fabric that has been woven over the course of our nation's history.

Mr. Speaker, as the U.S. Representative for the 3rd Congressional District of New Mexico, I have the privilege of serving several well-known art communities. On behalf of them and all those throughout the United States of America, who like myself, cherish the various arts and their valuable contributions to our society and culture, I would like to thank Mr. Ivey for his work as NEA Chairman.

It was a pleasure to work with him and I am sorry to see him go, but am greatly appreciative of all that he has done and will continue to do on behalf of the arts and I wish him the best of luck with all his future endeavors.

## TRIBUTE TO CHAIRMAN IVEY

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CLEMENT. Mr. Speaker, I rise today to honor Chairman Bill Ivey who will soon be stepping down as Chairman of the National Endowment for the Arts and returning to Nashville, Tennessee. Although I am saddened by his leaving, I am proud that he will once again be one of my constituents in his new position as the Harvie Branscomb Distinguished University Visiting Scholar at Vanderbilt University.

In his new capacity, he will teach, write and conduct research on cultural policy as well as begin the planning and development of a center that will examine the complex relationship between the arts and public policy. Prior to his most recent position, Bill was one of the most widely respected individuals in both the music community as well as the business community at large. Bill joined the Country Music Foundation in Nashville in 1971. The Foundation is accredited by the American Association of Museums as a nonprofit education and research center. It operates the Country Music Hall of Fame and Museum, manages historic properties and publishes a well-respected journal.

Under Chairman Ivey's stewardship, the NEA has funded extremely valuable and important educational programs and worthwhile events in my home state of Tennessee and across the country. The NEA provides funding for many programs in Tennessee, including the Nashville Symphony Association, Fisk University, and the Tennessee Arts Commission. I believe it is important to ensure that adequate funding for these programs continues.

Chairman Ivey has restored the image of the NEA and, under his leadership, federal funding has risen steadily. He has successfully brought a diverse array of arts and cultural programs into rural and previously underserved communities across the country. Programs such as ARTSReach: Strengthening Communities Through the Arts have helped build more than 223 partnerships between arts organizations and civic organizations—schools, churches, chambers of commerce and youth groups—in more than 175 communities in 20 under-served states. This highly

successful program has opened the world of the arts to thousands of Americans.

However, the need is so much larger than the funds available. For every worthwhile request that receives funding, many other equally worthwhile proposals are rejected simply for a lack of available funds. These programs preserve and provide access to cultural and education resources to our citizens. They provide opportunities for lifelong learning in arts and humanities. And they strengthen teaching and learning in history, literature, language and arts in schools, colleges and their surrounding communities.

Just as we need to continue to fund scientific research, we must continue to fund the arts and humanities. A world without the arts and humanities would be devoid of cultural meaning. Research shows that the arts and humanities benefit our nation's young people by improving reading, writing, speaking and listening skills and by helping to develop problem-solving and decision-making abilities essential in today's global marketplace.

The NEA is losing a respected and successful chairman, and although I am sorry to see him step down from the NEA, I am pleased to welcome him home to Nashville and look forward to continue to work with him to advance and promote the arts in Tennessee and across the country. I have every confidence that he will continue to be a strong national advocate for the arts and a leader in his field. Mr. Ivey has done a great job of promoting arts and humanities across this country and I appreciate his efforts.

## TRIBUTE TO THE CENTRAL JACKSON COUNTY FIRE PROTECTION DISTRICT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Central Jackson County Fire Protection District for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to- shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Central Jackson County Fire Protection District signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Central Jackson County Fire Protection District has participated in the ''Pass the Boot'' activities at Arrowhead Stadium raising thousands of dollars to assist in the rescue efforts including the 9–11 Relief Fund, the Red Cross, and to provide for the grieving families. The patriotism and persistence of the Central Jackson County Fire Protection District is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## HONORING OFFICER BOB HOLDER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor and applaud Officer Bob Holder who resides in Trinidad, Colorado. Officer Holder has recently been named the North American Wildlife Enforcement Officers Association's Officer of the Year. I am proud that Colorado has been so solidly represented by an individual committed both to his work and the community where he has established his life and career.

Bob Holder has spent over twenty-six years with the Division of Wildlife and Management in Trinidad, Colorado. During this time, Bob has gone above and beyond his call of duty working not only as a wildlife officer, but also as an educator and mentor to the local community. Additionally, Officer Holder's communication skills and commitment to the people of Colorado helped to maintain a working relationship between landowners, land users and the Division of Wildlife and Management. These accomplishments, along with a distinguished resume of service to the State of Colorado, made Officer Holder's name stand out when being considered for recognition by the North American Wildlife Enforcement Officers Association. This association designated Bob out of nearly 8,000 wildlife officers from across both the United States and Canada.

Mr. Speaker, Officer Holder has been a dedicated public servant to the State of Colorado. It is with great pleasure that I publicly recognize his achievements and offer my congratulations and warmest regards to Officer Bob Holder.

## A TRIBUTE TO BILL IVEY

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to Bill Ivey upon the occasion of his departure from the National Endowment for the Arts. Chairman Ivey is an extraordinary leader, who transformed an agency battling for its very survival to one which has received increases in funding and ever-growing respect and acceptance. As a recent member of the National Council on the Arts, I had the distinct honor of working alongside Chairman Ivey, and I have seen first-hand the vision, dedication, and warm personal touch he has contributed to the arts community for more than thirty years.

The NEA is not the first institution to have benefitted from Chairman Ivey's talents. Mr. Ivey was the first Endowment chairman to have developed and run a nonprofit cultural organization, serving as Director of the Country Music Foundation in Nashville, Tennessee for seventeen years. There, he forged valuable public-private partnerships, and created numerous outstanding programs. Chairman Ivey has chaired or served on fifteen different Endowment grant panels, and he served as an appointee to the President's Committee on the Arts and the Humanities.

The NEA will sorely miss Bill Ivey. Yet the under-served communities touched by his Challenge America Program, the thousands of artists, students, and teachers who will benefit from increased NEA funding, and those of us in Congress who have had the pleasure of working and fighting by his side will remain grateful for the service that Chairman Ivey has performed.

## TRIBUTE TO BILL IVEY

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. NADLER. Mr. Speaker, I rise to salute Bill Ivey for his service as Chairman of the National Endowment for the Arts. Under his leadership, this important agency has thrived despite stagnant budgets and political roadblocks. In fact, his greatest achievement may be the period of relative calm in which the NEA now finds itself.

When Chairman Ivey took over this embattled agency, he faced a Congressional majority that was not only unsupportive of the NEA, but downright hostile to the entire notion of federal funding for the arts. He inherited an agency marked for elimination since 1995, over which legendary battles had been waged. Chairman Ivey disarmed many of his enemies, however, with his thoughtful approach and personal charm.

An important legacy of Chairman Ivey's tenure is the Challenge America Initiative, which specifically expands the reach of the NEA into under-served communities. By clearly demonstrating the NEA's historic commitment to ensuring the broad distribution of the arts throughout the nation, Chairman Ivey greatly enhanced the impact of the NEA.

His tireless lobbying efforts on Capitol Hill were finally rewarded last year with the first increase in nearly a decade. He should also be proud that the annual debate over the NEA has become a largely pro-forma affair as Congress has learned that the overwhelming majority of Americans support the NEA and its mission. Chairman Ivey's successor will have a great task ahead, but he will have a strong foundation from which to work, thanks to Bill Ivey.

## RECOGNIZING THE RETIREMENT OF NEA CHAIRMAN WILLIAM IVEY

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. SLAUGHTER. Mr. Speaker, I rise to salute one of America's finest and most respected arts policy advocates who left public office at the end of September—Bill Ivey, Chairman of the National Endowment for the Arts. During his three-year tenure, Chairman Ivey has been an effective leader and has placed the National Endowment for the Arts on sound footing. While in past years, mention of the Arts Endowment has frequently been prefaced by such adjectives as ''beleaguered'' or ''embattled,'' today, the NEA is a dynamic and forward looking agency.

One of Chairman Ivey's most enduring legacies is his success in changing the tone surrounding the debate of federal funding the arts here on Capitol Hill. His down-to-earth personality, his tenacity in holding face-to-face meeting with more than 250 Members of Congress, his two and a half decades of experience as the director of a non-profit arts organization, and his astute insight into arts policy and community needs won praise from both sides of the aisle. Today, the NEA enjoys strong bipartisan support, and in 2001, received its first budget increase since 1992.

Chairman Ivey came to Washington with a clear vision for the NEA and the arts in America and he articulated that vision in a five-year strategy. Challenge America is an initiative that has won the support of not only Members of Congress, but of communities and citizens all across the nation. This program effectively focuses federal arts funding on some vital American values: education, services to young people, preservation of our cultural heritage, and community partnerships.

Chairman Ivey has also sought cooperation with other federal agencies, establishing new partnerships and strengthening existing ones. Today, the Arts Endowment works in partnership across America with more than 20 other federal agencies as well as state arts agencies and local arts organization on hundreds of projects to enrich the lives of all Americans.

Chairman Ivey is a strong leader and a passionate spokesman for the arts, artists, and our nation's living cultural heritage. His influence will long be felt in these areas and his presence will be greatly missed by those of us who have had the privilege of knowing and working with him. The National Endowment for the Arts are fortunate to have had him at the helm of our nation's federal cultural agency. Best of luck, Bill; I know you will continue working to establish the value of the arts in the hearts and minds of all Americans.

## TRIBUTE TO THE ANTIOCH BIBLE BAPTIST CHURCH

### HON. SAM GRAVES

OF MSSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Antioch Bible Baptist Church for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of churches like Antioch Bible Baptist Church signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the congregation at Antioch Bible Baptist Church has contributed $10,000 to provide for the grieving families and rescue workers. The patriotism and persistence of the Antioch Bible Baptist Church is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## A TRIBUTE TO BILL IVEY, CHAIRMAN OF THE NATIONAL ENDOWMENT OF THE ARTS

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Bill Ivey, Chairman of the National Endowment of the Arts. Bill grew up in Calumet, Michigan, a town in the Upper Peninsula in my district.

It is with great pleasure that I note Bill Ivey's remarkable career achievements. In recent years controversy had surrounded the NEA. This controversy has led to strict reform and restructuring of the NEA. Bill has led this reform and was able to build bipartisan support for the arts in Congress. Congress responded by providing the first budget increases in eight years. Bill Ivey spent much of this time explaining and implementing changes needed at the NEA. In his three years running the National Endowment for the Arts, Bill methodically changed the agency from one that was constantly criticized to a bastion of bipartisan calmness.

Bill Ivey's past experiences prepared him well for the job, including serving as Director of the Country Music Foundation for 25 years. His experience and focus uniquely qualified him to recognize the importance of cultural programs across the country not only in big cities but also in rural communities and small towns.

Under his leadership the NEA began a program to distribute more grant monies to underrepresented geographic areas. I receive many letters from local arts councils, senior centers, community theaters, youth programs and museums detailing the positive effect of NEA's programs have and how even a small amount of federal funding greatly impacts the quality of their programs. These reforms led by Bill deserve much of the credit of the new image of the NEA.

Under Bill's direction of the NEA the ''Save America's Treasures'' program helped preserve the Calumet Theatre in Calumet, Michigan. Despite its remoteness, this remarkable theater once provided a stage for some of the greatest actors and actresses who traveled the country shortly after the turn of the century. Like many institutions of its kind, the theater fell on hard times but was rediscovered by farsighted local residents. Now it is the bright jewel of a national project. I thank Bill for his tireless efforts toward this goal.

