United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, NOVEMBER 7, 2001 No. 153

House of Representatives

The House met at 10:00 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

NOVEMBER 7, 2001.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. John S. Reist, Jr., Professor of Christianity and Literature, Hillsdale College, Hillsdale, Michigan, and Pastor, Somerset Congregational Church, Somerset, Michigan, offered the following prayer:

Almighty God, our Heavenly Father, we are grateful for the Members of this House whom we have elected by Your Providence to do Your work.

We ask that You give Your wisdom to this House as they consider and debate.

We request that You grant to them, and through them, to us, the power to choose the right and the will to do the right, not only for us but for all mankind.

We pray that whether in this House or in far-off mountains and trenches or in the skies or the corridors of power, all of us might eventually and finally rejoice that we in our time and in our place will have made out of this present challenging moment a memorable passage toward Your coming kingdom of righteousness and peace.

We pray this in the name of Jesus Christ and for the sake of all humanity. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. SMITH of New Jersey led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3061. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3061) ''An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. BYRD, Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, and Mr. DEWINE, to be the conferees on the part of the Senate.

EXTENDING A WELCOME TO THE GUEST CHAPLAIN, THE REVEREND DR. JOHN S. REIST, JR.

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

Mr. SMITH of Michigan. Mr. Speaker, I rise to introduce our guest chaplain today, and we certainly welcome today's distinguished guest chaplain, my personal pastor, Reverend John Reist, Junior.

Reverend Reist is a great American and a community leader. He has served as a veteran in the Armed Forces. He now combines his duty at the Somerset Congregational Church with his work as a professor of Christianity and literature at Hillsdale College. He has been recognized as teacher of the year, served as academic dean and is now the executive director of the Michigan Association of Scholars. He holds a Ph.D. degree in English from the University of Chicago and has been widely published.

His warmth, his devotion, his humor and understanding make him an outstanding counselor to his congregants

Printed on recycled paper.

and his students. These qualities have led to a doubling of our congregation in the 3 years since he came to our church.

Reverend Reist is distinguished by his love for his family, his church and his college, and his ability to motivate and cultivate those around him. I am proud to welcome him here today as our guest chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 15 one-minute speeches on each side.

SALUTE TO THE WORLD SERIES PLAYERS, ARIZONA DIAMONDBACKS AND NEW YORK YANKEES

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

Mr. HAYWORTH. Mr. Speaker, there is no doubt that this is a trying time in our history. Questions of great moment confront this House, and yet precisely because this is a time of national need, it is entirely appropriate that we focus likewise on our national pastime because the recently completed World Series offers to millions of Americans more than just diversion and amusement. It offers again reinforcement of the positive characteristics of teamwork and rising to the task when the chips are down.

As one who is honored to represent the great State of Arizona, I come to this well today to salute the new world champion Arizona Diamondbacks. Randy Johnson, Curt Schilling, absolutely thrilling on the mound. Quite rationally and reasonably co-Most Valuable Players in the series.

I salute likewise the American League Champions New York Yankees because it is a simple notion in sports, to be the best, you have to beat the best, and that is what the Diamondbacks accomplished as a team.

So we salute the D-backs as World Champs. We salute the Yankees, and let us get back to work on behalf of the American people.

GAO EMPLOYEES EPITOMIZE PROFESSIONALISM

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

Mr. HOYER. Mr. Speaker, I rise on behalf of all of the Members of the House. It is not every day that Members of the House and their staffs have to evacuate their congressional offices due to an unseen but potentially lethal health hazard. In fact, as all of us know, it was unprecedented.

Today, on behalf of all of my colleagues, I want to express my sincere thanks to David Walker, the Comptroller General of the United States, and all the dedicated employees of the General Accounting Office who were relocated or otherwise inconvenienced to accommodate Members and their staffs while House office buildings underwent precautionary testing for anthrax.

Those employees' graciousness and patience demonstrated their teamwork and the fact that their important work was uninterrupted when thousands, I emphasize, Mr. Speaker, thousands of us descended on GAO headquarters, is a tribute to their professionalism and to their Americanism. It also reinforced our American ethic that, working together, there is little that we cannot do.

Again, Mr. Speaker, on behalf of the entire House, I thank David Walker, all of the employees at GAO for their cooperation, their graciousness and their facilitation of the business of America.

NATIONAL HISPANIC SCIENCE NETWORK

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to announce that the National Hispanic Science Network on Drug Abuse is holding its first annual conference on Hispanic Drug Abuse Research this weekend here in Washington, D.C.

The mission of the National Hispanic Science Network is to foster biomedical research on drug abuse among Hispanics and to facilitate its application to public health.

This conference will share its findings with prominent investigators affiliated with the universities from across the Nation. Also in attendance will be representatives from national research policy organizations and representatives from the National Institute on Drug Abuse.

The National Hispanic Science Network is working toward reducing health disparities between Hispanics and other populations. This group is committed to involving Hispanic scientists in federally supported research through mentoring, training, networking and technical assistance opportunities.

Please join me in congratulating the National Hispanic Science Network on Drug Abuse for its dedication in assisting Hispanics through research and education.

FORTRESS AMERICA

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

Mr. FARR of California. Mr. Speaker, it is time for us to confront the double message we have sent the American people in the wake of the tragedy of September 11.

On one hand, we exhort Americans to travel, spend money, go out on the town and help revive the sagging economy. On the other hand, when they come to the Nation's Capitol, they find it closed, locked and off limits.

What kind of example are we setting for America's museum of democracy? Is ours a government of by and for the people or a government that lives behind heavily guarded, closed doors?

When Americans come to Washington, D.C., they get the same dreary refrain at the White House, the FBI and the Supreme Court: Closed to the public. When they come to the House of Representatives they find their Member of Congress can no longer provide a guided tour of the storied corridors, the Capitol dome or the old Senate Chamber. Instead our visitors are sent for 10 minutes to sit by themselves in the gallery.

Mr. Speaker, there are those who say we need a Capitol littered with jersey barriers, ugly fences and awful planters so we can feel safe in our fortress, but I say we should not let security concerns rob us of the freedom to participate in and petition the government. If terrorists can wander all the way to the Capitol without being discovered, we really are in desperate straits.

Mr. Speaker, when will you give the American people back their Nation's Capitol?

HUMAN CLONING

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

Mr. SMITH of New Jersey. Mr. Speaker, time is running out for us to stop mad scientists from cloning innocent human beings.

Infamous fertility specialist Severino Antinori is working with a team of scientists right now to clone humans. He recently told the BBC radio, and I quote, I think in 3 or 4 months we will have the first pregnancy. Asked whether he would have a cloned human being by September 2002, he said, I hope and I believe.

Columnist Charles Krauthammer is one of the many calling on the Senate to pass a human cloning ban. He recently said, and I quote, ''Sanity and prudence combined to produce a great victory on July 31 when the House of Representatives overwhelmingly defeated—the margin was over 100 votes—the legalization of early human embryonic cloning. But the fight is not over. The Senate needs to act as well.''

Our government, Mr. Speaker, cannot sit idly by as unethical scientists play God and redefine what it means to be a human. We cannot allow this violation of human rights, this crime against humanity, to take place on our watch.

We need a cloning ban and we need it now.

AMERICA'S GREATEST PASTIME

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

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

Mr. TRAFICANT. Mr. Speaker, baseball will eliminate two teams. Some surprise. Tickets average 50 bucks. A program is $10; popcorn, $5; parking, $20. A hot dog and a beer cost about $10 to $12 at most stadiums. Beam me up. The umpire said, ''Play ball,'' not ''monopoly.''

When a family of four needs a second mortgage to go see a baseball game in America, it does not take Dr. Ruth to explain to major league baseball what has gone wrong. I yield back what is left of America's great pastime after the greatest World Series perhaps in our history.

STIMULUS PACKAGE FOR AMERICA

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, over in the Senate, the majority leader said of our stimulus package it is not a front-burner issue as other legislation is, particularly government spending.

On behalf of the nearly 7.7 million unemployed Americans, that is just plain wrong. These people know that bills do not stop coming just because someone stops working. These people need relief and they need it now.

We need to give our economy a much-needed boost. Giving people the kind of economic security with more money will do just that.

The House-passed tax bill will give the average family of four approximately 944 more dollars every year. That is nearly $1,000 to pay off credit, school, charity or save for retirement. That is a car payment, insurance and gas for a month.

TOM DASCHLE was wrong. To the 700,000 who filed for unemployment last month alone, economic security is a front-burner issue. I urge the Senate majority leader to think about the 7.7 million unemployed and make economic security a front-burner issue.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Members are reminded they should not mention the remarks of Members of or quote from the other body.

SUPPORT TRAVEL AMERICA NOW ACT

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

Mr. LANGEVIN. Mr. Speaker, the time has come to address the devastating impact the terrorist attacks have had on our travel and tourism industry, which is vital to America and to Rhode Island.

Last year, this industry attracted over 15 million visitors and generated over $3.2 billion in Rhode Island and nearly $600 billion nationwide. It employs 61,000 Rhode Islanders and more than 19 million people across the country.

The Travel America Now Act, sponsored by my colleague, the gentleman from Arizona (Mr. SHADEGG), encourages Americans to resume travel and provides targeted tax relief to businesses and consumers.

We reacted quickly to help the airlines. Now Congress must do the same for the millions of businesses and people who are indirectly affected by the attacks and are in equal need of assistance. Not only will this bill strengthen the travel and tourism industry but also the American spirit.

SUPPORT TRADE PROMOTION AUTHORITY

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

Mrs. BIGGERT. Mr. Speaker, I rise today on behalf of the workers, farmers, and entrepreneurs of my State whose families are supported by exports from Illinois. Together, they exported more than $32 billion in goods and services to some 208 foreign countries last year.

It is important to realize that these individuals not only are helping to keep our State's and Nation's economy rolling, they are sharing America's best with the world. Numbering more than 400,000, these workers expect their government to do everything in its power to protect their markets and new opportunities.

Unfortunately, America's trade negotiators lack the one essential tool, trade promotion authority, or TPA, that they need to make the deals that eliminate barriers to trade and open doors to new marketplaces.

Make no mistake, our foreign competitors have this authority and they use it to their advantage. Of the more than 130 free trade agreements in force today, the U.S. is party to just three. If this were the military, we would be charged as AWOL.

Mr. Speaker, we cannot let our exporting companies and their workers down. Let us pass H.R. 3005.

NOW IS THE TIME TO PASS HATE CRIME LEGISLATION

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

Ms. WOOLSEY. Mr. Speaker, since the tragedy of September 11, young children are being spit on, called names, harassed, and hurt because they are Muslim or they look like they might be Muslim.

State governments and local police need the tools to fight and prosecute these hate crimes. We must elevate the status of hate crimes within Federal law to ensure that the punishment fits the seriousness of the crime.

We must set an example for young people that we do not tolerate hate; that they are protected; and that they can feel safe and they will be secure. Now is the time to pass hate crime legislation.

CONGRESS SHOULD BAN CLONING

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

Mr. PITTS. Mr. Speaker, a month ago, a Dr. Zavos of Cyprus announced that he expected to be able to create a cloned human being within 3 or 4 months. That means 2 or 3 months from now.

Mr. Speaker, cloning human beings is wrong. Cloning human beings is immoral. Any scientist who intends to clone a human being should be stopped. The scientific community says so, the American people say so, and earlier this year, the House of Representatives said so.

The few scientists who promote cloning call it progress. Well, I want to remind my colleagues that years ago Adolf Hitler employed the science of eugenics and also called it progress. The Nazis wanted to create a race of German supermen, the way dog breeders try to breed championship dogs. That was wrong. It was stopped, and it has not been tried again.

Now we have a few rogue scientists trying to clone human beings. We cannot stop Dr. Zavos, only the Government of Cyprus can do that, but we can stop the scientists in this country who are trying to do the same thing.

The other body needs to bring this bill up for a vote before it is too late.

ECOTERRORISM

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

Mr. GIBBONS. Mr. Speaker, in spite of the ongoing war that America is waging against terrorism in Afghanistan, we continue to face ecological terrorist attacks right here at home.