Bill has been not just in Washington and other large cities but he also visited the small towns of America witnessing the progress of the NEA. He believes that art should not just be in the big city but also rural America, For example, Bill visited Fraziers' Boathouse in Marquette, Michigan, and granted them $15,000 to Lake Superior Theater, Inc. to overhaul the lighting system in the boathouse theater.

Bill can be proud to know that he leaves the NEA with a greatly improved reputation and solid Congressional support. I wish Bill the best at Vanderbilt University, and his service at the National Endowment for the Arts will be missed, just as I will miss working with my friend, the Honorable Bill Ivey.

## HONORING THE FALLEN FREMONT COUNTY SHERIFF'S DEPUTY JASON SCHWARTZ

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, sometimes we do not realize what we have until it is gone, and human life is no exception. The service of our law enforcement officers is another aspect that we often forget, but on October 1, 2001, our hearts and minds were struck with a stark

reminder that our officers of the peace are as vulnerable as any they seek to protect from those that wish to inflict harm on others.

Jason Schwartz, a 26-year old Fremont County Sheriff's Deputy, was mercilessly shot in his car after apprehending Michael and Joel Stovall in Canon City, Colorado. I would like to take a few moments to raise the service and life of this gracious young man to the attention of this body and offer our sympathies to his family and friends at this time.

While we may not ever fully understand the reasons why this event ever happened, we must allow our hearts to be filled with the joy that Jason brought to us while he was with us. Jason was a strong and dependable leader who was just beginning a long career as a sheriff's officer. Everyday he demonstrated his charisma and enthusiasm for his job and it was evident in all he did. His colleagues as well as members of the community respected Jason. His presence was a shining star for many to emulate.

Jason's one month-old son, Mason, and his wife Sheryl live to remember the honorable service he offered the people of Fremont County. Words simply cannot begin to express the admiration, the appreciation and the solemnity that we all have at this time of remembrance and mourning.

Mr. Speaker, Jason will live within the hearts and minds of all of those that he touched. His brave and selfless service ensures that he is not a forgotten hero. This tragic event cut short Jason's dreams and our entire community joins together to offer our sympathies and condolences. At this time of remembrance, I would like to extend my deepest sympathy and the sympathy of this Congress to Jason's family and friends and let them know that my thoughts and prayers are with them.

## TRIBUTE TO BILL IVEY

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. HILLIARD. Mr. Speaker, the retirement of William J. Ivey from the Chair of the National Endowment for the Arts is a great loss for the nation. He has demonstrated a remarkable capacity to bring diverse partners to the conversation of arts policy—fully engaging the nonprofit, foundation and corporate communities in a dialogue about the future of the arts in America. He has put the outcomes of these conversations into practice, initiating new programs that lengthen the reach of federal dollars, spur giving from the private sector, and build community support for the arts.

Meeting the vast needs for arts funding with limited federal resources is a serious challenge. Under Chairman Ivey's leadership, the NEA created the Challenge America program, which has extended the geographic reach and the leveraging capacity of federal arts dollars while strengthening the arts in rural and inner-city communities. Chairman Ivey has challenged America to build a lasting infrastructure of support for the arts at the local level by developing cultural plans, utilizing technology, and strengthening educational opportunities for children.

I join with the rest of Congress at this time to thank him for his work and to wish him well as he continues his life. Without doubt, he will continue to contribute to the culture of the American people in many ways.

## FAREWELL TO BILL IVEY

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. MORAN of Virginia. Mr. Speaker, I have never been timid about my support for the National Endowment for the Arts or my passionate belief about the importance of the arts in our culture and the role of the federal government in fostering the arts. Just as profoundly, I believe we have been blessed to have Bill Ivey at the helm of that agency at a critical time.

I have thousands of civil servants among my constituents. I know the dedication they bring to their work.

Billy Ivey would rank among the top of those who come into government only for a time—contributing their special backgrounds and abilities. His appointment to be Chairman of the NEA was an inspiration.

Bill did not have to be converted to the idea of connecting the arts and the NEA to communities and families. He was one of its prophets.

As a life-long folklorist, when Bill Ivey talks about America's Living Cultural Heritage, it's clearly not a phrase from a good wordsmith. That devotion comes from his very soul. When he says ''Living Cultural Heritage,'' you can practically see his toes growing into the ground like tree roots.

He also brought another skill to the NEA, one that is as critical to success as it is often overlooked. From having run a non-profit organization for more than 25 years, Bill understood, and had met, the challenges of leading and managing a large organization. We never saw that directly on the Hill. But I have heard from my constituents who have worked for Bill at that agency that he was extraordinary. We have certainly seen the results.

Most heads of agencies or programs might get to know the Chairmen and a few key Members of the Authorizing and Appropriating Committees with relevant jurisdiction. Bill Ivey tried to meet all of us, especially all of the critics of the NEA. He pounded the terrazzo and marble of our halls to meet hundreds of Members of Congress, reinforcing the agency's supporters and disarming its detractors. He gave us concise briefings on the NEA's programs and procedures, and on his vision for how the NEA could enrich our families and communities.

He took back to the NEA the priorities of our constituents. He instituted many experimental programs, among them: for fostering partnerships among local community organizations, for positive alternatives for young people, and for enhancing the use of arts in education. He promoted outreach in formal and informal initiatives—and in simply making outreach a priority in everything the NEA did. In the last four years, with mostly a flat budget, the NEA increased the number of applications received, and doubled the number of grants given. Bill Ivey, and the National Endowment for the Arts under his leadership, gave Congress more than ample reason for FY 2001 to give the agency its first budget increase in eight years.

Mr. Speaker, Bill Ivey is moving on to other challenges, but his accomplishments in leading the NEA can never be exceeded. Personally I will miss him.

Our nation now faces a new challenge brought upon by the terrorists attacks on September 11th. I share Bill Ivey's belief that the Arts can play a critical role healing this country. Following Bill Ivey's tenure at the NEA, the Arts community is in a better position to respond to this new challenge.

## RECOGNIZING THE LIBERTY BOY SCOUT TROOP 214

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Boy Scout Troop 214 for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Boy Scout Troop 214 signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Boy Scout Troop 214 has raised more than $6,000 by selling ribbons to assist in the rescue efforts and to provide for the grieving families. The patriotism and persistence of Boy Scout Troop 214 is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## TRIBUTE TO WILLIAM J. IVEY

### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SHAYS. Mr. Speaker, it gives me great pleasure to recognize William J. Ivey for the extraordinary work he has done over the past three years on behalf of the arts.

During his tenure at the NEA Chairman Ivey developed a nonprofit cultural organization and worked to protect America's living cultural resources. An advocate for various art forms, he has, without a doubt, fulfilled the Endowment's mission to ''foster the excellence, diversity, and vitality of the arts in the United States, and to broaden public access to the arts.''

Chairman Ivey, I thank you for all your hard work over the past three years and wish you well in your future endeavors.

## THE DISPLACED OLDER WORKER ASSISTANCE ACT OF 2001

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to provide targeted tax relief to all workers who are laid off and who receive severance benefits, and to grant re-training assistance to older workers who often have special difficulties when trying to find new employment after a lay-off.

My legislation would allow all workers, of any age, to exclude up to $15,000 from their taxable income for severance pay, effective after the date of enactment.

This legislation is based on the commonsense principle that having one's employment terminated is painful enough for a family to deal with. Clearly, the federal government should not make matters worse by levying additional taxes on non-recurring severance payments.

Severance benefits often create the impression of affluence on paper, and when they are counted as ordinary income (as is the case under current law). The payments boost family incomes into higher tax brackets, and result in higher tax liability. In many cases, a sizeable portion of the severance benefit is lost to the I.R.S. in the form of higher taxes.

This glitch in our tax code was brought to my attention several years ago by a constituent of mine, Mr. Bill Giovennetti of Hamilton, when he told me that he lost thousands of dollars of his severance benefits when he was forced to take early retirement in the early 1990s, as his company was downsizing. Because he was a long-time employee, his severance benefit was fairly significant, and it put him into a higher tax bracket. He protested this taxation to the I.R.S., thinking initially that it was some kind of mistake. Common sense would suggest that the I.R.S. would not want to kick a man when he's down on his luck and out of a job by hiking his taxes and taking away part of his severance package. When he got the letters back from the I.R.S. telling him that severance pay is included and taxed as regular income, he couldn't believe it.

His case is not the first, nor will it be the last, unless this legislation becomes law.

Current law on taxing severance pay has no policy justification. Severance pay is not recurring income. Including it as income distorts a person's true financial situation and makes them appear more wealthy. However, the fact of the matter is that the family's actual financial situation has been weakened by the impending lay-off. The non-recurring nature of severance payments is not recognized by our tax code, and in effect, current law is harshest on those workers who put in the longest years of service to their employer. People should not suffer a tax penalty merely because they have been loyal, longstanding employees, and my legislation provides necessary and needed tax relief to middle class families.

The exclusion can be taken either in the year the severance payment is received, or in one of the next two succeeding taxable years. I have capped the exclusion at $15,000, to ensure that taxpayers are helping those who really need our assistance, not padding the ''golden parachute'' bonuses of CEOs.

Mr. Speaker, since the horrible events of September 11, literally tens of thousands of workers—particularly those in the airline, travel, and tourism industries—have been laid off. Over 100,000 lay offs are anticipated in the airline industry alone when all is said and done. Our economy has taken a body blow, and we will need to provide our laid-off workers all the help we can give so that they can land on their feet.

Severance payments are more than just a reward for service. Severance benefits often are used by laid-off workers as seed capital to start their own businesses. They are used for retraining purposes, such as tuition or fees for specialized training programs. Taxing these benefits is like throwing an anchor to a drowning swimmer. Instead of being a tax albatross, severance payments should be a lifeline that unemployed workers can rely upon when trying to find another job.

Not all workers who are laid off find it easy to get another job that pays wages similar to their last job. In fact, older workers —especially those over the age of 50—often experience major difficulties. To address this problem, my legislation provides a $2,000 targeted refundable tax credit for displaced older workers to help them with retraining expenses.

Workers over age 50 usually have spent most (or all) of their careers at the same firm, and often experience difficulties finding new employment after suffering a lay off. This is the result of a number of factors, including: (1) middle-aged employees do not always receive continuous training, and therefore existing job skills might be obsolete in the current job market, (2) the middle aged employee often has higher salary requirements than other workers seeking employment in his or her field, (3) prospective employers are often reluctant to invest additional training in older workers because the firm will not be able to recoup that investment before the employee retires, and (4) the terminated employee may need to switch industries entirely, necessitating training, since the old industry skills are specialized and not easily transferable.

Since the employer often does not have an incentive to invest in retraining for older workers, this tax credit will help individuals retrain and find new employment so that they may be gainfully employed for a period of time before retirement.

Because only workers over age 50 can claim the $2,000 credit, this should significantly reduce the costs of the credit, and it also targets the relief where it is most needed. The credit is also refundable, so it can be claimed as a refund even if the person has no taxable income. In this way, the legislation is certain to benefit lower-income workers.

The qualified retraining expenses under the bill are for items such as tuition and fees, books, supplies, equipment for college or technical retraining courses, and/or meals and lodging at an educational institution.

There is a means test which affects those earning over $100,000 for a married person filing jointly, $75,000 for an individual, or $50,000 for a married person filing separately. The value of the credit steadily diminishes for those earning over these amounts. The means test was included to ensure the retraining credit is targeted to help the middle class.

Lastly, my bill initiates a comprehensive study on the special needs of displaced older workers. As many of my colleagues know, federal job assistance programs ought to be tailored to meet the various needs of workers seeking new jobs. Anecdotal evidence suggests older workers may have unique retraining needs. This study will focus on the needs of such workers, and help agencies meeting these needs decide how existing programs should be improved.