Just last month, ecoterrorists used timed fire bombs to attack and destroy a Federal facility near the California-Nevada border in order to protest Federal efforts to round up and control excess wild horses.

Ecoterrorism, Mr. Speaker, continues to grow as Web sites teach disciples how to manufacture and use these fire bombs. These deadly terrorist attacks, like Ted Kaczynski's, have already killed or wounded American citizens and destroyed millions of dollars of public and private property.

Although the national media has virtually ignored this issue, the American

people are forced to deal with its very real consequences. We must prove by our actions that we know how to deal with this deadly terrorism; and we must show that regardless of its source, target, or motive, it will be eliminated.

As the President has said, we must eliminate all terrorist cells at home and abroad by exposing them and those who harbor and support them until our Nation is rid of this growing evil.

TRADE PROMOTION AUTHORITY

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

Mr. KNOLLENBERG. Mr. Speaker, leadership is only proven through action. And time after time in its history, the United States has proven itself a leader. But as we lead the world in an effort to eradicate terrorism, we risk advocating our position of leadership in an area that is just as vital to America's well-being: international trade. Or spelled another way: jobs.

National security and economic security are not mutually exclusively. With more than 130 preferential trade agreements in the world today, shockingly, shockingly, the United States is a party to only three.

This disparity has real consequences for us at home. American workers, manufacturers, and producers are losing markets for their products and income for their families. For their sake, we must take action to turn this around.

Fortunately, Congress does have a chance to pick up the mantle of leadership once again by passing trade promotion authority. I urge all my colleagues to join me in supporting America's leadership role in the world by supporting TPA.

CONGRESS SHOULD BAN CLONING

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

Mr. LARGENT. Mr. Speaker, science is a wonderful thing. Who would have thought a couple of generations ago that a man would go to the Moon, or we would have a vaccine for polio. The work our scientists do in labs have brought great things into the world. But we have also learned that just because something is possible does not mean we should do it. Science has to be governed by morality.

The cloning of human beings is a case in point. Just because we can clone a human being, does not mean we should. Experimenting with human life is wrong. Cloning human lives, whether for experiments or reproduction, is a line we simply should not cross.

Earlier this year, the House voted overwhelmingly to make it illegal; but until the other body brings it up for a vote, that ban cannot become law. We are in a race with time. Our colleagues in the other body must bring this bill up for a vote as soon as possible.

We need to get this bill to the President's desk before it is too late.

CONGRESS SHOULD BAN CLONING

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

Mr. PENCE. Mr. Speaker, after decades of Christian education and religious study, there are two things that I know for sure: number one, there is a God; and number two, I am not Him. The entire debate over human cloning flies in the face of these two great truths.

Many Americans learned, after this institution banned human cloning earlier this year, that we are truly close to this moral horror, a horror that uses bad science, science that went through 277 deeply mutilated animals before Dolly the sheep was conceived and birthed successfully.

It is unthinkable that we would not act on this House's call to ban human cloning; that we would not respond to the President's thoughtful message to the world in August that we must think deeply, we must legislate thoughtfully along the fault lines of religion, morality, and technology.

I urge our colleagues in the other body to move and to move now on banning human cloning in the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are instructed not to urge action through the other body.

BAN HUMAN CLONING

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

Mr. RYUN of Kansas. Mr. Speaker, we stand at the threshold of discovery. However, there is a line that science must not cross.

Human cloning threatens the physical identity of people, it violates their rights, and it demeans their unique individuality. In fact, even most scientists admit that most attempts to clone would end in failure. By allowing this practice, we are condoning mass creation and the destruction of human life.

The truth is, we do not know what all the consequences of cloning a person really are. But we do know that cloning raises serious ethical and moral questions. The excuse of advancing science is not really worth the risk in this case.

Time is of the essence. Scientists say that cloned human babies could be born next year. Earlier this year, the House passed a vote to ban human cloning in the United States. I urge my colleagues in the other body to follow along and to vote to ban human cloning.

We must respect life or risk reaching a moral point of no return.

HONOR FALLEN HEROES OF NEW YORK

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

Mr. NETHERCUTT. Mr. Speaker, on November 18, 2001, firefighters from around the world will gather in New York City to honor the memories of the 344 emergency service personnel who lost their lives on September 11.

I am proud to note that my hometown of Spokane, Washington, will be represented by more than 50 firefighters who will pay their own way to stand with their brethren at this memorial service. To put New York's loss in perspective, the city lost as many firefighters in a day as Spokane has in its entire department.

As we honor those who have passed, we may also look to those who have survived. We in the House unanimously passed a Victims Tax Relief Act, the HEROS Act, which provides relief from Federal education loans to surviving families, and legislation expediting Federal payments to the survivors of public safety officers. We should also honor the fallen heroes of New York by strengthening our public safety programs.

As a member of the Congressional Fire Services Caucus, which has done so much to educate Members on these issues, I support legislation introduced by the gentleman from Delaware (Mr. CASTLE) which would allow Good Samaritans to donate equipment to fire departments.

Federal resources are also important. Last year, we provided $100 million in grant equipment, and I support additional funding this year. I commend the service of firefighters and am proud to acknowledge the efforts of those serving the Spokane community and all of eastern Washington.

SUPPORT ECONOMIC STIMULUS PACKAGE

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

Mr. HAYES. Mr. Speaker, last week we passed an economic stimulus bill to bolster our economy and stop the hemorrhaging of jobs that is going on around our Nation. Thousands of residents of North Carolina's eighth district have lost their jobs, especially in textiles and other manufacturing plants.

Given the current state of the economy, one would think passing this legislation would be one of the top priorities of Congress. But, Mr. Speaker, we

read that the Senate majority leader thinks that a bill to save jobs is not a front-burner issue.

□ 1030

Needless to say, we have different priorities. Getting Americans back to work and creating more jobs is a front-burner issue with me, and I hope it is a front-burner issue with a majority of Members of Congress. It is imperative that we act now so the President can sign this bill and we can get our economy moving forward once again.

APPOINTMENT OF CONFEREES ON H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2506) making appropriations for foreign operations, export financing and related programs 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 (Mr. SHAW). Is there objection to the request of the gentleman from Arizona? The Chair hears none and, without objection, appoints the following conferees: Messrs. KOLBE, CALLAHAN, KNOLLENBERG, KINGSTON, LEWIS of California, WICKER, BONILLA, SUNUNU, YOUNG of Florida, Mrs. LOWEY, Ms. PELOSI, Mr. JACKSON of ILLINOIS, Ms. KILPATRICK, MR. ROTHMAN, and Mr. OBEY.

There was no objection.

Mr. BLUMENAUER. Mr. Speaker, I very much appreciated the indulgence of the Chairman and Ranking Member of the Foreign Operations Appropriations Subcommittee earlier this year when we considered this appropriation on the House floor. We engaged then in a colloquy regarding the importance of funding for the U.S. Agency for International Development's Office of Environment and Urban Programs.

I believe this is one of the important nonmilitary components of the war on terrorism. When Secretary of State Powell appeared before our International Relations Committee late last month, he and I shared an exchange regarding the importance of investing in infrastructure, human capital, and entry-level industries in the urbanized regions of the developing world. As someone whose public service has focused on livable communities in the United States, I've been increasingly concerned about the urgent international implications.

The cities of our world are already overwhelmed by human needs and economic instability. Today, 30 percent of urban residents throughout the world lack access to safe drinking water; waterborne disease kills 5–12 million people each year; 50 per cent do not have adequate sanitation facilities. These conditions are getting worse by the day. Within the next 25 years, 2.5 billion more people will move to cities throughout the world; 95 percent of this movement will occur in developing nations. Here, the poverty, malnutrition, and chronic diseases of rural areas will become focused in new "mega-cities" of 10–20 million people, creating an even greater strain on natural resources, human health, economic well-being—and the stability—of these nations and the entire world.

This dangerous trend has not gone unnoticed. In its Outlook 2015 Report, the CIA ranked rapid urbanization as one of its top seven security concerns. "The explosive growth of cities in the developing countries," the report concludes, "will test the capacity of governments to stimulate the investment required to generate jobs, and provide the services, infrastructure, and social supports necessary to sustain livable and stable environments. Cities will be sources of crime and instability as ethnic and religious differences exacerbate the competition for ever scarcer jobs and resources."

Foreign assistance programs are critically important if cities in developing nations are to meet the demands of their rapidly growing populations. We need to help them build the capacity to provide basic infrastructure needs, promote economic growth, reduce environmental degradation, and improve health services for their residents. Programs that focus on not only the symptoms but also the causes of growing poverty and social unrest are our best defense against increasing human misery and global instability.

It is clear that we need additional resources to enable the U.S. Agency for International Development to address these challenges. Last year, its Office of Environment and Urban Programs operated on a budget of $4 million—the cost of four cruise missiles—down from an $8 million budget in 1993. This steady pattern of disinvestment, which continues into this fiscal year, is dangerously eroding our ability to address urban problems just as they are becoming more critical to our own national security.

Increased funding for the Office of Environment and Urban Programs would permit AID to build on its past successes and would encourage and strengthen the involvement of our public and private sector partners in these critical activities.

I have asked Secretary Powell to provide information from AID identifying the role cities will play in economic, security, and social development issues and its intended response to the growing urban crises, including a description of current funding and staffing levels as well as projected future needs.

I look forward to continuing to work with Chairman KOLBE's Subcommittee, and with my own Committee, the House International Relations Committee to strengthen funding for this vital purpose. AID allocates resources internally to its Office of Environment and Urban Programs. I hope its funding will be considerably higher for FY02 than the $4 million it was given in FY01.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, the Chair will now put two of the questions on which further proceedings were postponed yesterday in the following order:

H.R. 2998 by the yeas and nays, and

H.R. 852 by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

RADIO FREE AFGHANISTAN ACT OF 2001

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2998, 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 California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2998, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 25, as follows:

[Roll No. 429]

YEAS—405

Abercrombie	Cooksey	Graves
Ackerman	Costello	Green (TX)
Aderholt	Cox	Green (WI)
Akin	Coyne	Greenwood
Allen	Cramer	Grucci
Andrews	Crenshaw	Gutierrez
Armey	Crowley	Gutknecht
Baca	Culberson	Hall (OH)
Bachus	Cummings	Hall (TX)
Baird	Cunningham	Hansen
Baker	Davis (CA)	Harman
Baldacci	Davis (FL)	Hart
Baldwin	Davis (IL)	Hastings (FL)
Barcia	Davis, Jo Ann	Hastings (WA)
Barr	Davis, Tom	Hayes
Barrett	Deal	Hayworth
Bartlett	DeFazio	Hefley
Bass	DeGette	Herger
Becerra	Delahunt	Hill
Bentsen	DeLauro	Hilleary
Bereuter	DeMint	Hilliard
Berkley	Deutsch	Hinchey
Berman	Diaz-Balart	Hinojosa
Berry	Dicks	Hobson
Biggert	Dingell	Hoeffel
Bilirakis	Doggett	Hoekstra
Bishop	Dooley	Holden
Blagojevich	Doolittle	Holt
Blumenauer	Doyle	Honda
Blunt	Dreier	Hooley
Boehlert	Duncan	Horn
Boehner	Dunn	Hostettler
Bonilla	Edwards	Houghton
Bonior	Ehlers	Hoyer
Bono	Emerson	Hulshof
Borski	English	Hunter
Boswell	Eshoo	Hyde
Boucher	Etheridge	Inslee
Boyd	Evans	Isakson
Brady (PA)	Everett	Israel
Brady (TX)	Farr	Issa
Brown (FL)	Fattah	Istook
Brown (SC)	Ferguson	Jackson (IL)
Bryant	Filner	Jefferson
Burr	Flake	Jenkins
Buyer	Foley	John
Callahan	Forbes	Johnson (CT)
Calvert	Ford	Johnson (IL)
Camp	Fossella	Johnson, E. B.
Cannon	Frank	Johnson, Sam
Cantor	Frelinghuysen	Jones (NC)
Capito	Frost	Kaptur
Capps	Gallegly	Keller
Capuano	Ganske	Kelly
Cardin	Gekas	Kennedy (MN)
Carson (IN)	Gephardt	Kennedy (RI)
Carson (OK)	Gibbons	Kerns
Castle	Gilchrest	Kildee
Chabot	Gillmor	Kind (WI)
Chambliss	Gilman	King (NY)
Clay	Gonzalez	Kingston
Clayton	Goode	Kirk
Clement	Goodlatte	Kleczka
Clyburn	Gordon	Knollenberg
Coble	Goss	Kolbe
Combest	Graham	Kucinich
Condit	Granger	LaFalce

LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
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
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
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 (FL)

NAYS—2

Collins
Paul

NOT VOTING—25

Ballenger
Barton
Brown (OH)
Burton
Conyers
Crane
Cubin
DeLay
Ehrlich
Engel
Fletcher
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kilpatrick
Lofgren
Meek (FL)
Meeks (NY)
Moran (VA)
Pallone
Roybal-Allard
Sessions
Strickland
Sweeney
Young (AK)

□ 1055

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a scheduling conflict on the morning of November 7, I was not present for rollcall vote 429, on H.R. 2998, to authorize the establishment of Radio Free Afghanistan. Had I been present, I would have voted ''yea'' on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on roll call No. 429, I was unavoidably detained in my district and missed rollcall vote No. 429. If I had not missed rollcall vote No. 429, I would have voted ''aye.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on this next question.