The bill would require the General Accounting Office (GAO) to study the special needs of older (age 50+) displaced workers, and would examine: (1) the unique differences in needs between older and younger workers trying to find a job after a lay off, (2) an assessment of whether current programs adequately meet these special needs (if any) of older workers, (3) an assessment of whether older workers are disproportionately and negatively impacted by job losses attributable to international trade, and (4) an assessment of whether the private sector has sufficient incentives to invest in worker retraining for older workers.

Mr. Speaker, our workers who have suffered a lay off need our help. In the wake of September 11, we now have two enemies to fight: terrorism and recession. My proposal is just one component of the effort to get our economy moving again and to help unemployed workers regain their financial footing.

## RECOGNIZING THE LIBERTY ROTARY CLUB

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Rotary Club for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these

terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Rotary Club signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Rotary Club has joined more than 8,000 Missouri Rotarians in their statewide effort to raise $100,000 to provide for the grieving families and rescue workers. The patriotism and persistence of the Liberty Rotary Club is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## A MORMON MOMENT

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. HANSEN. Mr. Speaker, the national news publication, Newsweek, has published an article entitled ''A Mormon Moment,'' authored by Mr. Kenneth L. Woodward, (9/10/01) which highlights the growing influence of the Church of Jesus Christ of Latter Day Saints, sometimes referred to as the LDS Church, or ''Mormon Church'' in world religion, and in particular, its influence in my home State of Utah. As home to the upcoming 2002 Winter Olympic Games, Salt Lake City, also serves as the world headquarters for the church.

Woodward's article made the case that the church, its history, its doctrine and influence on political and civic affairs will be under the world's media spotlight during the 2002 Winter Games in February. I think that is a safe assumption.

Religious belief is a deeply personal subject. Religious faith, or the lack thereof, defines largely who we are as a person. It is one of the the most profound influences on our individual thoughts and actions. It is inherently difficult for a person of one faith to objectively and completely explain the doctrines and beliefs of another faith. I believe that, as a non-LDS reporter, Mr. Woodward's characterizations of LDS doctrines and teachings may have encountered some of this same difficulty.

As a fourth and fifth generation member of the LDS church, I must admit that I found some of Mr. Woodward's characterizations of my beliefs and the history of the church to be strained or not entirely accurate in some instances, and perpetuates some unfortunate and outdated stereotypes.

However, it is not really appropriate or productive to engage in debate or detailed discussions on religious doctrines and beliefs on the floor of the U.S. House of Representatives, and that is not my purpose in bringing this subject up tonight. Again, religious belief is deeply felt and personal, and each person should be left to discover and follow his or her own faith.

My purpose in coming to the floor on this subject tonight is seek to dispel the notion inherent in this article that the Church of Jesus Christ of Latter Day Saints, or LDS Church, is actively seeking to exploit the 2002 Winter Games. I also want to dispel the notion that the Salt Lake Organizing Committee for the 2002 Winter Games is somehow beholden to or acting improperly in concert with the LDS Church.

I think that a few points must be made in counterbalance to Mr. Woodward's article that will help place all of this in perspective.

First, I respectfully disagree with the author's assertion that ''[n]ot since the ancient Olmpiads were held under the gaze of Zeus and his randy band of gods and goddesses have the Games been staged in a local so thoroughly saturated by a single religion.''

Approximately 72% of Utahans statewide claim membership to the LDS church. Even though 72% is still a substantial majority, the author failed to point out that within Salt Lake City itself, the figures are roughly 50% LDS members to 50% non-members. He also failed to point out that while many of Utah's prominent government leaders are LDS (which should not be a surprise when reflecting the composition of the general population), he failed to note that the last two mayors of Utah's largest city and capitol, Salt Lake City, including the current mayor, are not Members of the LDS church.

For balance, I think it's important to recognize that religious influences often permeate local cultures wherever one chooses to look. Olympic events have been held in several other venues where there have been even greater religious majorities than Salt Lake City.

For example, I recall the Winter Olympic Games being held in Grenoble, France, in the late 1960's. France's population is over 90% Roman Catholic, and that particular faith and the history of the French people and culture are inseparable. The French have historically viewed their national identity as being intertwined with Catholicism. It is part of ''who they are.''

Another example is the Winter Olympic Games which were held in Lillehammer, Norway. I recently visited Norway. It is an extraordinarily beautiful country. Approximately 86% of the population are Lutheran. In addition, Lutheranism is the State Church. One could say the same thing about the influence of protestantism on Norwegian culture and politics as that which Catholicism had on France.

Yet another example is the most recent winter games held in Nagano, Japan. 98% of Japanese are followers of the ancient Shinto and Buddhist religions.

I'm sure that if we looked further, we could find other similar examples. Therefore, it should not strike the world, nor the media, as unusual that religion plays an important part in the culture and history of Salt Lake City and its people. To the extent that this fact is newsworthy is the result of decisions made by the media themselves, and is not part of any organized effort on the part of the church or the Salt Lake Organizing Committee. I sincerely hope that the motivation for some of the media coverage of the LDS Church and its doctrines in the context of the 2002 Olympics is not motivated by some religious bias or prejudice based on specific beliefs.

For example, wouldn't it strike most people odd to have Newsweek write articles discussing specific Catholic or Lutheran, or Shinto religious beliefs in detail in the context of an Olympic story in France, Norway or Japan? To some extent, the attention focused on specific LDS religious beliefs in the context of the 2002 Winter Games seems out of place.

Second, I think the author did not adequately express the separateness of the 2002 Winter Games and the Salt Lake Organizing Committee from the LDS Church. They are entirely separate. One is a religious organization and world religion. The other is a secular organization. While there are LDS members who serve on the SLOC Executive Committee, a substantial majority of SLOC officials and employees are not members of the LDS Church.

It has been my experience that both organizations have sought, very diligently, to ensure that there is no undue influence, or even the appearance of undue influence, by the Church on the organization or outcome of the games. Any assertion that there has been undue influence is totally unsubstantiated.

Further, I would like to point out that these are America's Games. They're the world's games. They're not Utah's Games, nor the LDS Church's games. Like any other American city or state, we're proud to host, for a short time, the premier winter sports events in the world.

In closing, Mr. Speaker, I would hope that people would recognize that the reason that Salt Lake City was chosen to host the 2002 Winter Games is because of its reputation as having the ''Greatest Snow on Earth.'' It has world-class skiing opportunities and venues.

We are all working together to ensure that all visitors feel welcome in Utah and in the United States. If you come to the games, you will have a good time. The focus will be on the athletic competition, as it should be.

We welcome the world to our state. We have nothing to hide and nothing to be embarrassed about. We also have nothing to apologize for. Utahs' citizens of whatever religious background share in their pride and enthusiasm for upholding the Olympic Spirit. There is, and will be, a place at the table for everyone.

## IN HONOR OF BALTIMORE COUNTY PROFESSIONAL FIRE FIGHTERS ASSOCIATION—LOCAL 1311

### HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. EHRLICH. Mr. Speaker, I rise to express my gratitude and and admiration for the men and women of the Baltimore County Professional Fire Fighters Association, Local 1311

of the International Association of Fire Fighters. This organization represents more than one thousand fire fighters, officers, and EMS workers in Baltimore County. Each and every day, these heroes risk their lives serving the citizens of Baltimore County.

In the wake of the tragic and cowardly attacks on the World Trade Center and Pentagon, Local 1311 sprung into action. Recognizing that over three hundred and fifty fellow fire fighters lost their lives during the horrific events of September 11, 2001, members of Local 1311 rapidly organized a fundraising drive to assist the families of our fallen heroes.

Inspired by the IAFF's creation of the New York 9/11 Disaster Relief Fund, the association began a direct campaign to solicit donations for this worthy effort. Local 1311 members hit the streets of Baltimore County from September 21–23. Fire Fighters diligently worked street comers and shopping malls asking for contributions. I am pleased to report the public responded generously. While the final tally has not been calculated, approximately $300,000 was raised for the 9/11 Fund. All Baltimore County Fire Fighters merit our thanks and congratulations.

I want to express my personal thanks to Local 1311 Trustee, Mr. Ted Moffitt, for coordinating the overall effort. The entire leadership of the organization led by President Mike Day, Secretary-Treasurer Jim Kinard, and Office Assistant Elizabeth Grove assisted with logistical support. Finally, my heartfelt thanks and appreciation is extended to Mr. Edwin F. Hale, Chairman of First Mariner Bank, for the support and assistance he and the bank provided in handling, counting, and safeguarding the voluminous amount of coin and currency collected. This group effort represents the best in America; it will undoubtedly provide much needed relief to survivors of our fallen heroes.

Mr. Speaker, fire fighters are truly America's bravest. I applaud the Baltimore County Professional Fire Fighters for their hard work and commitment to their county, country, and fellow citizens.

## THE TALIBAN AND TERRORISM

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. LANTOS. Mr. Speaker, I rise today to bring to my colleagues attention a recent op-ed in the Los Angeles Times by Karl Inderfurth, Assistant Secretary of State for South Asian Affairs under the previous administration. The piece by Mr. Inderfurth details the warnings that the United States clearly, directly and emphatically issued to the Tallban in 1999 regarding their support for, and terrorists activities of, Osama bin Laden. Assistant Secretary Inderfurth informed Mullah Abdul Jalil, a close associate to Mullah Omar, in February of 1999 that the United States would hold the Taliban accountable for bin Laden's future actions and reiterated the request to expel bin Laden to a location where he could be brought to justice.

I ask that the following Los Angeles Times Op-Ed by Karl Inderfurth be placed in the RECORD and I urge my colleagues to read it.

[From the Los Angeles Times]

FACE TO FACE WITH THE TALIBAN

(By Karl F. Inderfurth)

After the terrorist attacks on the World Trade Center and the Pentagon, President Bush said we will make no distinction between the terrorists who committed these acts and those who harbor them. The Tallban of Afghanistan should not have been surprised by this statement. They were similarly warned by the U.S. government more than two years ago.

The meeting took place Feb. 3, 1999, at the U.S. ambassador's residence in Islamabad. As the assistant secretary of State for South Asian Affairs, I was instructed to deliver a message about Osama bin Laden and terrorism to a high-ranking official of the Taliban movement. I was accompanied by the State Department's coordinator for counter-terrorism, Michael Sheehan. Mullah Abdul Jalil, a close associate of the Taliban's supreme leader, Mullah Mohammed Omar, and a possible liaison with Bin Laden, traveled to Pakistan to meet with us. The bombings of the U.S. embassies in Kenya and Tanzania nearly six months earlier had made it horrifyingly clear that Afghanistan-based terrorism was direct threat to the United States. We were outraged that after all the support the United States had given the Afghan resistance during its struggle against the Soviet Union, the terrorists tied to the bombings, including Bin Laden, were trained and based in Afghanistan.

The U.S. government had repeatedly demanded that the Taliban stop giving safe haven to terrorists. It had also appealed to nations, like Pakistan, that have influence in Kabul. But the situation did not change.

The message I delivered at the February meeting went further than any previous one issued by the U.S. government. Arriving late in the evening from Kandahar, Afghanistan, Mullah Jalil was accompanied by the Taliban's representative in Islamabad. Along with Sheehan, I stressed that the Taliban needed to expel Bin Laden to a location where he could be brought to justice. I emphasized that it was vitally important for the Taliban to act, because the American government believed that Bin Laden was still plotting acts of terrorism against the U.S.—and that we would hold the Taliban responsible for his actions. The message could not have been clearer.

Speaking softly through his interpreter, and frequently stroking his beard, Mullah Jalil responded. He began with a prayer, then proceeded to argue that the Taliban's actions conformed to their interpretation of Sharia, or Islamic law. He said Bin Laden was an honored guest of the Taliban for the role he had played in the Jihad, or holy war, during the Soviet Union's occupation of Afghanistan. Mullah Jalil acknowledged that Bin Laden was increasingly a burden on Afghanistan, but the Afghani tradition of hospitality did not permit them to force Bin Laden to leave. Mullah Jalil assured us, however, that Bin Laden was under the Taliban's control and that he could not possibly be operating a worldwide terrorist network as we had suggested. Finally, he demanded that we show him the evidence against Bin Laden and that then the Taliban would act according to Islamic law. Sheehan did, citing chapter and verse from the indictment of Bin Laden for his role in the East Africa embassy bombings.

Later efforts were made to provide the Taliban with more information about the U.S. case against Bin Laden, but they never responded. The nearly three-hour session with Mullah Jalil produced no meeting of the minds. Subsequently, the United Nations Security Council tried to persuade the Taliban to turn over Bin Laden. Two resolutions were adopted, in October 1999 and December 2000, and sanctions were imposed on the Tallban to accomplish that purpose. Again, the Taliban defied these calls by the international community.

Meanwhile, the Taliban, and some of their supporters, tried to misrepresent our campaign against Bin Laden and terrorism as an attack against Islam. Nothing could be farther from the truth. The United States does not oppose Islam. The United States respects Islam. But we oppose those who commit or condone criminal acts, especially those who commit and inflict grievous injury against civilians in the name of any ideology, religion or cause.

Today, the Taliban and their leader, Mullah Omar, are facing another hour of truth. Let us hope they will change their mind promptly and turn over Bin Laden to appropriate authorities in a country where he can be brought to justice and close down the terrorist training facilities in Afghanistan. If they do not the United States will respond. The Taliban have been warned.

## PERSONAL EXPLANATION

### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. TIBERI. Mr. Speaker, on Monday, September 24, 2001, I was delayed in returning to Washington, D.C. from Columbus, OH due to inclement weather. As a result, I was unable to record a vote on rollcall No. 349 (H.R. 717) and rollcall No. 350 (H.J. Res. 65). I fully support these important measures and had I been present, I would have voted in favor of both.

## POWER TO CHANGE OUR WORLD

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. DELAHUNT. Mr. Speaker, on Tuesday, September 18, family and friends gathered together at St. Helen's Church in Norwell, Massachusetts to mourn the loss of John J. Corcoran, a victim of the tragic terrorist attack on the World Trade Center on September 11 . The memorial service was a stirring reflection of the life and spirit of Mr. Corcoran. From the depths of grief came a deeply moving tribute from his sister, Debi Corcoran of Helena, Montana. Her words of eulogy were so genuinely inspirational that I commend them to all of my congressional colleagues:

On the morning of September 11th, my brother Jay kissed his two children and his wife good-bye and raced to catch United Airlines flight 175 from Boston to Los Angeles, where he would resume his job as a Merchant Marine engineering officer. At 9:03 a.m. EST, his plane crashed into the south tower of the World Trade Center, killing all on board and thousands within the building as the tower crumbled to the ground. There had been the possibility that Jay had missed his flight, so my family and I, like many other families, held a vigil of prayer for most of the day while we awaited official world from the airlines. Even when the call finally came, it was all too surreal I had just spent the most wonderful family reunion with all my sisters and

brother at West Hyannisport for my mother's 72nd birthday just two weeks before. It had been the first time in five years we had all been together. We shared so much joy and laughter and gave each other so much love and support for all the struggles and challenges going on in each other's lives. We headed off in our separate directions, refreshed and renewed by the blessings only family love gives. Today, we unite again as a family to ease the pain, dull the shock and fill each others spirits as we acknowledge our brother's departure to his home with the Creator.

In all these days of telephone communications with my family, we've each had time to express our deepest thoughts, our rawest emotions, and without exception they have been expressions of love, compassion, and peace. My brother and the thousands more who ascended en masse into God's light were the recipients of an energy called hate. We know this one well. We've seen it in our schools, our cities and towns, and throughout the world. We are familiar with it's bitter taste. But where does it come from? And why was it directed at us—America? Do we need to look at the way we consume disproportionate amounts of the world's resources while billions live in poverty? Do we need to examine the overdue responsibility to rein in greed and waste, and the need to share more equitably with all our brothers and sisters?

It would be easy for us to shun culpability, to proclaim victimization, to extoll political rhetoric and allow military action to be our reaction. But, I don't believe my bother and all those other beautiful spirits made the supreme sacrifice so that we can go on with business as usual Might makes right! The have and the have nots! An eye for an eye! Money is power! I believe their prayers of the families who lost loved ones and the human community at large are that we act, and not react. That we take this seed called love and grow a new garden; a world where love, sharing, charity, compassion and caring are our mantra and not more, more, more!

I believe we are at a crossroad as human beings. We have free will. We have the right to choose. Will our recourse be one of hate, anger, revenge and the subsequent and eventual destruction of humankind and Mother Earth? Or do we take responsibility—each and everyone of us and become a conduit of God's love, acknowledging the circle of light that connects all of us? We cannot harm another without harming ourselves and that is why all the world feels our pain and grieves with us; and that is why all the world anxiously awaits our response. Let our collective goal be justice for all.

As one who has my blessed brother departed from this physical plain too soon and with such horror, I choose to stand for love, compassion, peace and for a true change on all our parts. As children of God, I ask you all, to look into your hearts and see what kind of a world you want your children to grow up in, and to then decide to make it so. It is within all our power to change our world.

May there be peace on earth.
May the heart of all people be open to themselves and each other,
May all people awaken to the light of their own true nature,
May all creation be blessed, and be a blessing to all that is.

## RECOGNIZING THE LIBERTY FIRE DEPARTMENT AND THEIR SPOUSES

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Fire Department and their spouses for its work and sacrifice in honor of all the peogle who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Fire Department signify the commitment and concern of Americans everywhere. Our Nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Fire Department and their spouses have participated in the ''Pass the Boot'' activities at Arrowhead Stadium and fundralsing at the Liberty Fall Festival raising thousands of dollars to assist in the rescue efforts including the 911 Relief Fund, the Red Cross, and to provide for the grieving families. The patriotism and persistence of the Liberty Fire Department is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it Is important that the American people are vigilant in their efforts to overcome this evil. Though our Nation has witnessed unspeakable horror, America's virtues, detennination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

## CONSUMER PRODUCT RISK REPORTING ACT OF 2001

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. MARKEY. Mr. Speaker, I rise today to introduce the ''Consumer Product Risk Reporting Act of 2001,'' a bill intended to improve consumer safety by achieving increased compliance with existing requirements to report hazards. The legislation would increase the civil and criminal penalties that the CPSC can seek from firms that do not inform the Commission when they have a product that could pose a substantial hazard to consumers. The legislation would also help make some product recalls more effective.

The CPSC is the government agency that makes sure cribs, toys, and other products in your home or around schools and in recreation areas are not hazardous, and recalls them when they are hazardous. The CPSC oversees the safety of 15,000 different kinds of consumer products. Each year there are more than 29 million injuries and about 22,000 deaths associated with consumer products.

Current law provides that if companies have information that one of their products has a safety defect that could create a serious product hazard or presents an unreasonable risk of serious injury or death, they are required to report that to the government. Unfortunately, some companies are not obeying the law. The CPSC estimates that in half of the most serious cases they deal with, the company has failed to report injuries. Instead, the information comes to the attention of the agency from its own investigators, from consumers, or tragically, from hospital emergency room reports or death certificates.

When companies don't report, dangerous products that should have been recalled or modified remain on store shelves. They continue to be sold and they stay in consumers homes where they can cause serious injury or death.

Some consumers pay a very high price for a company's failure to report.

For example, a 3-year-old girl died while playing on her swing. Her grandfather was cutting weeds in the yard using a weed trimmer with a replacement head that was made with metal links. The end link broke off and it flew through the air as a piece of deadly shrapnel—travelling 240 miles an hour. It hit his granddaughter in the temple, penetrated her skull and killed her.

The company didn't tell the CPSC about this death, nor did they tell the CPSC about the 40 other serious injuries from chains breaking. The CPSC was forced to do its own investigation and recalled the product nationwide in May 2000.

Such failures to report can result in tragic losses of life and limb that are avoidable and preventable if compliance with reporting were higher.

Under current law, the CPSC can fine companies for violating the law, but the amount of the fine is limited by statute to a level that does not sufficiently deter violations. Under current law, companies can face criminal penalties for violating consumer product safety laws, but they are only misdemeanors. Under current law, in any recall, companies elect whether to provide a repair, replacement or refund for defective products. In most cases, the CPSC can find a good solution to the problem for consumers. But in other cases, especially where the product is older and has been on the market for many years, companies argue they can elect a refund that may not result in an adequate recall thus resulting in the dangerous product remaining with consumers.

To remedy these deficiencies, the legislation would:

Eliminate the cap on civil penalties for violations of product safety laws.

Under current law, the CPSC cannot assess more than $1,650,000 for a related series of violations against a company that knowingly violates consumer product safety laws. The legislation would eliminate this maximum civil penalty. Many of the cases in which,the Commission seeks civil penalties involve very large corporations that can easily absorb a $1.65 million fine. For them, it is a cost of doing business. More substantial civil penalties would provide a needed incentive for those and other companies to notify CPSC of dangerous products so that the agency can take timely action to protect consumers. Other agencies, including the Federal Trade Commission, enforce laws with no ''cap'' on the amount of the penalty.

Increase the penalty for a ''knowing and willful'' criminal violation of product safety laws from a misdemeanor to a felony and eliminate the requirement that the agency give notice to the company that is criminally violating the law.

The legislation would increase the potential criminal penalties for a ''knowing and willful'' violation of consumer product safety laws from a misdemeanor (up to one year in prison) to a felony (up to three years in prison). It would also increase the maximum monetary criminal penalty in accordance with existing criminal laws. These heightened penalties are commensurate with the seriousness of product safety violations, which can result in death or serious injury to children and families. Other agencies have authority to seek substantial (felony) criminal penalties for knowing and willful violations of safety requirements, including the Food and Drug Administration for prescription drug marketing violations and the Department of Transportation for the transportation of hazardous materials.

The legislation would also eliminate the requirement under the Consumer Product Safety Act that the Commission give notice of noncompliance before seeking a criminal penalty for a willful violation of the Act. The notice requirement makes it all but impossible to pursue a criminal penalty for violations of the Act, even in the most serious cases. The threat of a criminal felony prosecution would create an additional strong incentive for companies to report product defects to the Commission.

Give CPSC clear authority to overrule the remedy chosen by a manufacturer to address a defective product in a product recall when the Commission determines that an alternative remedy would be in the public interest.

Under current law, a company with a defective product that is being recalled can elect the remedy to be offered to the public. The company can choose repair, replacement, or refund ''less a reasonable allowance for use.''

The legislation would continue to permit the company to select the remedy in a product recall. However, the legislation would allow the Commission to determine (after an opportunity for a hearing) that the remedy selected by the company is not in the public interest. The Commission may then order the company to carry out an alternative program that is in the public interest.

Sometimes companies try to choose a remedy in a recall that does not further public safety. For example, a manufacturer may argue it can choose to refund the purchase price of a product, less a reasonable allowance for use even though the product has been on the market for a long time and the amount due consumers may be so insignificant that there is no incentive for the consumer to take advantage of the recall. This is especially true where the hazardous product is still useful to the consumer and the cost of replacement for the consumer is substantial. Companies may try to choose an insubstantial refund even though people have been at risk for a number of years, thousands of products are still in use, injuries are continuing to occur and a repair is available and feasible. In this example, a refund is no remedy at all, and offering a minimal refund would not serve the public interest.