NATHANIEL R. JONES AND FRANK J. BATTISTI FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 852.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. REHBERG) that the House suspend the rules and pass the bill, H.R. 852, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 430]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
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
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
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
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
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
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
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
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 (FL)

NOT VOTING—22

Ballenger
Brown (OH)
Burton
Conyers
Cubin
DeLay
Engel
Fletcher
Jackson-Lee (TX)
Jones (OH)
Kilpatrick

Lofgren	Moran (VA)	Strickland
Meehan	Myrick	Sweeney
Meek (FL)	Pallone	Young (AK)
Meeks (NY)	Sessions	

□ 1105

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. JACKSON-LEE of Texas. Mr. Speaker, on rollcall No. 430, I was unavoidably detained in my District. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, on rollcall Nos. 429 and 430, I was inadvertently detained. Had I been present, I would have voted "yea" on both measures.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 278) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 278

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Government Reform: Mr. Lynch of Massachusetts, to rank after Mr. Clay of Missouri; and

Committee on Veterans' Affairs: Mr. Lynch of Massachusetts, to rank after Mr. Rodriguez of Texas; and Ms. Davis of California, to rank after Mr. Udall of New Mexico.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3167, GERALD B. H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277 ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; (2) a further amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative Lantos of California or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a modified closed rule for consideration of the Gerald Solomon Freedom Consolidation Act. The rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The rule provides for consideration of only the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD, if offered by the gentleman from California (Mr. LANTOS) or his designee, which shall be considered as read and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a noncontroversial rule for a noncontroversial, but important, bill. The Gerald Solomon Freedom Consolidation Act endorses the work of President Bush and President Clinton to expand NATO into Eastern Europe. It also authorizes military assistance to seven potential NATO members.

Mr. Speaker, during its markup of this measure, the Committee on International Relations passed one amendment, an amendment to name H.R. 3167 after our former Committee on Rules chairman, Gerald Solomon. Chairman Solomon, who passed away the week before last, was a dear friend to all of us on the Committee on Rules, and he and Mr. Moakley, who, unfortunately, passed away earlier this year, were quite a pair together. They disagreed often, but they always did it as gentlemen and they always did it with a great deal of humor, and quite frankly, all of us miss them a lot.

While he was a Member, Chairman Solomon was also a strong advocate for NATO. Indeed, during his last year on the Hill, he even published a book about NATO expansion. It is fitting, therefore, that we honor Mr. Solomon with this bill today.

I urge my colleagues to support this rule, as well as the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me time.

Mr. Speaker, this is a modified closed rule. It will allow for the consideration of the Gerald B. H. Solomon Freedom Consolidation Act of 2001.

As my colleague from North Carolina has described, this rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. This rule will permit a Democratic substitute, if offered by the committee's ranking minority member. No other amendments may be offered from the House floor.

The bill expresses the support of Congress for expanding the number of members of the North Atlantic Treaty Organization. It recognizes the importance of admitting seven specific nations in Central and Eastern Europe. This legislation is in keeping with the vision expressed by both President Clinton and President Bush.

I want to take this opportunity to express my sadness at the loss of former House Member and Committee on Rules chairman Jerry Solomon, who died last month of heart failure. Jerry and I often found ourselves on different sides of the issue, but we were fully united in our respect for the House of Representatives and our role in leading the Nation.

Jerry was a man of honor and integrity. He spoke his heart and he stood up for his beliefs without hesitation. It is fitting that this bill is named in his memory.

With that, I urge the adoption of the rule and of the underlying.

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my friend from Charlotte for yielding me this time, and I want to congratulate her, as well as I see my friend the gentleman from California (Mr. LANTOS) here, the ranking minority member of the Committee on International Relations, and the gentleman from New York (Mr. GILMAN), and the gentleman from Illinois (Mr. HYDE) is in the Chamber. I wanted to congratulate them.

I want to thank the gentleman from Ohio (Mr. HALL) for his statement. I see the gentleman from Nebraska (Mr. BEREUTER) is here. I tried to mention just about everybody in the Chamber. The gentleman from Florida (Mr. GOSS) is right behind him.

I do not want to see any other Members, so I can make my points here.

Mr. Speaker, this is a very important piece of legislation. Both the gentleman from Ohio (Mr. HALL) and the gentlewoman from North Carolina (Mrs. MYRICK) made it clear it is a fitting tribute to my predecessor, Jerry Solomon. We continue to mourn his passing and extend our condolences to Freda and his wonderful family.

We know that Jerry Solomon was, as was stated so eloquently in the tributes that were given at his funeral last week, a real fighter, and I considered him to be a fighter with a heart, because he was one who stood firmly for principle, but had a great warmth and kindness to him as well.

□ 1115

He fought as hard as anyone to expand the cause of freedom throughout the world. I should say parenthetically that I had the privilege of joining my colleagues, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from North Carolina (Mr. BALLENGER), for a delegation that observed one of the freest and fairest elections that I have had the opportunity to observe in the many years that I have been able to serve here in the Congress and visit elections around the world; and this election took place in Nicaragua just this past weekend. We saw the people of Nicaragua overwhelmingly state their preference, and I should say that I am very gratified that they came out on the side of freedom and self-determination, and it is something that would have made Jerry Solomon very proud. That was in this hemisphere.

The legislation that we are talking about today, Mr. Speaker, is focused on the very important North Atlantic Treaty Organization alliance which, as we all know, has been critically important to many of the national security and foreign policy successes that we have had around the world.

Mr. Solomon wrote a very thoughtful volume on the importance of NATO expansion, and I believe that that is one of the major reasons that his name is very appropriately tied to this legislation. As the gentleman from Ohio (Mr. HALL) said, the prospect of the expansion of these seven countries into the NATO alliance is something that I believe is on the horizon, and I believe that we need to encourage it. I should say that President Bush is a strong proponent of NATO expansion and has made that clear in more than a few addresses and in his policy proposals.

So I think that we have done the right thing here in paying tribute to our dear friend, Jerry Solomon. I will continue to miss him every day. I am happy to say that there is a spectacular portrait of Mr. Solomon that is in the Committee on Rules and, I would invite any of our colleagues who would like to come by and take a look at that portrait if you have not testified before the Committee on Rules lately to come and visit us there and to know that when we overwhelmingly pass this rule and the legislation itself, it will be a great tribute that we can provide to this wonderful man.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time at this time. I could have some requests, so I would ask the gentlewoman from North Carolina (Mrs. MYRICK) to go ahead with her speakers, and I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS).

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

Mr. GOSS. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time and for her service, of course, on the Committee on Rules as well.

Mr. Speaker, as we continue to defend democracy and freedom, which is what this Nation is about today, and the battle in the war against terrorism within our own borders, it is important to remember that we are not alone. We are not the only country that upholds the ideals that we are fighting for. Our friends and allies in the NATO alliance have helped us to defend democracy across the Atlantic and beyond in so many ways and for so many years during the Cold War. We now have the opportunity to expand our NATO alliance and allow new democracies in Central and Eastern Europe and other areas to join in the defense of freedom, something we all care greatly about.

This legislation outlines and reaffirms congressional support for further enlargement of NATO as expressed in statements by President Bush and former President Clinton. It does not call for the admission of any specific country to NATO, but is supported by the candidates of all contenders which meet the criteria outlined by the current NATO members. Estonia, Latvia, Lithuania, the Baltics, Slovenia, Slovakia, Bulgaria and Romania are keenly interested, I know from personal experience, and there are others.

In addition, the Solomon Act authorizes funding for military assistance for each candidate in accordance with administration requests for 2002. In other words, we are together on this here on the Hill and downtown. The modest cost of this assistance is a very small price to pay for the potential of gaining long-term allies in a formalized way in this critical region of the world. As a member of the House of Representatives delegation to the NATO Parliamentary Assembly, I have been privileged to see firsthand how the expansion of NATO is a lot more than about just the falling of the last remnants of ice from the old Cold War. The fact is, just a dozen or so years ago, many of these nations we are talking about were part of a Warsaw Pact that was pledged to destroy NATO. Think about that. Now, these nations are vying for a relationship of mutual protection with the West.

As we move through these uncertain times, it is of great importance, of course, that we cultivate the strongest ties possible with all of the nations of Europe. NATO expansion, under membership guidelines and procedures already agreed upon, will help the United States achieve this very, very important goal.

Mr. Speaker, I cannot possibly count the number of hours, meetings, trips, speeches, reports, or personnel we have talked to and invested in the question of NATO expansion. In all of this, Jerry Solomon, his vision, his leadership, showed the way; and he made the case very forcefully. He even made the case in Moscow that someday Russia will join NATO, and I have no doubt to believe that.

This legislation will send a strong and welcome signal. People do pay attention to what this Congress does, and now is the time to gear up for the expansion in NATO that will be discussed one year from now in Prague. I urge support for this legislation. It really does matter.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Florida (Mr. GOSS). As chairman of the Permanent Select Committee on Intelligence and vice chairman of the Committee on Rules, we rely on him a lot for his expertise in this area, and it is quite evident that he has been involved in this for many, many years. So I thank the gentleman.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the rule, but in opposition to the underlying legislation. Let me take a moment to salute Jerry Solomon, who was a dear friend. We will miss Jerry Solomon. It is a pain in our hearts that we will have as someone who meant so much to us and he is no longer with us. I worked so many hours on so many issues over the years with Jerry that I think that no doubt, on both sides of the aisle, he will be dearly missed.

Now let us talk about NATO. NATO will not be missed. NATO has done its job. NATO deserves to pass on, because NATO accomplished its mission and now it deserves to dissolve.

We called on this organization, we created this organization back when there was a major Soviet threat to invade Western Europe. Thus we created NATO in order to deter war, not to waste money, because that money was necessary at the time. But instead, to deter a Soviet invasion of Western Europe. It did its job, and it did its job well.

During the Cold War, it served to stand guard and to deter attack and that attack was deterred; and it saved lives and it helped us come to the end of the Cold War. But the Cold War is over. The price we paid for NATO in the tens of billions of dollars was worth it back then. It is not worth it now.

In fact, what NATO today is is nothing more than a subsidy for the defense of Western Europe and in Europe as a whole. They can afford, our European friends can afford to pay for their own defense now. When NATO was first created, they were coming out of World War II, their economies were in a shambles; and yes, we stepped forward to protect the world against communism, just as we stepped forward to protect the world against Japanese militarism and Nazism. We can be proud of that, and we can be proud of the role NATO played. But today, the purpose NATO was created for has passed away, and the Europeans can afford to pay for their own defense. By staying in NATO, we are going to continually be involved in missions like those in Kosovo and Bosnia, right in our European friends' backyard, and we end up paying a major portion of that battle in Kosovo and Bosnia. That makes no sense.