## AGRICULTURAL BIOTECHNOLOGY AMENDMENT TO H.R. 2646

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to introduce an amendment to H.R. 2646, the Farm Security Act of 2001. Please print the amendment in the CONGRESSIONAL RECORD.

My amendment establishes a program under the Foreign Agricultural Service in the Department of Agriculture to award grants for the research and development of biotechnology on agricultural products that can be grown in the developing world. Eligible grant recipients include historically black or land grant colleges or universities, Hispanic serving institutions, and tribal colleges or universities that have agriculture or the biosciences in its curricula. Non-profit organizations or consortia of for-profit institutions with in-country agricultural research institutions are also eligible. Grants are awarded on a competitive merit-reviewed basis.

If you have any questions about this amendment, you may contact John Tustin at 225–8885. 1 appreciate your attention to this matter.

## SALUTE TO PULASKI

### HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. FOLEY. Mr. Speaker, as American Polish clubs across the state prepare to celebrate the Pulaski Day Celebration, I would like to recognize General Casimir Pulaski and all Polish Americans.

General Pulaski came to America in 1777 to aid our fledgling Nation during the Revolutionary War. As a cavalry general, he earned the title ''Father of the American Cavalry'' leading many successful campaigns and directly contributing to our overall victory.

Pulaski understood that America would become a beacon of freedom. In the wake of recent events, and as we assemble an international coalition, it is my sincere hope we can find individuals that have the same dedication and courage as Casimir Pulaski to assist us in seeking justice.

The United States is a country with many Polish Americans that live their lives in the tradition of Casimir Pulaski. It is this tradition that makes our country great and will assure our victory once again.

Mr. Speaker, again, I pay tribute to all Americans of Polish ancestry as we celebrate Pulaski Day.

## HONORING FALLEN FIREFIGHTERS

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BENTSEN. Mr. Speaker, I rise today in support of the Resolution to honor the brave men and women who lost their lives while shielding others from fire. Everyday at firehouses across America, thousands of men and women shelve fear and self-interest, strap on boots, and await the alarms or cries for help. They form the frontline of our homeland defense. They enter blazing buildings and risk their lives to save strangers—knowing full well that each day at work could be their last. These heroes are the veterans of domestic tragedies.

On September 11th, while thousands of workers raced from the blazing twin towers, hundreds of New York City's bravest stormed in—pushing aside fear and clearing paths to free those trapped inside the rubble. For many of New York's firefighters, their service during the fires of September 11th was their last heroic acts. Their lives of courage and selflessness exemplify the meaning of compassion and concern for others.

September 11, 2001 is a day in history that all of us wish we could erase. The visions of our symbols of capitalism and security ablaze are permanently etched in our memories. We cannot wipe out these horrific images, nor can we forget the tragic tales of lost loved ones. But we can choose to move on and carry with us the memories of bravery and brotherhood that so embody the American spirit. The fallen firefighters leave behind a legacy of valor and an unyielding commitment to the common good.

Mr. Speaker, it is only fitting that we lower our nation's flags each year in honor of these individuals so that we never forget the sacrifice they made for the betterment of the rest of us. As a result of the egregious attack on our nation many fathers, mothers and children were killed. Our burning tears of sorrow will never be forgotten. We will be eternally grateful for the courageous sacrifice of these men and women.

## IN RECOGNITION OF THE PRESERVATION OF THE ISLAND FOX

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of the preservation efforts for endangered Island fox. This unique species inhabits San Miguel, Santa Rosa, Santa Cruz, San Nicolas, Santa Catalina, and San Clemente Islands in the chain of Channel Islands off the coast of Southern California, and its once thriving population has declined in recent years.

The Channel Islands have been called the ''Galapagos of North America'' and I believe that this is an accurate description of the extraordinary natural resources that exist on the islands. Each of the islands has a unique ecosystem, which is home to numerous indigenous species.

The island fox is one of these distinct species. It is found only on the Channel Islands and is a distant relative of the gray fox. These playful animals have spent most of the last 10,000 years thriving at the top of the island food chain. However in recent years they have become threatened due to a variety of circumstances.

However I am happy to report that extraordinary efforts are being made to reverse this trend towards extinction. In the last month the U.S. Fish and Wildlife Service has proposed listing the Island Fox as an endangered species. That act was an important step forward in the work to reestablish this species.

Finally, I would like to recognize the inspirational efforts of the fifth grade students at Mound Elementary School in Ventura. They have chosen the preservation of the Island Fox as their G.A.T.E. project, and have formed their own organization, ''Save Our Species,'' which is an affiliated educational unit of Jane Goodall's ''Roots and Shoots'' organization. I believe that we should all follow the example set by these devoted young people and work together to ensure the Island Fox population returns to its historic levels.

## SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of the Air Transportation System Stabilization Act. This is far from an ideal bill, because it does not address the crisis faced by tens of thousands of air travel industry workers who have also been devastated by the terrorist acts of September 11. But as we know, America is in crisis and these are not ideal times.

The fact is that our aviation industry is a vital part of a strong and robust economy and it is facing unique and dire consequences as a result of the recent brutal terrorist attacks on our nation. It is therefore important that Congress take action now to stave off the financial calamity facing this industry and the resulting impact it could have on the entire nation.

This bill, however, must only be the first step. To succeed in strengthening our economy, it is essential that we address the needs of related businesses, and America's hard working men and women, who have also been devastated by the tragic events of September 11. Just as we are helping our ailing aviation industry today, we must also help the tens of thousands of workers affected by the economic impact of this national tragedy.

We must provide assistance to workers who have lost or will lose their jobs because of the crisis—assistance such as worker retraining programs, health insurance and unemployment insurance.

It is only because Congressional leaders have committed to quickly bring forth legislation to address the needs of workers that I will support this legislation. And I challenge our leaders to keep their word.

Mr. Speaker, America's workers deserve the same quick attention we are providing the aviation industry today. We must answer this moral call and come to their aid.

## WILLIAM BANACH HONORED AS OUTSTANDING AMERICAN OF POLISH DECENT

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. KLECZKA. Mr. Speaker, on Friday, October 12, 2001 William Banach will be honored as the Outstanding American of Polish Decent at the Milwaukee Society's Pulaski Day Banquet.

This annual event celebrates the life and achievements of local individuals who embody the spirit of Casimir Pulaski. Appointed a brigadier general by George Washington, Pulaski was engaged in a number of major Revolutionary War battles. He was killed in the fight to capture Savannah on October 11, 1977 and today Americans and Polish Americans celebrate his legacy of heroic service and ideals of freedom.

Bill has demonstrated a commitment to his family and to service of his community throughout his lifetime. He served the City of Milwaukee Bureau of Engineers for 31 years. While he no longer works a traditional full time job, he nevertheless remains extremely active in the community. He is on the Board of Directors of SHARE, a self-funding food program that provides food to needy families.

Active with the Boy Scouts of America for over 60 years, Bill has served as a Cubmaster, Scoutmaster, Explorer Scout Advisor and Merit Badge Advisor. In ''semi-retirement'' he remains very active with the Cub Scouts.

Bill has dedicated 14 years to the Milwaukee Society Polish National Alliance Lodge 2159 as chair of the Christmas Basket Program. Under his leadership, the Lodge collected, packaged and delivered Christmas goodie baskets to those most in need of holiday cheer, and did so without the families ever knowing the identity of their generous benefactors. In addition, he is an active member of American Legion Post 444 and the Knights of Columbus Cardinal Stritch Council 4614.

A wonderful husband and devoted father, Bill and his wife Janet will celebrate their 50th wedding anniversary this year. They have three wonderful children and three beautiful grandchildren.

So it is with great pride that I join with the Milwaukee Society Polish National Alliance in celebrating Bill's many achievements and years of community service. Congratulations William Banach, Polish American of the Year for 2001.

## THE VISIT OF MINISTER JASWANT SINGH

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CROWLEY. Mr. Speaker, I rise today to welcome to the United States India's Minister of External Affairs and Minister of Defense, Jaswant Singh.

As a leader of the world's largest democracy, Minister Singh's visit to America is timely. In light of the tragic events of September 11, it is increasingly important for leaders of the world's great nations to unite to protect the freedoms and liberties of democracy.

On behalf of the United States government and the American people, I would like to thank Minister Singh and the government of India for strongly condemning the terrorist attacks on the United States, and for expressing their unconditional willingness to assist in fighting the new global war against terrorism. Sadly, approximately 250 Indian nationals and persons of Indian origin were killed in the September 11th attacks. To the victims and their families I extend my deepest sympathies.

As has America, India has experienced firsthand the devastating consequences of cross-border terrorism. In the past fifteen years, approximately 53,000 civilians in India have been killed by indiscriminate terrorist acts. The global nature of terrorism and its far-reaching effects require concerted global action. We trust that future cooperation with India's leaders to combat terrorism, not only in South Asia and here in the U.S., but together around the world, will strengthen and will reinforce the important relationship between our countries.

In recent years, the United States and India have moved towards increased cooperation and improved understanding. The trend towards improved bi-lateral relations is evidenced by the US-India Summit Meetings held in New Delhi in March of 2000, and the formation of our Joint Working Group on Counter-Terrorism early that same year.

In light of the current situation in the U.S. and instability in South Asia, we recognize that open communication, dialogue, and partnership between our democratic nations must be maintained and enhanced as we strive together to achieve common goals and to promote peace in the region. We remain committed to cooperating with the government and people of India on issues of common interest, and we commend India for the role that she has undertaken in working towards greater prosperity and stability in South Asia.

Of particular importance now, however, is the return of Pakistan to a democratic government, and the establishment of peace in the Kashmir region. Such shared goals offer opportunities for collaboration, and indeed, require international collaboration if they are to be realized. Clearly, these issues remain central to South Asia's future stability.

The war on terrorism aside Mr. Speaker, as a member of the India Caucus, I look forward to continuing work to improve America's trade, investment, and military cooperation with India. It is my hope that we will continue the processes begun in past years to construct a valuable working relationship with India, one that is mutually beneficial to both our countries. We recognize India's role as a political,

economic, and military force in regional and world affairs, and thus seek her continued cooperation and partnership.

I extend my sincere wishes to your Minister Singh for a most productive visit to Washington. Your country is an extremely important friend of America's, and I again thank you for the support that your nation has offered to the United States.

## RECOGNIZING THE STUDENT BODY OF RIDGEVIEW ELEMENTARY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Student Body of Ridgeview Elementary for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of young people like the Student Body of Ridgeview Elementary signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, Student Body of Ridgeview Elementary has raised and contributed more than $1,000 to provide for the grieving families and rescue workers. The patriotism and persistence of the Student Body of Ridgeview Elementary is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## MEMBERS TAKE TRIP ABROAD REGARDING THE WAR AGAINST TERRORISM

### HON. BRIAN D. KERNS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. KERNS. Mr. Speaker, throughout the past three weeks we have seen a tremendous outpouring of patriotism and American pride from coast to coast. After having the opportunity to spend the past few days traveling abroad through Russia, Turkey, and Rome and meeting with leaders from each of these countries—I am proud to return home to the USA with the rest of my colleagues with the understanding that we are not in this fight against terrorism alone. My deepest appreciation goes to Chairman WELDON, and Ranking Member ORTIZ for their leadership in putting together a thorough and productive trip.

Having completed our trip we came to some important conclusions.

First of all, these nations and many others are united like never before. They stand firm with us in our fight against terrorism, and will continue to support the efforts of President Bush and our nation to root out this evil.

Second, justice will be served to Osama Bin Laden and his radical followers. We must recognize, while this may take some time—we will persevere. Osama Bin Laden and his network is only a small part of the cancer of terrorism that is spreading throughout our world. This evil cancer must and will be eradicated.