Our European friends are richer than we are. The European governments have many, many more services for their people than we have for our own people, because we are spending that money trying to police the world. By keeping NATO going, it just reinforces that policy that the United States is going to be the policeman of the world.

Furthermore, by expanding NATO the way this bill is proposing, we are slapping Russia in the face. Come on. Come on, now. NATO was established to counter the Soviet Union, and now the Russians have done what we always wanted them to do: cast off this dictatorship. And what do we do? We try to expand this military alliance right into their front yard. That is wrong.

Russia has disbanded the Warsaw Pact; it is trying to be democratic. President Putin is making efforts. In fact, he was the first one to call President Bush to offer his help when America was attacked on September 11. We should not be putting that type of pressure on a democratic Russia. We should, instead, be reinforcing that we are their friends and no longer consider Russia a threat. If Russia ever goes back to its old ways, we can reconfigure that. I would just say NATO is not helping us as much as they should in this current crisis, so why should we continue subsidizing our European friends.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, we have here a satellite photograph of a section of the Euro mountains in Russia called Yamantau Mountain. Here is Yamantau Mountain. Just south of Yamantau Mountain are two cities, two closed cities, by the way; and they house about 60,000 people that do nothing but work on Yamantau Mountain.

Now, Yamantau Mountain is the largest, deepest, nuclear secure facility in the world. The Soviets and now the Russians have spent about $6 billion on Yamantau Mountain. We have had two defectors from Yamantau Mountain; and with what they have told us, we know roughly what is down there. It is enormous, about the size of inside our Beltway with railroad tracks running in opposite directions and enormous rooms carved out of the rock.

Again, it is the most nuclear secure facility in the world. The Russians will not tell us why they are doing it. They have just ramped up activity there. They have built accoutrements there that they do not have in their other cities, tennis courts and so forth. They cannot pay their military. They cannot afford $200 million for the service module of the space station, but this is important enough to them that they keep pouring millions and millions and millions of dollars into it, $6 billion currently. Its only use is either during or postnuclear war.

Now, I ask my colleagues, why would Russia do this? When they have all of these needs in their society, why would they pour all of this money into Yamantau Mountain? What I am told is, they are paranoid. They do not believe we are their friends. They are planning for a nuclear war. They apparently believe that it is inevitable and winnable, and they are going to win it with this kind of preparation. We have no idea what they are going to do there, but we know that they are building and spending a lot of money on it.

Now, my question is, why at this time in history would we want to feed Russia's paranoia? Why would we want to enlarge NATO right up to their borders? NATO they perceive as a threat to them. For the first time in its history, we used them as an aggressive power in Kosovo.

□ 1130

If we want a friendship society, a goodwill society, in Europe, please, Mr. Speaker, call it something else. Do not call it NATO. NATO is very threatening to the Russians. It was set up to counter the Warsaw Pact. The gentleman from California (Mr. ROHRABACHER) said it did its job. It was very successful. The Warsaw Pact does not exist.

Mr. Speaker, this is a very unwise political move. I cannot understand how we could perceive that it is in our national security interest to enlarge NATO and feed the paranoia of the Russians when they continue to pour money into things like Yamantau Mountain.

This is not a good bill. I support the rule; I vigorously oppose the underlying bill.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in support of the rule. The rule is noncontroversial, but the bill itself, the bill to expand NATO and the foreign aid involved in it, is controversial from my viewpoint. It may not be controversial here in Washington, but if we go outside of Washington and talk to the people who pay the bills and the people who have to send the troops, they find this controversial. They think we are taken for saps as we go over and extend our sphere of influence throughout the world, and now extending into Eastern Europe.

I, too, was a friend of Jerry Solomon. We came into the Congress together in 1978. One thing for sure that Jerry understood very clearly was the care that we must give to expanding our influence as well as sacrificing our sovereignty, because he was strongly opposed to the United Nations.

As chairman of the Committee on Rules, he would permit my amendment to come up and at least debate the effectiveness of belonging to the United Nations, so I have fond memories of Jerry, especially in his support of my efforts to try to diminish the United Nations' influence and the taking away of our sovereignty.

Mr. Speaker, this is one reason why I do oppose NATO. I believe that it has a bad influence on what we do. We want to extend our control over Eastern Europe, and as has been pointed out, this can be seen as a threat to the Russians.

NATO does not have a good record since the fall of the Soviets. Take a look at what we were doing in Serbia. Serbia has been our friend. They are a Christian nation. We allied ourselves with the KLA, the Kosovo Muslims, who have been friends with Osama bin Laden. We went in there and illegally, NATO illegally, against their own rules of NATO, incessantly bombed Serbia. They had not attacked another country. They had a civil war going on, yet we supported that with our money and our bombs and our troops, and now we are nation-building over there. We may be over there for another 20 years because of the bad policy of NATO that we went along with.

Mr. Speaker, I think we should stop and think about this, and instead of expanding NATO, instead of getting ready to send another $55 million that we are authorizing today to the Eastern European countries, we ought to ask: Has it really served the interests of the United States?

Now that is old-fashioned, to talk about the interests of the United States. We are supposed to only talk about the interests of internationalism, globalism, one-world government. To talk about the interests of

the United States in this city is seen as being very negative, but I would say if we talk about U.S. security, security of the United States of America and our defense around the country, it is very popular.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from the Seventh District of Missouri (Mr. BLUNT), our deputy whip.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in support of the rule and of the bill, and I particularly appreciate the fact that this bill has been designated to honor our good friend, Jerry Solomon, who represented us so well in the association of NATO parliamentarians and who had made so many friends for America around the world, and particularly with our NATO allies.

There is no question that NATO has been the most successful alliance in history. I would not want to revisit all of the issues of our policies in Eastern Europe today, but I think if we look back at who was following whose lead in what we did the last couple of years, it might not have been us following NATO as much as NATO following us on policies that were vigorously debated here on this floor.

That is not what this bill is about. This bill is about whether we continue to open the doors of NATO to nations that meet the standards that NATO set, nations that add to the common defense of NATO, nations that so much want to be on this side of the curtain of freedom, if the curtain of freedom ever comes down again.

Recently, at the NATO parliament meeting in Lithuania, those of us who represented the House of Representatives there saw people come out who remembered clearly not only what it had been like to live under the Soviet Union, but remembered what it had been like to be dominated by the Nazis; people who did not want to have that ever happen again; people who were desperate, because if they had not been in a concentration camp or sent out of the country, they knew somebody in their family that had.

Person after person, group after group, came chanting NATO, NATO, NATO, with a sense of desperation; that if the line of freedom is ever drawn again, they know which side of that line of freedom they want to be on.

This does not mean that the line of freedom has to end at the Russian border. In fact, meeting the right circumstance, the line of freedom can extend, but it does mean that those countries that are striving to meet the standards that NATO set, those countries that are striving to meet the standards that NATO set for membership that can add to the common defense, that are democracies today and want to ensure that democracy can best ensure that democracy by joining this family of nations and being part of NATO, by being part of the NATO parliament, by being part of the NATO defense structure.

This is hugely important to the countries mentioned. All of them are not included in NATO as a result of anything we do, but we are just making the point again that that door is open to peace-loving people, freedom-loving people, people who honor democracy, and these countries are among those.

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

I thank the gentleman for his historical perspective on what has happened with NATO over the years.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the author of this legislation.

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

Mr. BEREUTER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am very pleased to follow the articulate statement offered by the distinguished gentleman from Missouri (Mr. BLUNT). He spelled out, I think in some detail, why NATO continues to be very important to the democracies of Western Europe and to the United States and Canada, as well.

Indeed, in Lithuania, we saw graphic examples and heard from people on the streets, at high levels of government and the people in the booths selling things to us why NATO was so important, why they do not want to come under totalitarianism again.

In fact, I think there is strong bipartisan support for the continuation of NATO. The dissident voices we heard here today are certainly appropriate in a democracy, but I think they do not reflect the bipartisan recognition that NATO has been important, it is important today, and it will be important in the future.

There are probably two critical institutions in Europe today which help ensure that this security umbrella will be over the nations of the former Warsaw Pact in Central and Eastern Europe and that they will be able to continue their movement towards democracy and a full array of human rights. They are, first and foremost, NATO; and secondly, the European Union.

As the countries, seven of which are identified for authorization, or reauthorization, in this legislation move towards, or hope to successfully gain, membership in NATO, they are making a number of changes. They are embracing a full array of the features of democracy to meet the criteria for NATO membership, they are providing for transparency in their military budgets, they are providing for civilian control of their military, and they are providing for the kind of interoperability of their defense systems with those of the 19 countries of NATO.

It is on the basis of NATO that we were able to form a coalition that performed so well in the Persian Gulf, that was brought to bear after we had some failures from the United Nations in certain parts of the Balkans, and which today underlie the coalition which President Bush and the United States have built in our war against terrorism.

It is not by accident that it was the other countries of NATO which provided the first meaningful response to a coalition against terrorism when they invoked Article 5, that meant that when there is an attack on one of its members, in this case from a foreign source on the United States, they said by invoking Article 5, that it is an attack on all of us. So this defensive alliance, 52 years of age, has taken on some new responsibilities for Western democracies and for the United States, in this case in the war against terrorism. It is a critical institution.

As we see the other countries of Eastern and Central Europe attempt to secure EU membership and NATO membership, we should also note that NATO has created the Partnership for Peace program to permit not just these seven countries, but a wider array of countries, even into the former Soviet Union, with an opportunity to eventually move towards full integration with Western institutions and Western democracy through NATO membership.

Indeed, the door is not shut to Russia. In fact, we have provided, through the North Atlantic Council, a special opportunity for Russia to have input into the deliberations of NATO; not anything approaching a veto, for certainly something we would not want to give them.

Mr. Speaker, If we did not have NATO today we would have to create something like it.

So, Mr. Speaker, I not only urge support of the rule, but since time is limited on the debate on the bill itself, I thought it was appropriate to make these remarks here today with respect to the importance of NATO today and into the future.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill appears to be in very good shape. The rule is certainly acceptable to us.

I think it is fitting that we call this bill the Gerald Solomon Freedom Consolidation Act. Mr. Solomon was chairman of the Committee on Rules for the few years in which I served under him. As a Democrat, and he was a Republican, he was tough, he was difficult, but he was a fair man. He never lied. He was a man of integrity. He was a good Representative.

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

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

Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for his kind comments about Chairman Solomon.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–273) on the resolution (H. Res. 279) waiving points of order against the conference report to accompany the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, which was referred to the House Calendar and ordered to be printed.

GERALD B. H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

Mr. BEREUTER. Mr. Speaker, pursuant to House Resolution 277, I call up the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHAW). Pursuant to House Resolution 277, the bill is considered read for amendment.

The text of H.R. 3167 is as follows:

H.R. 3167

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 ''Freedom Consolidation Act of 2001''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), Congress declared that ''full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date . . .''.

(2) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to NATO, and declared that ''in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance''.

(3) In the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), Congress declared that ''Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO'' and that ''Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date''.

(4) At the Madrid Summit of the NATO Alliance in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance in the first round of NATO enlargement, and the NATO heads of state and government issued a declaration stating ''[t]he Alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration''.

(5) At the Washington Summit of the NATO Alliance in April 1999, the NATO heads of state and government issued a communique declaring ''[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .''.

(6) In late 2002, NATO will hold a summit in Prague, the Czech Republic, at which it will decide which additional emerging democracies in Central and Eastern Europe to invite to join the Alliance in the next round of NATO enlargement.

(7) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that their countries will cooperate in jointly seeking NATO membership in the next round of NATO enlargement, that the realization of NATO membership by one or more of these countries would be a success for all, and that eventual NATO membership for all of these countries would be a success for Europe and NATO.

(8) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated ''[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom''.

(9) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated ''NATO's doors will not close behind its first new members . . . NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not reemerge in Europe''.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the NATO Alliance contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, and the European Security Act of 1998;

(2) supports the commitment to further enlargement of the NATO Alliance expressed by the Alliance in its Madrid Declaration of 1997 and its Washington Summit Communique of 1999; and

(3) endorses the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our NATO allies to work with the United States to realize this vision at the Prague Summit in 2002.

SEC. 4. DESIGNATION OF SLOVAKIA TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) IN GENERAL.—Slovakia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of Slovakia pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note) and the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) AUTHORIZATION OF FOREIGN MILITARY FINANCING.—Of the amounts made available for fiscal year 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $6,500,000 is authorized to be available on a grant basis for Estonia;

(2) $7,000,000 is authorized to be available on a grant basis for Latvia;

(3) $7,500,000 is authorized to be available on a grant basis for Lithuania;

(4) $8,500,000 is authorized to be available on a grant basis for Slovakia;

(5) $4,500,000 is authorized to be available on a grant basis for Slovenia;

(6) $10,000,000 is authorized to be available on a grant basis for Bulgaria; and

(7) $11,500,000 is authorized to be available on a grant basis for Romania.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 515 of the Security Assistance

Act of 2000 (Public Law 106–280) is amended by striking paragraphs (1), (5), (6), (7), and (8) and redesignating paragraphs (2), (3), (4), and (9) as paragraphs (1) through (4), respectively.

The SPEAKER pro tempore. The amendment printed in the bill is considered adopted.

The text of H.R. 3167, as amended, is as follows:

H.R. 3167

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 ''Gerald B. H. Solomon Freedom Consolidation Act of 2001''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), Congress declared that ''full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date . . .''.

(2) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to NATO, and declared that ''in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance''.

(3) In the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), Congress declared that ''Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO'' and that ''Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date''.

(4) At the Madrid Summit of the NATO Alliance in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance in the first round of NATO enlargement, and the NATO heads of state and government issued a declaration stating ''[t]he Alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration''.

(5) At the Washington Summit of the NATO Alliance in April 1999, the NATO heads of state and government issued a communique declaring ''[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .''.

(6) In late 2002, NATO will hold a summit in Prague, the Czech Republic, at which it will decide which additional emerging democracies in Central and Eastern Europe to invite to join the Alliance in the next round of NATO enlargement.

(7) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that their countries will cooperate in jointly seeking NATO membership in the next round of NATO enlargement, that the realization of NATO membership by one or more of these countries would be a success for all, and that eventual NATO membership for all of these countries would be a success for Europe and NATO.

(8) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated ''[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom''.

(9) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated ''NATO's doors will not close behind its first new members . . . NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not reemerge in Europe''.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the NATO Alliance contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, and the European Security Act of 1998;

(2) supports the commitment to further enlargement of the NATO Alliance expressed by the Alliance in its Madrid Declaration of 1997 and its Washington Summit Communique of 1999; and

(3) endorses the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our NATO allies to work with the United States to realize this vision at the Prague Summit in 2002.

SEC. 4. DESIGNATION OF SLOVAKIA TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) IN GENERAL.—Slovakia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of Slovakia pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note) and the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) AUTHORIZATION OF FOREIGN MILITARY FINANCING.—Of the amounts made available for fiscal year 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $6,500,000 is authorized to be available on a grant basis for Estonia;

(2) $7,000,000 is authorized to be available on a grant basis for Latvia;

(3) $7,500,000 is authorized to be available on a grant basis for Lithuania;

(4) $8,500,000 is authorized to be available on a grant basis for Slovakia;

(5) $4,500,000 is authorized to be available on a grant basis for Slovenia;

(6) $10,000,000 is authorized to be available on a grant basis for Bulgaria; and

(7) $11,500,000 is authorized to be available on a grant basis for Romania.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 515 of the Security Assistance Act of 2000 (Public Law 106–280) is amended by striking paragraphs (1), (5), (6), (7), and (8) and redesignating paragraphs (2), (3), (4), and (9) as paragraphs (1) through (4), respectively.

The SPEAKER pro tempore. The gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill.

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

There was no objection.

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

Mr. Speaker, as the chairman of the House of Representatives delegation to the NATO Parliamentary Assembly, this Member rises in strong support for H.R. 3167, the Gerald B. H. Solomon Freedom Consolidation Act of 2001.

Indeed, this legislation enjoys the support of Members from the elected leadership on both sides of the aisle, including the Speaker of the House, the distinguished gentleman from Illinois (Mr. HASTERT); the House majority leader, the distinguished gentleman from Texas (Mr. ARMEY); the minority whip, the distinguished gentleman from Michigan (Mr. BONIOR); and the chairman of the House Republican Policy Committee, the distinguished gentleman from California (Mr. COX).

Additionally, the chairman of the Committee on International Relations, the distinguished gentleman from Illinois (Mr. HYDE); the ranking minority member of the Committee, the distinguished gentleman from California (Mr. LANTOS); and the chairman emeritus of the committee, the distinguished gentleman from New York (Mr. GILMAN); and the chairman of the subcommittee on Europe, the gentleman

from California (Mr. GALLEGLY), are cosponsors of the measure.

Mr. Speaker, this Member is also pleased to note that among the cosponsors are many Members of the House delegation to the NATO Parliamentary Assembly, including the chairman of the House Permanent Select Committee on Intelligence, the distinguished gentleman from Florida (Mr. GOSS), the distinguished gentleman from Illinois (Mr. SHIMKUS); the distinguished gentleman from Colorado (Mr. HEFLEY); the distinguished gentleman from Tennessee (Mr. TANNER); the distinguished gentleman from Colorado (Mr. MCINNIS); the distinguished gentleman from Texas (Mr. LAMPSON); the distinguished gentleman from Florida (Mr. BILIRAKIS).

Also, the distinguished gentleman from Florida (Mr. MICA), not a member of the delegation, who has been very active in NATO expansion issue is a cosponsor, as would be the gentleman from Texas (Mr. THORNBERRY), the gentleman from Maryland (Mr. WYNN), and the gentleman from Pennsylvania (Mr. BORSKI), if we had had their names in time.

□ 1145

The measure before this body today outlines and reaffirms congressional support for further expansion of NATO. In addition, the legislation endorses the vision of further enlargement of the NATO Alliance as expressed in statements by former President Bill Clinton and by President George W. Bush.

Further, the bill specifically designates Slovakia to receive assistance under the NATO Participation Act of 1994, and the President is authorized to designate, as he deems appropriate, other countries as eligible for the assistance under the same program.

Finally, this legislation authorizes foreign military financing for the following leading NATO alliances aspirants. These are not all of the aspirants, but these are the ones that the administration has requested authorization levels for: Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania and now Slovakia. These levels that are in the legislation reflect exactly the administration's request.

I think it is important to note that H.R. 3167 does not specifically endorse the candidacies of any countries. It simply endorses expansion, hopefully at the Prague Summit in the year 2002, for those countries which meet the criteria outlined by current NATO members, and they are substantial criteria, not easy to meet. I identified a few of them a few minutes ago in discussing the rule.

On November 1 of this year, the Committee on International Relations considered and passed this legislation, as amended, by voice vote. This Member and the dean of the New York Republican delegation, the gentleman from New York (Mr. GILMAN), offered the sole amendment to the measure during the committee markup, which redesignated the title as the Gerald B.H. Solomon Freedom Consolidation Act. This amendment was approved, of course, by voice vote in Committee and approved unanimously.

Mr. Speaker, this Member can think of few more fitting legislative memorials to our former distinguished colleague who, through his service in this body and as a long-time member of the House NATO Parliamentary Assembly delegation, consistently championed efforts to strengthen and expand NATO. Indeed, Congressman Solomon wrote a book on it.

I would say also that Members should know that he played a very active role in the Assembly. He served as the chairman of one of the five working committees of the Assembly, the Political Committee, the one that dealt with the most controversial and most comprehensive list of subjects. He also served as the vice president of the Assembly for the maximum 2-year term, and he was proud to be a member of a small delegation that President Clinton took to the Madrid Summit when decisions were made about NATO enlargement to include the countries of the Czech Republic, Hungary and Poland.

Congressman Solomon was unswerving in his belief that the former Warsaw Pact countries, if they meet the NATO criteria, plus others, including some of the new nations springing from the disintegration of Yugoslavia and nations farther to the southeast, should have the opportunity to join the NATO security alliance. He recognized that NATO membership for those countries would be critical in maintaining stability and prosperity for the entire continent and particularly for Eastern Europe. This Member believes that Congressman Solomon would be pleased to know that his vision for an expanded NATO continues to enjoy overwhelming support from this body.

Mr. Speaker, this Member, who once again led a House delegation to the NATO PA spring meeting in Vilnius, Lithuania, this year, was impressed with the grassroots support in Lithuania for NATO membership. In fact, during that trip, this Member asked a street vendor why he displayed a pro-NATO sticker on his cart. The vendor explained that he would never forget how a family member of his had been taken to Siberia by the Soviets and had never returned. Therefore, because of this and very similar incidents affecting thousands of citizens of the three Baltic nations in the early stages of World War II, this vendor said, That is why I am for NATO expansion—so it can never happen again.

He is joined by so many people of the former Warsaw Pact countries who viewed NATO membership, or the prospect for it, as very important to the stability of future freedoms for their citizens.

Without a doubt, NATO has been the most effective collective defense alliance in the history of the world. It has provided collective security to the member nations of Western Europe. Therefore, it is no surprise that many members of the former Warsaw Pact now aspire to such membership. For NATO to continue its expansion is entirely appropriate at this time, as is congressional support for expansion, but of course, expansion only when appropriate criteria are met, when these countries can make a proper contribution to the NATO collective security.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 3167.

Mr. Speaker, I submit for the cost estimate of the Congressional Budget Office on H.R. 3167 for printing in the RECORD.

CONGRESSIONAL BUDGET OFFICE,
November 5, 2001.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act of 2001. The CBO staff contact for this estimate is Joseph C. Whitehill, who can be reached at 226–2840.

Sincerely,

DAN L. CRIPPEN,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3167—Gerald B. H. Solomon Freedom Consolidation Act of 2001

H.R. 3167 would reaffirm Congressional support for the enlargement of the North Atlantic Treaty Organization (NATO) and would increase the amounts of foreign military financing (FMF) earmarked in 2002 for seven Central and Eastern European countries that are potential candidates for NATO membership. The FMF spending is subject to appropriation action. The bill would not increase the total amount authorized for FMF in 2002 under Public Law 106–280, the Security Assistance Act of 2000; therefore, CBO estimates that implementing the bill would not significantly affect discretionary spending. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 3167 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Joseph C. Whitehill, who can be reached at 226–2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

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

Mr. Speaker, let me at the outset identify myself with all the comments made by my colleagues concerning our late friend, Jerry Solomon. Jerry Solomon was a most distinguished Member of this body and his leadership on the NATO issue simply cannot be overstated.

Let me also commend my good friend, the gentleman from Nebraska (Mr. BEREUTER) whose leadership of the congressional delegation to the NATO Parliamentary Assembly has been extraordinary. He has earned our respect

as the leader of our NATO delegation, and I want to pay public tribute to him.

I also want to acknowledge the contributions to NATO and our participation of the chairman emeritus of our committee, the gentleman from New York (Mr. GILMAN), and the gentleman from Illinois (Mr. HYDE), our current chairman.

Mr. Speaker, Congress has consistently led the way in supporting NATO enlargement and for a strong and robust role for NATO in Europe. One of the most memorable moments in my congressional service was to fly with our former Secretary of State Madeline Albright to Independence, Missouri, with the foreign ministers of Poland, Hungary and the Czech Republic when we moved to include those three former Communist states, having cleansed themselves of their past as full members of NATO.

NATO is the longest surviving alliance of all time, and it has endured because it is an alliance of free and democratic nations. No country was ever forced to join the alliance by a larger and stronger power, in sharp contrast to the Warsaw Pact where every single member was forced into that pact by the power and might of the Soviet Union. There can be no better endorsement of NATO's success and achievements than the desire of the newly emerging countries of Central and Eastern Europe to join this alliance.

Now, the post-September 11 era, Mr. Speaker, has brought us new realities, and one of them is the critical role that NATO can play in the fight against international terrorism. As a matter of fact, although we did not plan it this way, my friend, former Secretary of State Henry Kissinger, yesterday in an op-ed in the Washington Post states correctly that NATO has found its new mission, and that mission is to lead the way along with the United States in the global war against international terrorism.