While meeting with the former King of Afghanistan, Mohammad Zahir Shah, the King told us that he supports the United States in the war against terrorism and that he would back efforts to bring Bin Laden to justice and end the radical Taliban control of Afghanistan and support free democratic elections in his country.

In our conversation with the former Afghan King, and the field commanders for Afghanistan's United Front which is formerly known as the Northern Alliance, I found it fascinating that in fighting this war we must also fight the continuous war against drugs—Afghanistan is currently one of the leading producers of opium, and the majority of Bin Laden and other terrorist activities are funded through this drug trafficking. We must cut off their financial base at the root. That means putting an end to their drug trade.

I believe that our meetings were successful and established the important ground work in this fight against evil. As President Bush has envisioned, we must continue to build effective coalitions to win this war against terrorism.

## CALLING ATTENTION TO SPINA BIFIDA AND HONORING THE SPINA BIFIDA ASSOCIATION OF AMERICA FOR HELPING VICTIMS AND FAMILIES OF THIS DISEASE FOR NEARLY 30 YEARS

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to more than 70,000 Americans—and their family members—who are currently affected by spina bifida, a debilitating disease caused when a baby's spine fails to close properly during pregnancy. Additionally, Mr. Speaker, I rise to highlight the good works of the Spina Bifida Association of America, an organization that has helped people with spina bifida and their families for nearly 30 years.

Mr. Speaker, as most Members know, spina bifida, is the most frequently occurring permanently disabling birth defect afflicting 1 out of every 1,000 babies born in this country each year. There are three different forms of spina bifida with the most severe being Myelomeningocele spina bifida, which causes nerve damage and severe disabilities. This severe form of spina bifida is diagnosed in 96 percent of children born with this disease. Between 70 to 90 percent of the children born with spina bifida are at risk of mental retardation when fluid collects around the brain.

With proper medical care, people who suffer from spina bifida can lead full and productive lives. But they must learn how to move around using braces, crutches or wheelchairs, how to learn and how to function independently. They must also be careful to avoid a host of secondary health problems ranging from depression and learning disabilities to skin problems and latex allergies.

Because spina bifida can be detected before birth by using prenatal tests, more than 50 percent of babies diagnosed with spina bifida are aborted—their lives cruelly snuffed out because of their anomalies. Tragically, expectant parents are wrongly pressured to abort their child if spina bifida is detected during pregnancy. It is imperative to get the word out and let expectant parents know that spina bifida is not a death sentence. Those parents who have rejected such pressure have had their lives enriched through the love they share with their child.

The Spina Bifida Association of America works tirelessly to help families meet the challenges and enjoy the rewards of raising their child. As part of its service through 60 chapters in more than 100 communities across the country, the SBAA puts expecting parents in touch with families who have a child with spina bifida. These families answer questions and concerns and help guide expecting parents so that they make life-affirming, family enriching decisions. The SBAA then works to provide lifelong support and assistance for affected children and their families.

Today, about 90 percent of all babies diagnosed with this disease live into adulthood, about 80 percent have normal IQs and about 75 percent participate in sports and other recreational activities. We also know that spina bifida may be preventable if women consume folic acid supplements during their childbearing years and early stages of pregnancy. The daily amount of folic acid needed is typically found in most multivitamins.

It is heartening to see such promising statistics for people with spina bifida. The spina bifida community and our nation owe a tremendous debt to the SBAA for its work over the past three decades. Much more work still needs to be done, and I am confident this fine organization will lead the effort for decades to come.

## VISIT OF JASWANT SINGH, INDIA'S MINISTER OF EXTERNAL AFFAIRS AND DEFENSE

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to note that Jaswant Singh, who serves as both Minister of External Affairs and Minister of Defense of India, is visiting the United States. He arrived on Sunday, September 30th and will depart on Tuesday, October 2nd.

During Minister Singh's visit, he met with New York Mayor Rudolph Giuliani to show support to the U.S. in the fight against terrorism on the global level. Minister Singh is also visiting Washington, DC to meet with top officials at the White House, the State Department and the Defense Department, as well as House and Senate leaders.

Minister Singh's visit to the U.S. is symbolic of India's unconditional support for the U.S. This support is based on shared democratic principles and common interests. Additionally, from the very day that the terrorist attacks in New York and Washington occurred, India has come forward in strong support of the United States, offering its unwavering support for the war against terrorism.

India's prompt and bold action in coming forth to stand united with the U.S. stems from the fact that this country has been on the front lines in the fight against international, terrorism for the years. Over the past 10 to 15 years, more than 53,000 civilians in India have been killed as a result of cross-border terrorism. These victims have suffered at the hands of many of the same terrorist networks believed to be behind the attack on the U.S.

India continues to be subject to the ravages of cross-border terrorism to this very day. Just yesterday afternoon, Monday, October 1st, a massive explosion near the main entrance of the State Assembly in India's state of Jammu and Kashmir left at least 29 persons dead and 40 injured. In addition, two militants firing from automatics later stormed the heavily-guarded assembly complex. The state assembly was in session when the blast occurred.

Those killed included five policemen, two from the Central Reserve Police Force, a schoolgirl and six state assembly employees. Eyewitnesses said a suicide bomber drove a jeep laden with explosives up to the main entrance of the state assembly and shortly after, the jeep exploded into a massive ball of fire leaving behind a trail of death and destruction. Jaish-e-Mohammad, a Pakistan-based militant group, has claimed responsibility for the blast. State Department spokesman Richard Boucher has condemned the bombing, stating: ''I would say, first of all, that we very strongly condemn the attack today in Kashmir, as we have previous attacks. We think that no cause can justify the deliberate targeting of civilians in this manner. We extend our sympathies to the victims of the attack, we extend our condolences to India, a country that's suffered many terrorist attacks over the years. India is a key partner in the global coalition against terrorism, and we do believe that terrorism must be ended everywhere.''

In statements from top Government officials, India has expressed its condolences for the terrible losses, its solidarity with the American people, and its pledge of cooperation with the Administration. We have learned in the aftermath of the terrorist attacks in New York and Washington, the number of missing Indian nationals and persons of Indian origin is estimated at about 250.

Cooperation between India and the United States, the world's two largest democracies, extends beyond the current international campaign against terrorism, and has been steadily developing for the past few years. During the U.S.-India Summits in New Delhi in March 2000 and Washington in September 2000, the two countries established frameworks for preventing the proliferation of nuclear weapons and their means of delivery, preserving stability and growth in the global economy, protecting the environment, combating infectious diseases and expanding trade, especially in emerging knowledge-based industries and high technology areas.

However, at this time of crisis and tragedy for the American people, India has shown itself to be a good friend and a reliable and valued partner. India, with its strategic location and its excellent intelligence data, represents a vital resource and a logical partner for cooperation with the U.S. At this time of crisis, India has been recognized and appreciated in public statements from President Bush, Secretary of State Colin Powell and other top officials in the Administration and the visit to Washington of Minister Singh allows U.S. leaders to demonstrate the importance that the U.S. attaches to our growing relations with India.

## INDIAN GOVERNMENT BARS VIEWING OF BURNING PUNJAB

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BURTON of Indiana. Mr. Speaker, for quite a while, people interested in South Asian issues have had a valuable resource in the website Burning Punjab, located at http://www.burningpunjab.com. This website has reported many stories about the Indian government's tyranny against Sikhs and other minorities. Now the Indian government has banned the viewing of Burning Punjab in the northwest part of India, where Punjab, the Sikh homeland, is. Punjab, of course, declared its independence on October 7, 1987, calling itself Khalistan. The website has been blocked in Punjab and in the state of Haryana, which has a substantial Sikh population, and Delhi.

Suppressing information is not the way that democratic countries do things. This ban shows that India is a deficient democracy. It has about as much freedom of the press as Communist China. Burning Punjab was founded on September 15, 1997. On March 29, 2000, the site's founder, Sukhbir Singh Osan, was reportedly threatened with murder, apparently by the Indian government. Are these the acts of a democracy?

The massive human-rights violations of the Indian government have been well documented. Over 250,000 Sikhs, more than 200,000 Christians, over 75,000 Kashmiri Muslims, and tens of thousands of Dalits and other minorities have been killed by the government. It holds over 52,000 Sikhs and tens of thousands of others as political prisoners with no charges and no trial. Some have been in custody for 17 years. There have been rapes of nuns, murders of priests, the burning death of a Christian missionary, attacks on Christian prayer halls, schools, and churches, on mosques, on the Golden Temple. A group of Indian soldiers were caught trying to burn down a Gurdwara (a Sikh temple) but were stopped by villagers.

Why does a country like that receive U.S. aid? Do we support them so they can suppress the information their citizens need? Do we support them so they can maintain bloody repression against the minorities within their borders? We should stop all aid to India until basic human rights like the free flow of information are allowed for all citizens. Furthermore, we should put this Congress on record in support of self-determination for the people of Khalistan, Kashmir, Nagaland, and the 14 other countries seeking their freedom from India. This should take the form of an internationally-monitored, free and fair plebiscite on the question of independence. That is the democratic way and the way of major world powers. We owe it to the principles that gave birth to America to take these measures to promote the principles of freedom in South Asia and around the world.

Mr. Speaker, I would like to place the article on the banning of Burning Punjab into the RECORD at this time.

[From Burning Punjab News, Sept. 23, 2001]

VIEWING WEB SITE ''BURNING PUNJAB'' BANNED IN NORTH INDIA

NEW DELHI.—The Indian Intelligence Agencies have banned the viewing of World Wide Web site 'Burning Punjab' (www.burningpunjab.com). The site was not accessible in Punjab, Haryana and Delhi for the past four days. It is reliably learnt that the Research Analysis Wing (RAW) of the Indian Hindu Regime ordered ban. The 'Burning Punjab' has now decided to change its IP identity and servers.

Here it is pertinent to mention that web site 'Burning Punjab' was launched on September 15, 1997 by a Chandigarh based journalist and lawyer, Sukhbir Singh Osan. The staff and manager of the site were threatened number of time by the Indian Police. On 29 March 2000, France based organization Reporters sans Frontier's (RSF) also objected to various restrictions imposed by the Indian Government on the staff and manager of the web site 'Burning Punjab' RSF General Secretary Robert Menard issued a letter to the Indian authorities opposing unwarranted 'censorship'.

It's worth mentioning that 'Burning Punjab'—www.burningpunjab.com is an endeavor of IHRF. International Human Rights Forum (IHRF) is engaged in propagating the cause of Human Rights worldwide. Organization is taking special care for the welfare of state victims and is lending a helping hand to hapless and helpless to mitigate their sufferings. The activities of the IHRF have been appreciated by one and all irrespective of politico-religious affiliations. During the cult of violence in Punjab, Kashmir, Delhi, Assam, Bengal and elsewhere, the IHRF played a significant role in exposing inhuman & barbaric treatment and excesses committed by the State against the innocent & law abiding citizens.

About web site Burning Punjab: Burning Punjab is Punjab's first ever media site on Sikh Holocaust. It deals with the situation in East Punjab. Site contains news & views,

political scenario, human rights values and holocaust of Sikhs. Sukhbir Singh Osan has created site. S.S.Osan is a Law Graduate from Punjab University, Chandigarh. He is a prolific writer and a born journalist. The International Human Rights Forum is operating this site.

## GOOD GOVERNMENT

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SHUSTER. Mr. Speaker, I rise today to bring this great chamber's attention to another sermon I recently heard. People across the United States of America are still trying to figure out why these men carried out their terrorist attacks on September 11th. I believe this sermon may help those people deal with this tragedy. I recommend everyone to take a moment and read the sermon below.

Mr. Speaker, I would like to place a copy of this sermon into the RECORD.