The gentleman from Illinois (Mr. HYDE) and I were managing the legislation, giving our President whatever powers he needs to wage this war. And while we were here in this Chamber, our NATO allies invoked Article 5 of the NATO Treaty stating, in essence, that the attack on one NATO member is an attack on all members of NATO, and they have given us and will continue to give us their support in every conceivable form.

In this context today, I want to acknowledge the Government of Germany for yesterday making the historic decision of committing German troops to the war in Afghanistan, a historic first for that country.

NATO members, Mr. Speaker, have also responded immediately and willingly to the call by President Bush to cut terrorist financing. In this context, let me just mention parenthetically that NATO members stand in sharp contrast to the arrogant governmental action of Lebanon, which is refusing to give us cooperation in cracking down on the financial capabilities of international terrorist organizations like Hezbollah. Our NATO allies share intelligence with the United States regarding both Osama bin Laden and the entire al-Qaeda network.

Just yesterday, Mr. Speaker, President Bush spoke via satellite to the Warsaw Conference on combatting terrorism, where all of the nations of Eastern and Central Europe who wish to join NATO were represented.

Although the war on terrorism is now our top national priority, we must remain engaged with our allies on a wide spectrum of issues, including NATO enlargement. The next NATO summit in Prague in 2002 will be the first opportunity for the applicant countries to formally present their bids for membership in NATO. Our bill demonstrates our strong belief that this process must not be and will not be sidelined.

The 10 countries which are hoping to become members of NATO, and I will read them in alphabetical order, Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Rumania, Slovakia and Slovenia, are all seeking membership in this great peace-loving alliance.

As my colleague, the gentleman from Nebraska (Mr. BEREUTER) indicated, they will have to meet some very tough yardsticks to be judged worthy of joining NATO. They relate not only to having achieved a certain degree of economic success and having made a contribution to their own defense and the collective defense, but they must demonstrate that they are practicing a respect for human rights, religious rights, minority rights and press freedom. They have to demonstrate that they are free and open democratic societies.

I want to underscore, Mr. Speaker, that the upcoming summit in Prague, where we will be looking at the new applicants for membership in NATO, is the first and not the last of such meetings. The Prague Summit is part of a measured and carefully managed process of including more and more of our European friends in NATO. Invitations will be extended to the applicants consistent with their compliance with the NATO membership action plan.

As do all of my colleagues in this Congress, I support a Europe whole and free. And I strongly endorse the statements of the 10 applicant countries that eventual NATO membership for all of them will be a success for the United States, for Europe and for NATO.

Mr. Speaker, I would like to say a word about Russia. Following the events of September 11, Mr. Speaker, clearly a new relationship is evolving between the United States and Russia. Next week we are looking forward to welcoming the Russian President, Mr. Putin, in Washington, who then will go on for a more intimate meeting with the President in Crawford, Texas. There is a whole new flavor to the Russian/U.S. relationship, and it is apparent in a dozen different ways.

□ 1200

We are modifying our previous position of just a few months ago with respect to the ABM Treaty to missile testing. The Russians are asking that we put an end to Jackson-Vanik, which was historic human rights legislation but which has served its purpose.

I look forward to the day when a democratic Russia will be able to explore the possibility of joining NATO; and I think it is important to underscore, in dealing with the expansion of NATO, that this is in no sense directed at Russia. Russia is no longer our enemy, and we are looking forward to the day when it will be our ally.

I, for one, welcome President Putin's new attitude towards NATO enlargement and his statement that he would not rule out NATO membership for Russia. Let me say we also do not rule out that possibility. This represents an important change, a historic change in Russian perceptions of the NATO alliance, a sentiment that we should continue to encourage strongly. I urge all of my colleagues to support this legislation.

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

Mr. BEREUTER. Mr. Speaker, I yield myself 15 seconds.

I want to just compliment the gentleman from California on his articulate statement, and I appreciate his kind remarks regarding this Member. His comments about President Putin, I think, are certainly appropriate.

We have seen very moderate and positive statements on NATO expansion, on missile defense, coming from President Putin since the tragic events of September 11th. And I think it is very interesting, as I conclude these comments, to note that NATO assets, AWACS planes, are sent from Europe to the United States today to help our fighter aircraft patrol our cities since American AWACS aircraft are deployed for operations related to Northern Watch over Iraq, in the Persian Gulf regions, and in operations related to Afghanistan.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. GILMAN), the dean of the delegation and the person who helped me offer the amendment to name this Gerald B.H. Solomon legislation.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend our former vice chairman of our Committee on International Relations, the gentleman from Nebraska (Mr. BEREUTER), for introducing this bill, which I am pleased to cosponsor with him, and for his strong consistent support for NATO enlargement. He has been a true leader in NATO for our Congress.

I thank our committee's ranking minority member, the gentleman from California (Mr. LANTOS), for his support not only for this bill but for NATO's enlargement throughout the years.

Under the aegis of NATO, the past decade has shown a remarkable expansion of freedom in Europe without firing a single shot. It is ironic that our NATO allies have invoked the, and I quote, ''attack on one is an attack on all'' clause of NATO's treaty in the recent terrorist attacks on our own Nation from abroad. We have special reasons, therefore, to value the contributions that NATO has made in our own defense.

Accordingly, it is in our own national interests that we need to bring as many democratic, stable and capable European nations as possible into NATO alliance. This bill makes it clear that the door to NATO membership remains open to other nations; and it is fitting, therefore, for Congress to ask the President to sign this measure into law, a NATO expansion policy declaration. It was in our interest in the opening of the East, which laid the groundwork for the eventual accession of the Czech Republic, of Hungary, and Poland into NATO in the last decade, which, with many of my colleagues, I strongly supported.

I was pleased to join my colleague, the gentleman from Nebraska (Mr. BEREUTER), in making one change to this bill, naming it after our close friend and former colleague on our Committee on International Relations, and former chairman of the House Committee on Rules, the late gentleman from New York, Mr. Solomon. Mr. Solomon was an outstanding, dedicated public servant, a Congressman who deeply carried about our national security and how we came to depend on NATO alliance. Accordingly, it is altogether fitting that we name this NATO expansion legislation the Gerald B.H. Solomon Freedom Consolidation Act.

It was in 1998 that Jerry Solomon authored a book entitled ''The NATO Enlargement Debate: 1990–1997: The blessings of Liberty.'' In that book he concluded, and I quote from the final paragraph of his book: ''In the final analysis, a wider alliance is but a means to the end of building confidence and security toward which all of NATO's directions are aimed. In an era of profound transformation in transatlantic and European security, there can be no guarantees that the values and strategic outlook of the alliance can form the foundation for all of Europe. Nevertheless, we do know that the NATO experience has much to offer as we return to the original broad ambition of NATO and embrace a wider community of free peoples.''

The distinguished chairman of the full Committee on International Relations, the gentleman from Illinois (Mr. HYDE), has enthusiastically supported this bill in our committee; and I very much appreciate the expeditious consideration of the bill in committee and the efforts to obtain early floor consideration. I thank House leadership for making certain that this bill was considered in an appropriate and timely manner. It is an appropriate tribute to a great patriot, Mr. Jerry Solomon.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a valued and thoughtful member of the Committee on International Relations.

Mr. BLUMENAUER. Mr. Speaker, I thank the ranking member for his courtesy in allowing me to speak on this measure.

I have some real concerns about the legislation before us today. It certainly is not a lack of respect for the spokespeople on both sides of the aisle, two of the most respected Members of Congress in this arena, for whom I am deeply gratified for being able to learn about international affairs; and it certainly is not any reservations about NATO itself. As has been pointed out, NATO, for 52 years, has performed an invaluable service for providing peace and stability on the European continent. It has been especially critical for the first 42 of those 52 years.

But I think the real question is whether it is time for us to take a step back and look at some of the underlying assumptions, much like my friend from California mentioned a moment ago, in terms of framing the question about how we are going to deal with Russia. I think that is one of the most critical points that we need to focus on.

I think it fascinating that the first call from a head of state that our President received after the disaster, the terrorist attacks on September 11, was from President Putin. It signaled, I think, a part of this new era that we are seeing. And before we deal with an expansion of NATO or something else, I think it is critical that we take a step back, as the gentleman from California (Mr. LANTOS) has said, and take a look at the role of NATO.

In early October, Secretary General Lord George Robertson met with President Putin; and neither seemed to see any reason why Russia, at some point, should not be a member of NATO. Indeed, as we look at the list of countries that we are bringing forward as potential members, certainly Russia would appear to be at least as well qualified as these would-be member states in terms of its effort to develop its economy and its democracy.

In this context, I think we should ask ourselves why we are moving ahead with our expansion plans that could look to those elements in the Soviet Union that it is not necessarily consistent with this emerging new agenda. It looks certainly like a continuation of Cold War encirclement, as we are expanding a military alliance that does, for the time being, exclude them, but will extend almost to their eastern border. Is there not a more constructive and effective way to show our support for democratization in Central and Eastern Europe than continuing to build an alliance that looks as though it is arrayed against them?

I must also point out that the continued expansion of NATO is an exceedingly expensive endeavor. The weak economies of the new members and what appears to me to be lukewarm support for implementing and financing the expansion of the alliance by some of our European members is going to force the United States to assume more of the funding burden.

A CBO study found that the cost of expansion simply to Poland, Hungary, the Czech Republic, and Slovenia would be in the neighborhood of $60 billion to $125 billion over a 15-year period ending in 2010. The United States' portion of this tab was expected to run between $5 billion and $19 billion. A study conducted concurrently by the RAND Corporation found that the total cost of this expansion could be in a similar range, up to $110 billion.

These estimates, I fear, are misleading because they assume that both new member states and other NATO members will be willing and able to pay for their costs of expansion. I think at a time when we are facing severe economic crisis at home, it is highly improbable that they are going to assume their share of the burden, and we are going to have to make some very real trade-offs in terms of our domestic economy and other higher priorities that we have in this war against terrorism.

Finally, I think we need to be asking ourselves whether the continued expansion of NATO is the most effective way to encourage the development of free markets and democracy in Eastern Europe. It is a military alliance that was critical for its time, it still plays an important role; but I am wondering if it needs to be supplemented.

I strongly urge that this body deal with some of the questions that my colleague from California, the ranking member of the committee, dealt with, and that we not continue with more legislation dealing with the expansion of NATO until we come back and deal with the hard realities of the role of Russia and the costs that are associated to it. I think the American public deserves that.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, who followed European and NATO issues long before he became chairman.

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

Mr. HYDE. Mr. Speaker, this bill calls upon the NATO alliance to agree to a robust second round of enlargement at its summit meeting in Prague late next year. The bill does not call for the admission of any specific country to NATO, but is broadly supportive

of all seven leading contenders for admission in the next round: Estonia, Latvia, Lithuania, Slovenia, Slovakia, Bulgaria, and Romania.

I will not dwell on the qualifications of the individual countries, other than to say each has made great progress in the difficult transition from the prison house of communism to the promise of democracy in the free market. Forcibly separated from the West for decades, each is now reclaiming its rightful place in the Western community of nations. It would be shameful, as well as stupid, for us to ignore their pleas to become members of the Atlantic alliance.

For over half a century, NATO has been the foundation upon which the security of the West has rested. NATO's continuing importance to the United States was most recently demonstrated in this unified response to the terrorist attacks of September 11 when article 5 of the North Atlantic Treaty, which states that an attack on one member of NATO shall be considered an attack upon them all, was invoked for the first time in the alliance's history.

It is my hope that this next phase of NATO's enlargement will see an end to Russia's opposition to NATO, an opposition needlessly inherited from the Soviet Union and inconsistent with Russia's own desire to become a part of the West. For this reason, I commend President Putin for his recent remarks indicating his government will not object to further enlargement of NATO.

A robust second round of NATO enlargement will not end our task. Many vocal aspirants will still remain outside of the alliance's pacifying embrace. And in a speech earlier this year in Warsaw, President Bush spoke of a future in which all of the states between the Baltic and Black Seas would be welcomed into the Western community of nations. I certainly share that vision.

Thus, even as we admit additional countries to NATO, we must remember this is but the latest step toward our goal of creating a Europe whole and free, and of bringing lasting peace to that ancient and long-suffering continent.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Maryland (Mr. BARTLETT), in the spirit of collegiality and bipartisanship, knowing full well he will be taking the side which is opposed to my position.

□ 1215

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am shortly going to display a couple of visuals here. The first will be in Russian, and I wanted to present it in Russian because I did not want Members to think that I was telling the Russians something they did not know about our vulnerability.

The first of these will show a page from a Russian journal which shows an EMP attack on our country. What Members will see is Russian language, and they will see something which looks like the sun with some rays coming from it, and then Members will see what it does.

What it does is disrupt our communication system and disrupt our power system. See the one on the right is in Russian. What it does is melt all of our microelectronics, including our computers. If we think about our power grid and communications grid, if we melt down the computers, we do not have a power and communications grid. This is our translation of it here.

All that needs to be done is to detonate a nuclear weapon high above the atmosphere, and what is produced is something equivalent to a simultaneous lightning strike everywhere in the country, or enormous static electricity. We see a miniature of this every time there is a solar storm. This is many, many times as powerful as the pulses we get from that solar storm.

If the chart would be put out that shows Yamantau Mountain, and these two are connected, Members will see these are two closed cities of 60,000 people. What is a closed city? A closed city is so remote it does not have tourists. Nobody visits. They have a single mission; 60,000 people live there and they have a single mission, and that mission is working on Yamantau Mountain.

If the Russians are going to do an EMP attack on us, they had better have Yamantau Mountain because we are going to respond.

I showed this in Russia. I am not giving them any ideas. They knew this before we did. We knew it from the Starfish explosion in 1962. The Russians had done more testing and explosions, and they knew it before we did. They know more about it than we know about it.

If they are anticipating an EMP attack on us, and it would be almost certainly the first way they would use a weapon because there is no way they could do as much harm to our economy and infrastructure with ground level explosions as they could do with an explosion above the atmosphere, producing electromagnetic pulse.

Mr. Speaker, I do not think that it makes sense to feed Russia's paranoia. I have been told that the reason they spent $6 billion on Yamantau Mountain is because they are paranoid, because they do not think that we are their friends, when we are enlarging NATO right up to their border. And they do not think NATO is friendly because for years it was the counter of the Warsaw Pact, and they cannot get it out of their head that this is their enemy.

I have no idea why we think it is productive in terms of our national security to enlarge NATO right up to their borders. I am all for a European friendship society. I just do not want one that slaps Russia in the face.

We are making great strides. Putin was the first foreign leader to call our President after the terrorist attacks on September 11. Why would we want to do this to the Russian people? For the first time in many years, and I went to Russia recently and I saw the mountains of flowers at our embassy, it was a very moving experience, here are people moving in our direction. Why would we want to move them in the other direction?

Mr. Speaker, if we are going to enlarge NATO, let us have Russia as a member. If we do not have Russia as a member, let us not enlarge it. It is threatening to our national security and it is not in our long-term national security interest.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), a member of the Committee on Armed Services and the vice chairman of the Defense Security Committee of the NATO Parliamentary Assembly.

Mr. HEFLEY. Mr. Speaker, as a member of the House Committee on Armed Services and as vice chairman of the Defense and Security Committee of the North Atlantic Treaty Organization Parliamentary Assembly, I stand in strong support of this Gerald Solomon Freedom Consolidation Act of 2001.

I think it is appropriate that we would name this after Jerry Solomon. It has been said before, and I will not belabor it, but Jerry believed so strongly that when democratic free societies worked together in a security alliance, the world is a safer place to be. He promoted this idea. Not that he wanted to enlarge NATO just to be enlarging NATO, just to have more numbers, but that every NATO member must bring something to the table, something not only for their own security, but for the security of the NATO alliance.

It is difficult to depart from the memories of September 11. Almost everything we do in this Chamber now is viewed through the scope of terrorism. Just like the threat of communism, the catalyst for NATO, current threat reaffirmed the need of a strong transatlantic alliance for the protection of free societies all around the world. By endorsing expansion, we are sending a message to those who decry democracy and freedom.

As the response to September 11 has shown, an attack on one is an attack on all. It is very relevant in our redefined geopolitical world. We could easily conclude in this body that NATO has more of a purpose against terrorism than it did against communism. With a time-tested formula and victories under our belt, we would be foolish to turn our backs on those who aspire to join the greatest alliance history has ever known.

A little more than a month ago in Ottawa, Canada, I had the privilege of speaking to the NATO Parliamentary Assembly's Defense Committee, and in my remarks I spoke about how we, being NATO, must look forward and come together as a family of nations.

The worst of times, as we have seen, separate the civilized world from the uncivilized. As nations that respect and honor freedom, democracy and decency, we must join together and form an unbreakable bond against terrorism.

Terrorism has been a plague on our world for far too long. Every nation in the alliance has been on the receiving end of terrorist attacks, ranging from the brutal to the barbaric. We have watched airplane hijackers negotiate with guns, we have seen truck bombs explode on embassy grounds, we have seen extremists raid an Olympic village, plane wreckage in Lockerbie, Scotland, car bombs on the streets of London and Belfast, and a gaping hole in the hull of an American warship.

When I finished my speech, there was overwhelming support from not only the NATO nations represented there but from the observers as well; from the French who oftentimes do not agree with us on things, and the second one to speak after I had spoken was a Russian observer who pledged strong support to this effort.

We need NATO now maybe more than ever. I think we need to support the further enlargement of the NATO Alliance. I urge passage of this resolution.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), who in this last year has joined the delegation to the Parliamentary Assembly, and has done an outstanding job and has had a personal outreach program to Lithuania and to the Baltic states for some period of time.

Mr. SHIMKUS. Mr. Speaker, I rise in support of H.R. 3167, the Gerald Solomon Freedom Consolidation Act of 2001. I am a proud cosponsor of this legislation which memorializes congressional support for further NATO expansion that is set to take place at the 2002 Prague Summit.

This is in line with the President's intent stated on his trip to Warsaw, Poland, and I quote, ''I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibility that NATO brings. As we plan the next NATO Summit in 2002, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

He also stated that he envisioned a NATO that extends from the Baltic to the Black Sea, a NATO whole, free and secure.

As chairman of the Baltic Caucus and a member of the NATO Parliamentary Assembly, I am a strong supporter of the NATO enlargement, especially for the Baltic states. In the wake of September 11, I believe that enlisting the talents of the Baltics and others who are eager to make contributions to NATO will be instrumental to defeating terrorism.

Mr. Speaker, let me share a few photos. This is a photo of the border when I served in West Germany, the border between West Germany and Czechoslovakia. This is the old world. As many of my colleagues have said, in the spring of this year, we attended the NATO Parliamentary Assembly in Lithuania. This is a new vision of Europe, and these are photos of citizens with signs saying NATO, Lithuania, okay, good; The victims of the gulags are calling for justice; The pact of Molotov-Ribentropo is our past. NATO is our future. And the youth were present in these signs of public display in support of NATO.

Another thing that we learned on our trips is that the countries who are recently now members, countries like Poland, have a better relationship with Russia now since they are under the NATO Alliance. And they have better relations and better trade, and it has helped the stability of Europe.

Mr. Speaker, I would like to commend my colleague, the gentleman from Nebraska (Mr. BEREUTER), and the Committee on International Relations for their leadership on this issue. I would also like to commend the committee for naming this act after our recently passed colleague, Jerry Solomon. This is fitting since Congressman Solomon was one of the first in Congress to recognize that NATO membership for former Warsaw Pact countries was essential for maintaining stability in Eastern Europe.

On our Statue of Liberty it says, ''Give me your tired, your poor, your huddled masses yearning to breath free.'' With NATO expansion, the countries that are yearning to breath free can do this under the NATO Alliance. I encourage my colleagues to vote in favor of H.R. 3167.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), who has been very much interested in NATO membership for a number of countries of Eastern and Central Europe, and has played a special role in outreach to Slovakia.

Mr. MICA. Mr. Speaker, I rise in strong support of H.R. 3167. I am especially pleased that this legislation includes a provision to recommend Slovakia for full NATO membership.

As the grandson of Slovak-American immigrants, I have carefully followed the Slovak Republic's difficult transition from the former Soviet bloc to a free and independent nation. The dramatic changes from a socialistic government and a managed economy to an open democracy and free market enterprise system have been a challenge for this new nation.

Since January of 1993, the Slovaks have made great progress in joining the European and Western family of nations. Slovakia has been recognized for its economic and political progress by admission last September to the Organization of Economic Cooperation and Development.

The Slovak Republic is also a leading contender today for future membership in the European Union. While international economic integration is vital to Slovakia's future, it is critical that this strategically located Central European nation be a part of NATO.

While in the past I have urged leaders of the new Slovak Republic to primarily focus on issues and admissions to organizations related to international economic cooperation, I did so coming from a nation and background that always felt secure from the standpoint of national security. At times in the past I could not understand the preoccupation with membership in NATO by Slovak leaders.

As I learned more over the years of the history of the Slovak people and their domination and suppression, I realized why they were so concerned and so dedicated to a security relationship with NATO.

□ 1230

Slovakia had lost its freedom and independence and security in the past. They did not want to risk that possibility in the future. The events of September 11 made me recognize why Slovakia and its people were so right. Nothing is more vital than national security. The other countries under this bill also, Latvia, Estonia, Lithuania, Slovenia, Romania and Bulgaria, also seek entry into NATO for exactly the same reason. In the interest of our United States national security, in the interest of those who have lost and regained their independence and also regained their national identity, and in the interest of world security, I urge the passage of this legislation.

I again commend the gentleman from California (Mr. LANTOS), the gentleman from Nebraska (Mr. BEREUTER), and also honor the memory of our departed colleague, Jerry Solomon.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding time. I, unfortunately, am going to say some words about this legislation that are not quite consistent with the views that have been heard on the floor.

I am in opposition to this bill. I certainly want to honor the memory of our departed colleague, Congressman Solomon; but I am opposed to the expansion of NATO. I was opposed under President Clinton, and I continue to oppose expansion under President Bush. The countries named in this bill for NATO candidacy have made incredible progress since the fall of the Soviet Union toward Western ideals and economics, but it should not make them automatically superior candidates for NATO.

First of all, NATO is founded on the premise of collective defense. These countries are still undergoing major political and economic changes, and I do not think we should be promising to go to war on behalf of countries when we do not know what kind of conflicts we may be drawn into.

Second, NATO was created to defend against the Soviet Union, a threat that

obviously no longer exists. If at this critical time the U.S. is seeking cooperation from Russia, it is counterproductive in my opinion to take actions that Russia would perceive to be aggressive. In this legislation that is before us today, we are talking about admitting into NATO countries that would bring NATO right next to the border with Russia.

Thirdly, the expansion would put the strategic advantage of the alliance at risk. NATO was created for rapid Allied response to a threat. Its tactical strength will be compromised when the inclusion countries with inexperienced militaries make it more difficult to mobilize. The high cost of NATO expansion would also divert U.S. defense investment to militaries of foreign countries at a time when we should be focusing on our own. And there are other institutions that are more valuable to the Eastern European countries than NATO, the European Union, the World Trade Organization, and other international institutions that will help promote their economic and democratic development. NATO expansion will drain their treasuries toward massive military expenditures to come up to NATO's standards.

The bottom line is that NATO expansion is more of a liability than an opportunity for the United States and for the countries this bill seeks to add to the alliance. For that reason, I will oppose the legislation.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. PAUL), a distinguished member of the Committee on International Relations.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman from Texas is recognized for 4 minutes.

Mr. PAUL. Mr. Speaker, I sincerely appreciate the fact that I have brought together bipartisanship here and got time from both sides. I deeply appreciate that, especially since I am taking the opposition to this bill. I do rise in opposition to expanding NATO. I do not think it is in the best interests of the United States. The one thing that I would concede, though, is that everyone in this Chamber, I believe, every Member agrees that our country should be strong; that we should have a strong national defense; and that we should do everything conceivable to make our country safe and secure. I certainly endorse those views. It just happens that I believe that membership in organizations like NATO tends to do the opposite, tends to weaken us and also makes us more vulnerable. But that is a matter of opinion, and we have to debate the merits of the issue and find out what is best for our country.