''PAUL'S ADVICE''

(By Pastor Carol Custead, Zion Lutheran Church, Hollidaysburg, PA)

I can't imagine a more well timed lesson for this week than this second lesson which was appointed for the 16th Sunday after Pentecost, from St. Paul's First Letter to Timothy. Here we find scriptural affirmation of what I said last Sunday was Luther's understanding of the role of government in this world—''It is the God-given vocation of good government to maintain order, peace, and safety so that civilization can function.''

We also find here a scriptural calling, issued by St. Paul, to prayer for our governmental leaders—something that we have seen much of in these last twelve days. People all over our nation & all over the world, of varying religions, have been flocking into churches, synagogues and mosques to pray—and especially to pray for God to guide the leaders of the nations in wisdom and discernment in this time of crisis following the terrorist attacks on September 11.

So let's start this morning by having a look at this scriptural passage. Here in 1 Timothy, Paul commends intercessory prayers for everyone, but most especially for ''kings and all who are in high positions''. Why does he single them out? It is ''so that we may lead a quiet and peaceable life in all godliness and dignity,'' St. Paul explains. In his context, we might expect that Paul is trying, by using these words, to assure the civil authorities that the Christian movement does not subvert or cause trouble for civic stability. Roman officials worried about that, especially since it became clear that the Christian movement was no longer a sect within Judaism, and that some Christians were refusing to sign the annual loyalty oath affirming the divinity of the Roman Emperor.

But there is more reassurance in these words of Paul—reassurance which pertains to our world situation today. As biblical commentators have frequently attested, across the centuries, the Christian movement, except in its most radical fanatic fringe branches, values a stable political order where justice is enforced, and injustice is appropriately restrained—a political order where people can expect to lead a quiet and peaceful life.

Moreover, when the stability of political order is threatened, Christians must participate in efforts to regain that stability. Otherwise we are left in a Darwinian jungle where the survival of the fittest is the rule, and that means sheer power with both the threat and practice of violence. Therefore, Paul's advice about intercessory prayer for those in authority is more than a formality. It is a persistent reminder in our liturgies and life of prayer that a just political order is a necessity if individual rights are to be secured and opportunities for fulfillment accessible to all.

In a society that has been increasingly cynical about government, about all institutions and people in authority, where professional wrestlers or entertainers are excessively admired and voted into office because the are not politicians, it is especially important for churches and individual Christians to keep up a lively intercessory prayer life for those who hold political positions of authority. It will not only keep us a bit less tainted by that cynicism; it might also lead us into greater participation in public life. It is also the case that when we pray for everyone, especially those in authority, our lives become more quiet and peaceable not just because the effect of our prayer is that the state will be governed in greater justice, but also because we will be more quiet and peaceable in spirit if we have prayed truly. As we have so greatly seen these past twelve days, intercessory prayer has that effect. It calms us down. It delivers us from the agitation of not being able to control events. It enables us to live and act with the conviction that this is God's world, to be guided according to God's purpose, not according to our own purposes. To pray with all our might, and to trust—that is the good advice we have from Paul.

We have seen all of this at work in recent days. Never before in recent history have those in high positions asked us to pray so straightforwardly. We have seen how prayer can also be a unifying force in our nation and world. It has united Christians in an unprecedented way. Last Sunday evening we hosted a community-wide Prayer Service here at Zion. Approximately 320 people were packed tightly into these pews—people from many different congregations. There were Roman Catholics, Presbyterians, Baptists, United Church of Christ, Methodist, and of course, Lutherans. It was a feeling of great comfort to know that in such a time of crisis we can come together in unity of purpose in prayer, for it is the same God that we pray to.

It is also an amazing feeling to know that people all over the world are praying for America in this time of great need—to see that also Jews and Muslims are praying the same prayers we are praying. While they do not pray in Jesus' name as we do, it is still the same God to whom they pray. These three great monotheistic religions have come together in unity of purpose in an unprecedented way. The terrorist actions of a fanatic fringe group of Muslims have been the shame of so many Muslims worldwide. We should remember that we also have been shamed in the past by our own fanatic fringe groups such as the incident in Waco, Texas and mass suicide of Jim Jones and his followers. Therefore we can treat our good Muslim brothers and sisters with grace and we can pray with them and for them. We can pray with them for deliverance from the threat of militant Muslims, that those who have used violence as a means to grasp control in places such as Afghanistan might amend their ways or be ousted from their tyranny and murderous fanaticism.

When we pray we dare not do so with an attitude that God is on our side as the fanatics have done. How presumptuous! Rather, let us pray that we may be given the wisdom and strength and insight to discern God's way in all that lies before us so that we may properly be on God's side in His ongoing war on evil.

And when we pray, ''God bless America'' we dare not do so with an attitude of superiority to other nations of this world. For we believe that God does bless America—indeed that is our annual theme in this Harvest Home celebration. But that does not mean that God does not bless other nations and peoples also. As we pray for God to bless America today in this crisis let us remember that good people all around the world join us in that prayer.

When we pray we dare not forget Jesus' teaching to pray for our enemies. Perhaps that is most difficult in this crisis. But this prayer is so important because it helps us to keep our focus and perspective. As President Bush said in his speech Thursday night, our enemy is not Islam. Our enemy is not the Arabs. It is not even the majority of Afghan people. But our enemy is all those, wherever and whoever they are throughout this world, who would inflict terror and violence on innocent people. To pray for these enemies means neither to cover up the conflict we have with them nor to downplay it's enormous seriousness, but rather to endure the tension of our conflict with them without succumbing to their level of hatred—indeed without succumbing to hatred at all. We do not need to hate the person but only the terrible evil acts that they commit. To pray for one's enemy in this way means that despite our conflict with them we recognize this enemy as a creature of God who has had a right to live—but not the right to commit an unjust act! So we earnestly pray for them to turn from their evil ways for the sake of the whole civilized world. Our purpose, then, for bringing them to justice, is not for the sake of vengeance, but for the sake of restoring order to our world so that people everywhere may once again expect to live in peace, quiet, safety and dignity.

Finally, when we pray for our President, our government leaders, our military personnel—and those of all the nations who join us in our cause in this time of crisis, we ask God to give them insight, wisdom, and guidance in all that lies before them—in each decision they will need to make—especially the difficult ones where the lives of poor, innocent people may be at stake. While it is inevitable that in our efforts to root out terrorism from this world some innocent people will likely be harmed, let us pray that that number be minimal and that the actions we must take will be effective in meeting the overall strategic goal. In the words of President Bush, ''In all that lies before us, may God grant us wisdom, and may God watch over [us].'' Amen.

# *Daily Digest*

## HIGHLIGHTS

**Senate passed National Defense Authorization Act.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S10027–S10104***

**Measures Introduced:** Five bills and two resolutions were introduced, as follows: S. 1481–1485, S. Res. 165, and S. Con. Res. 74. **Page S10058**

**Measures Passed:**

***National Defense Authorization:*** By a unanimous vote of 99 yeas (Vote No. 290), Senate passed 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, after taking action on the following amendments proposed thereto: **Pages S10027–55**

Adopted:

Reid Amendment No. 1760, to strike the condition precedent for the effectiveness of the dual compensation authority provided in section 651. **Pages S10033–39**

Levin (for Thomas/Gramm) Amendment No. 1834, to strike the exemptions provisions in section 821 of the bill, which revises requirements relating to the purchase of Federal Prison Industries products by the Department of Defense. **Pages S10039–41**

Allard Modified Amendment No. 1755, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each of the votes cast by such voters is duly counted. **Pages S10045–47**

During consideration of this bill today, the Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 289), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the bill. **Page S10031**

Senate sustained a point of order that Inhofe Amendment No. 1735, to express the sense of the Senate on comprehensive national energy legislation that ensures the availability of adequate energy supplies to the armed forces, was dilatory and therefore not in order, and the amendment thus fell. **Pages S10031–32**

Senate sustained a point of order against Helms Amendment No. 1724, to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not party, that the amendment was ruled as not germane, and the amendment thus fell. **Pages S10041–44**

***Department of Energy Defense Activities Authorization:*** Senate passed S. 1417, to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 1438, Department of Defense Authorizations, as amended. **Page S10055**

***Military Construction Authorization:*** Senate passed S. 1418, to authorize appropriations for fiscal year 2002 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1438, Department of Defense Authorizations, as amended. **Page S10055**

***Department of Defense Authorization:*** Senate passed S. 1419, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 1438, Department of Defense Authorizations, as amended. **Pages S10055–56**

A unanimous-consent agreement was reached providing that with respect to S. 1438, S. 1417, S. 1418, and S. 1419, (all listed above as passed by the Senate), that if the Senate receives a message from the House of Representatives with regard to any of these bills, that the Senate be deemed to have disagreed to the amendment(s) to the Senate-passed bill, that the Senate request or agree to a conference

with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate. **Pages S10054–55**

**Vietnam Trade Act:** Senate agreed to the motion to proceed to consideration of H. J. Res. 51, approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, and then began consideration of the resolution. **Page S10056**

A unanimous-consent agreement was reached providing for further consideration of the resolution at 10 a.m. on Wednesday, October 3, 2001. **Page S10104**

**Nominations Confirmed:** Senate confirmed the following nominations:

Leslie Lenkowsky, of Indiana, to be Chief Executive Officer of the Corporation for National and Community Service. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

Thomas B. Wells, of Maryland, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office. (Prior to this action, Committee on Finance was discharged from further consideration.) **Pages S10103–04**

**Nominations Received:** Senate received the following nominations:

Michael Smith, of Oklahoma, to be an Assistant Secretary of Energy (Fossil Energy).

Lyons Brown, Jr., of Kentucky, to be Ambassador to the Republic of Austria.

Clifford M. Sobel, of New Jersey, to be Ambassador to the Kingdom of the Netherlands.

Cameron R. Hume, of New York, to be Ambassador to the Republic of South Africa.

Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament.

Patrick Francis Kennedy, of Illinois, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Charles Curie, of Pennsylvania, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

David E. O'Meilia, of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.

David R. Dugas, of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.

1 Air Force nomination in the rank of general.

Routine lists in the Army, Navy. **Page S10304**

**Additional Cosponsors:** **Pages S10058–59**

**Statements on Introduced Bills/Resolutions:** **Pages S10059–68**

**Additional Statements:** **Pages S10056–58**

**Amendments Submitted:** **Pages S10068–S10103**

**Notices of Hearings/Meetings:** **Page S10103**

**Authority for Committees to Meet:** **Page S10103**

**Record Votes:** Two record votes were taken today. (Total—290) **Pages S10031, S10054**

**Adjournment:** Senate met at 9:30 a.m. and adjourned at 5:26 p.m., until 10 a.m., on Wednesday, October 3, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10104.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## TRADE PROMOTION COORDINATING COMMITTEE

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded hearings to examine the annual report of the Trade Promotion Coordinating Committee, focusing on efforts to generate a unified trade program for the United States government, after receiving testimony from Donald L. Evans, Secretary of Commerce; John E. Robson, Chairman and President, Export-Import Bank of the United States; Hector V. Barreto, Administrator, Small Business Administration; Peter S. Watson, President and Chief Executive Officer, Overseas Private Investment Corporation; and Thelma J. Askey, Director, U. S. Trade and Development Agency.

## ECONOMIC OUTLOOK

*Committee on the Budget:* Committee concluded hearings to examine the U.S. economic situation prior to and after the recent terrorist attacks, focusing on the need for security and confidence, finding the right economic response to the crisis, and minimization of collateral damage to the United States and the global economy, after receiving testimony from R. Glenn Hubbard, Chairman, Council of Economic Advisers; Martin Neil Baily, Institute for International Economics, Washington, D.C.; Alan B. Krueger, Princeton University, Princeton, New Jersey.

## RAILROAD AND MARITIME SECURITY

*Committee on Commerce, Science, and Transportation:* Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine passenger and

cargo security issues in the railroad and maritime industries, after receiving testimony from Adm. James W. Underwood, USCG, Director, Office of Intelligence and Security, Department of Transportation; George D. Warrington, President and Chief Executive Officer, National Railroad Passenger Corporation (Amtrak); Edward R. Hamberger, Association of American Railroads, and Joseph J. Cox, Chamber of Shipping of America, both of Washington, D.C.; and J. Michael Crye, International Council of Cruise Lines, Arlington, Virginia.

### ALASKA NATURAL GAS PIPELINE

*Committee on Energy and Natural Resources:* Committee concluded hearings to examine the status of proposals for the transportation of natural gas from Alaska to markets in the lower forty-eight states and on proposed legislation to expedite the construction of a pipeline from Alaska, after receiving testimony from Robert S. Kripowicz, Acting Assistant Secretary for Fossil Energy, and Patrick Wood III, Chairman, Federal Energy Regulatory Commission, both of the Department of Energy; Drue Pearce, Senior Advisor for Alaska Affairs, Department of the Interior; Alaska Governor Tony Knowles, Juneau; Alaska State Senator John Torgerson, Soldotna; Scott Heyworth, Municipality of Anchorage, on behalf of the Citizens Initiative for the All-Alaskan, All-American Gasline, Joseph P. Marushack, Phillips Petroleum Company, Richard Glenn, Arctic Slope Regional Corporation, and Mark Aron, CSX, Inc., all of Anchorage, Alaska; K. Terry Koonce, ExxonMobil Production Company, William D. Sullivan, Anadarko Petroleum Corporation, and Forrest Hoglund, Arctic Resources Company, all of Houston, Texas; Robert A. Malone, BP America, Inc., Los Angeles, California; Patricio Silva, Natural Resources Defense Council, Washington, D.C.; Keith Bailey, Williams, Tulsa, Oklahoma; and Dennis McConaghy and Michael Stewart, Foothills Pipe Lines Ltd., Calgary, Alberta, Canada, on behalf of the Alaskan Northwest Natural Gas Transportation Company.

### FOREST PROTECTION

*Committee on Energy and Natural Resources:* Subcommittee on Public Land and Forests concluded hearings to examine the interaction of old-growth forest protection initiatives and national forest policy, after receiving testimony from Representative DeFazio; Henri Bisson, Assistant Director for Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; Sally Collins, Associate Chief, U.S. Forest Service, Department of Agriculture; Alaska State Senator John Torgerson, Kasilof, on behalf of the Alaska Forest Association; Jerry F. Franklin, University of Washington College of Forest Resources, Seattle; Thomas M. Bonnicksen, Texas A&M University Department of Forest Science, College Station; Eric S. Palola, Northeast Natural Resource Center/National Wildlife Federation, Montpelier, Vermont; James Johnston, Cascadia Wildlands Project, Eugene, Oregon; and Bruce Daucsavage, Ochoco Lumber Company, Prineville, Oregon.

### NOMINATION

*Committee on Health, Education, Labor, and Pensions:* Committee concluded hearings on the nomination of Eugene Scalia, of Virginia, to be Solicitor of the Department of Labor, after the nominee testified and answered questions in his own behalf.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 31 public bills, H.R. 2973–3003; and 7 resolutions, H. Con. Res. 238–240 and H. Res. 247, 249–251, were introduced. **Pages H6135–37**

**Reports Filed:** Reports were filed today as follows:

H.R. 1992, to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications, amended (H. Rept. 107–225); and

H. Res. 248, providing for consideration of H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011 (H. Rept. 107–226). **Page H6135**

**Recess:** The House recessed at 12:51 p.m. and reconvened at 2 p.m. **Page H6069**

**Private Calendar:** On the call of the Private Calendar, the House passed over without prejudice H.R. 392, for the relief of Nancy B. Wilson. **Page H6070**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Federal Employee Antidiscrimination and Retaliation:*** H.R. 169, amended, to require that Federal agencies be accountable for violations of anti-discrimination and whistleblower protection laws (agreed to by a yea-and-nay vote of 420 yeas with none voting "nay," Roll No. 360);

**Pages H6071–76, H6100**

***National Fallen Firefighters Memorial Service in Emittsburg, Maryland:*** H.J. Res. 42, amended, memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland (agreed to by a yea-and-nay vote of 420 yeas with none voting "nay," Roll No. 361);

**Pages H6076–80, H6100–01**

***Congratulating Cal Ripken:*** H. Res. 247, honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation; **Pages H6080–83**

***Congratulating Tony Gwynn:*** H. Res. 198, congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball; **Pages H6083–86**

***National Small Business Regulatory Assistance:*** H.R. 203, amended, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns; **Pages H6086–90**

***Vocational and Technical Entrepreneurship Development:*** H.R. 2666, amended, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; **Pages H6090–93**

***Virgin River Dinosaur Footprint Preserve:*** H.R. 2385, amended, to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property; **Pages H6093–95**

***Tomas G. Masaryk Memorial:*** H.R. 1161, amended, to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia. Agreed to amend the title; **Pages H6095–96**

***Navajo and Mescalero Apache Indian Tribes Long Walk National Historic Trail:*** H.R. 1384, amended, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System. Agreed to amend the title; and

**Pages H6096–97**

***Booker T. Washington National Monument Boundary Adjustment:*** H.R. 1456, to expand the boundary of the Booker T. Washington National Monument. **Pages H6097–98**

**Recess:** The House recessed at 5:06 p.m. and reconvened at 5:30 p.m. **Pages H6098–99**

**Recess:** The House recessed at 5:43 p.m. and reconvened at 6 p.m. **Pages H6099–H6100**

**Military Construction—Go to Conference:** The House disagreed with the Senate amendment to H.R. 2904, 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 agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Hobson, Walsh, Miller of Florida, Aderholt, Granger, Goode, Skeen, Vitter, Obey, Olver, Edwards, Farr, Boyd, and Dicks. **Page H6099**

Agreed to the Olver motion to instruct conferees to insist on the House position regarding all items included in the House passed bill for overseas military construction by a yea-and-nay vote of 417 yeas to 1 nay, Roll No. 362. **Pages H6099, H6101–02**

**Committee Election:** The House agreed to H. Res. 249, electing the following members to the Committee on the Judiciary: Representative Bryant, to rank after Representative Goodlatte, and Representative Pence. **Page H6102**

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H6138–63.

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H6100, H6100–01, and H6101–02. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 11:23 p.m.

# *Committee Meetings*

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility

District, Washington; and H.R. 2585, Chiloquin Dam Fish Passage Feasibility Act of 2001.

## FARM SECURITY ACT

*Committee on Rules:* Granted, by voice vote, a modified open rule providing two hours of debate on H.R. 2646, Farm Security Act of 2001. The rule waives all points of order against consideration of the bill. The rule provides that, in lieu of the amendments recommended by the Committees on Agriculture and International Relations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text printed in part A of the Rules Committee report accompanying the resolution, modified by the amendment printed in part B of the report. The rule waives all points of order against the amendment in the nature of a substitute and provides that it shall be considered as read. The rule makes in order only those amendments that have been pre-printed in the Congressional Record before October 3, 2001, and provides that each such amendment may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Combest and Representatives Smith of Michigan, McHugh, Boehlert, Gilchrest, Miller of Florida, Sherwood, Stenholm, Clayton, Baldacci, Etheridge, Kind, and Sanders.

## RAIL INFRASTRUCTURE DEVELOPMENT AND EXPANSION ACT

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads held a hearing on H.R. 2950, Rail Infrastructure Development and Expansion Act of the 21st Century. Testimony was heard from public witnesses.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST *of October 1, 2001, p. D954)*

S. 1424, to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants. Signed on October 1, 2001. (Public Law 107–45)

## COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 3, 2001

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Treasury and General Government, to hold hearings to examine northern border security status, 9:30 a.m., SD–192.

Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine bioterrorism issues, 10:30 a.m., SH–216.

*Committee on Energy and Natural Resources:* to hold hearings to examine the nomination of Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement; and the nomination of Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife, both of the Department of the Interior, 9:30 a.m., SD–366.

*Committee on Finance:* to hold hearings to examine the need for an economic stimulus package and its potential components, 11 a.m., SD–215.

*Committee on Foreign Relations:* business meeting to consider the nomination of Robert W. Jordan, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia, after the first vote in the afternoon, Time to be announced, S–116, Capitol.

*Committee on the Judiciary:* Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings to examine how to protect Constitutional freedoms in the face of terrorism, 9:30 a.m., SD–226.

### House

*Committee on Education and the Workforce,* to mark up H.R. 2269, Retirement Security Advice Act of 2001, 10:30 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* to mark up the following: a measure to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins; a measure to strengthen security at certain nuclear facilities; and a measure to clarify the application of cable television system privacy requirements to new cable services, 10 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade, and Consumer Protection, to mark up the American Spirit Fraud Prevention Act, 1 p.m., 2123 Rayburn.

*Committee on Financial Services,* hearing entitled "Dismantling the Financial Infrastructure of Global Terrorism," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on "Drug Trade and the Terror Network," 10 a.m., 2154 Rayburn.

*Committee on International Relations,* hearing on Al Qaeda and the Global Research of Terrorism, 10:15 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on the Role of the International Atomic Energy Agency in Safeguarding Against Acts of Terrorism, 1 p.m., 2172 Rayburn.

*Committee on the Judiciary,* to mark up the following measures: H.R. 2975, Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001; H.R. 2336, to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers; and H.R. 2559, to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance, 2 p.m., 2141 Rayburn.

*Committee on Resources,* to mark up the following measures: H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site; H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee; H.R. 1576, James Peak Wilderness, Wilderness Study, and Protection Area Act; H.R. 1776, Buffalo Bayou National Heritage Area Study Act; H.R. 2488, to designate certain lands in the Pilot Range in the State of Utah as wilderness; H.R. 2924, to provide authority to the Federal Power Marketing Administration to reduce vandalism and destruction of property; H.R. 2925, to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; the Healing Opportunities in Parks and the Environment Pass Act; and to consider the issuance of a subpoena; to be followed by an oversight hearing on Potential Alternative Energy Sources Available on National Public Lands, 10 a.m., 1324 Longworth.

*Committee on Rules,* to consider H.R. 2883, Intelligence Authorization Act for Fiscal year 2001, 2:30 p.m., H–313 Capitol.

*Committee on Science,* to mark up H.R. 64, to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Water Resources and Environment, hearing on the Wetlands Permitting Process: Is it Working Fairly? 10 a.m., 2167 Rayburn.

*Permanent Select Committee on Intelligence,* Subcommittee on Intelligence Policy and National Security, executive, briefing on Financial Intelligence Issues, 2 p.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, hearing on ''Protecting The Homeland from Asymmetric/Unconventional Threats,'' 9 a.m., 2322 Rayburn.

## Joint Meetings

*Commission on Security and Cooperation in Europe:* to hold hearings to examine United States policy toward the Organization for Security and Cooperation in Europe (OSCE), the institution which evolved from the Helsinki process, 10 a.m., SR–485.

*Next Meeting of the* SENATE

10 a.m., Wednesday, October 3

Senate Chamber

**Program for Wednesday:** Senate will resume consideration of H.J. Res. 51, Vietnam Trade Act.

Also, Senate may begin consideration of Foreign Operations Appropriations Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 3

House Chamber

**Program for Wednesday:** Consideration of H.R. 2646, Farm Security Act (modified open rule, two hours of general debate).

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