I think the bill is motivated for two reasons. One is to increase the sphere of influence into Eastern Europe, who will be the greatest influence on the commercial aspects of Eastern Europe, and so there is a commercial interest there, as well as in this bill there is $55 million of foreign aid which I think a lot of Americans would challenge under these circumstances whether or not we should be sending another $55 million overseas.

We have this debate now mainly because we have had the demise of the Soviet system, and there is a question on what the role of NATO should be and what the role of NATO really is. It seems that NATO is out in search of a dragon to slay. It appeared that way during the Kosovo and Serbian crisis, where it was decided that NATO would go in and start the bombing in order to help the Kosovars and to undermine the Government of Serbia. But our own rules under NATO say that we should never attack a country that has not attacked a member nation. So this was sort of stretching it by a long shot in order to get us involved. I think that does have unintended consequences, because it turns out that we supported Muslims, the KLA, in Kosovo who were actually allies of Osama bin Laden. These things in some ways come back to haunt us, and I see this as an unintended consequence that we should be very much aware of.

But overall I oppose this because I support a position of a foreign policy of noninterventionism, foreign noninterventionism out of interest of the United States. I know the other side of the argument, that United States interests are best protected by foreign intervention and many, many entangling alliances. I disagree with that because I think what eventually happens is that a country like ours gets spread too thin and finally we get too poor. I think we are starting to see signs of this. We have 250,000 troops around the world in 241 different countries. When the crisis hit with the New York disaster, it turned out that our planes were so spread out around the world that it was necessary for our allies to come in and help us. This is used by those who disagree with me as a positive, to say, ''See, it works. NATO is wonderful. They'll even come and help us out.'' I see it as sad and tragic that we spent last year, I think it was over $325 billion for national defense, and we did not even have an AWACS plane to protect us.

During that time when we had our tragedy in New York, we probably had cities that we paid to protect better than our own cities. If planes went awry or astray in Korea or Haiti or wherever, I think that they probably would have been shot down. I see this as a tragedy.

I hope we will all give some consideration for nonintervention.

Mr. Speaker, more than a decade ago one of history's great ideological and military conflicts abruptly ended. To the great surprise of many, including more than a few in own government, the communist world and its chief military arm, the Warsaw Pact, imploded. The Cold War, which claimed thousands of lives and uncountable treasure, was over and the Western Alliance had prevailed.

With this victory, however, NATO's raison d'être was destroyed. The alliance was created to defend against a Soviet system that as of 1991 had entirely ceased to exist. Rather than disbanding, though, NATO bureaucrats and the governments behind them reinvented the alliance and protected its existence by creating new dragons to slay. No longer was NATO to be an entirely defensive alliance. Rather, this ''new'' NATO began to occupy itself with a myriad of non-defense related issues like economic development and human rights. This was all codified at the Washington Summit of 1999, where the organization declared that it would concern itself with ''economic, social and political difficulties . . . ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states.'' The new name of the NATO game was ''interventionism''; defense was now passé.

Nowhere was this ''new NATO'' more starkly in evidence than in Yugoslavia. There, in 1999, NATO became an aggressive military force, acting explicitly in violation of its own charter. By bombing Yugoslavia, a country that neither attacked nor threatened a NATO member state, NATO both turned its back on its stated purpose and relinquished the moral high ground it had for so long enjoyed. NATO intervention in the Balkan civil wars has not even produced the promised result: UN troops will be forced to remain in the Balkans indefinitely in an ultimately futile attempt to build nations against the will of those who will live in them.

Mr. Speaker, we are now called on to endorse the further expansion of a purposeless alliance and to grant $55.5 million dollars to former Soviet Bloc countries that have expressed an interest in joining it. While expanding NATO membership may be profitable for those companies that will be charged with upgrading the militaries of prospective members, this taxpayer subsidy of foreign governments and big business is not in the interest of the American people. It is past time for the Europeans to take responsibility for their own affairs, including their military affairs.

According to the Department of Defense's latest available figures, there are more than 250,000 U.S. military personnel deployed overseas on six continents in 141 nations. It is little wonder, then, that when a crisis hit our own shores—the treacherous attacks of September 11—we were forced to call on foreign countries to defend American airspace! Our military is spread so thin meddling in every corner of the globe, that defense of our own homeland is being carried out by foreigners.

Rather than offer our blessings and open our pocketbooks for the further expansion of NATO, the United States should get out of this outdated and interventionist organization. American foreign policy has been most successful when it focuses on the simple principles of friendship and trade with all countries and entangling alliances with none.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague, the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I just wanted to take this opportunity to express a couple of concerns that I have

about this measure that is before us this afternoon. It has been said a number of times on the floor here today that the North Atlantic Treaty Organization has been the most successful military alliance in history. I think that that is indisputable. It was created in the aftermath of the Second World War to deal with a set of geopolitical circumstances that presented themselves to the world at that time. Over the course of the succeeding 55 years, NATO has served Europe, the United States, Canada and indeed the world very, very well. It prevented a third world war. And ultimately it was NATO and other factors that resulted in a very definitive change within the Soviet Union.

But now we are faced with a different set of circumstances. The geopolitical world in which we live today is in no way similar to that which confronted the West and other nations at the close of the Second World War. We ought not to be thinking about expanding an entity that was created for a different need and a different purpose at a different time. We ought to be thinking more about the circumstances in which we find ourselves today. And while one might argue that expanding NATO in the way that we have done recently and may do again in the context of this suggestion here, this proposal, might not do any harm, the fact of the matter is that at the very least it diminishes our likelihood to think of the world in different ways, and that is really what we ought to do.

NATO served us. We ought to now begin to put it behind us and begin to think about the world we live in in ways in which are necessary to confront the circumstances that we have to deal with today. We ought not to be doing things, for example, that are insulting or might be taken as an insult by Russia, because they are now in a different relationship with the United States.

So I am concerned about this for those reasons, but primarily because it will prevent us from thinking about the world in ways in which we ought to be thinking of it in order to address the different circumstances that confront us at this moment.

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

This debate is really why we need NATO. The reason for creating NATO is to preserve free and open societies. The reason to have NATO is so that the gentleman from Texas (Mr. PAUL) and the gentleman from California (Mr. WAXMAN) and others who spoke against NATO expansion should have the opportunity to speak freely and openly, not just in the United States but throughout Europe, throughout an expanding and open and democratic Europe. We are creating NATO so people in Latvia, Lithuania, Estonia, Slovakia and elsewhere should have the same opportunities we have here. There has never been more need for a military alliance dedicated to preserving and expanding democratic free and open societies which was more palpable than today.

We have heard a great deal about building a coalition against international terrorism. The majority of those so-called coalition members are police states and dictatorships. They will not fight for free and open and democratic societies. They may oppose Osama bin Laden, they may oppose specific terrorist acts; but they are not in favor of what we are in favor of, a free and open and democratic society. And the top guarantee of that is the expansion of NATO.

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

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

Mr. Speaker, I want to congratulate the distinguished gentleman on his comments in closing debate on his side of the aisle today. I would say that the gentleman from Texas who made remarks in the well certainly makes his comments from a very principled point of view. His philosophy is exemplified entirely by his comments here. I respect his point of view on this issue although I disagree with it. To the distinguished gentleman from California (Mr. WAXMAN), the concerns he raises I think are legitimate concerns, but I would say in response to them, as the gentleman from California (Mr. LANTOS) and this gentleman have both said in the past, the criteria for NATO membership, set out by the 19 existing members, are very tough. They insist on economic progress, on substantial movements towards democracy, on transparency in defense budgets, on civilian control of the military, and on interoperability.

Some of these countries, even some of the seven listed for authorization for assistance, are, frankly, some distance away, undoubtedly, from meeting all of the initial criteria. But the prospect for membership in the EU, the prospect for membership in the NATO alliance itself have been important incentives that are held out there for membership to bring about change in these societies.

□ 1245

I think the House should be proud of its leadership in suggesting expansion at the previous round of decisions on NATO expansion made in Madrid. The House of Representatives was really the first entity in the world to suggest it was appropriate to consider expansion of NATO. And as we looked at the Visegrad Four, we found and encouraged very specifically membership for the countries of Poland, Hungary and the Czech Republic, that had made the necessary commitments and that met the criteria set forth. It was only a disappointment to both the other body and this House that Slovenia, a newly independent country, was not also included in the first round, because we felt that they as well had met the criteria for membership.

Mr. Speaker, I would think as we look for the next year to come before the summit in Prague, we may well consider giving our view as a Congress on which additional countries seem to have met most adequately the criteria for NATO expansion at that summit.

Mr. Speaker, I believe the legislation before us today makes a major contribution. Its authorization levels are consistent with those the administration has requested.

Finally I would just close my remarks by citing two quotations from President William Clinton and President George W. Bush that are actually cited in the legislation itself.

President Clinton said in a speech in Detroit in 1996, ''NATO's doors will not close behind its first new members. NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership. No Nation will be automatically excluded. No country outside NATO will have a veto. A gray zone of insecurity must not reemerge in Europe.''

Then, in June of this year, President George W. Bush at Warsaw said, ''All of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom and the same chance to join the institutions of Europe as Europe's old democracies have. I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings. As we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others. We will not trade away the fate of free European peoples. No more Munichs, no more Yaltas. As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I apologize for not being down here during the entire debate. I am the Chair of the Subcommittee on Space and Aeronautics of the Committee on Science. We have a big discussion on the Space Station, which is another international effort.

Let me say, I certainly support cooperative efforts like the International Space Station, and I supported NATO when it was necessary. NATO served its purpose. It protected us against the Soviet invasion of Western Europe. Now the Cold War is over. The best thing we can do now is to try to promote democracy in Russia, and expanding NATO goes in exactly the opposite direction. It slaps the Russians in the face.

I believe the Europeans can now defend themselves. We no longer should be subsidizing their defense. Expanding NATO just puts us more into the position of subsidizing people's defense far

away who can manage their own defense. It also takes away from our ability to cope with the real challenge to world freedom and peace today, which we will find in Asia in the form of an expansionary and belligerent Communist China.

Lastly, let us note that we are engaged in a war right now, a war against terrorism and a war in Central Asia. Being part of NATO has not really helped us. In fact, the billions of dollars we spend in NATO can be used by our own troops in that battle, and only a limited amount of support has come from our NATO allies, the British and Italians, who would be giving it to us anyway. They would be with us anyway, without us having to spend tens of billions of dollars a year on NATO.

While I respect my colleagues, especially Jerry Solomon and the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), I would suggest that expanding NATO is not a good idea.

Mr. BLUMENAUER. Mr. Speaker, today we debated H.R. 3167 on the House floor, legislation to encourage further expansion of the Northern Atlantic Treaty Organization (NATO) to include Eastern European countries such as Romania, Estonia, Latvia, Lithuania, and Bulgaria. I want to share with my colleagues an opinion piece that ran recently in the Washington Post which raises what I feel are some of the critical issues regarding continued expansion of the NATO alliance. Written by Jonathan Newhouse, a senior advisor at the Center for Defense Information, this article emphasizes that the key issue is not the future of NATO, but the importance of including Russia in future collective security arrangements in Europe. I found his thoughts helpful and I encourage my colleagues to review this.

[From the Washington Post, Nov. 3, 2001]

A NEW ALLIANCE COULD NUDGE ASIDE THE OLD

(By John Newhouse)

The terrorist threat laid bare on Sept. 11 is transforming global security arrangements. Already, it is pushing Washington and other major capitals toward a historic makeover of the security system the United States and its European allies have relied upon for half a century. And much of the energy for that push is coming from an improbable source: Russia—or, more precisely, its president, Vladimir Putin.

Putin's broad purpose—to link his ailing, self-absorbed country to the United States while moving it into the European mainstream—has been gathering force for some time. Even before Sept. 11, he was taking a more accommodating line on President Bush's foremost priorities—missile defense, modification of the ABM Treaty, and further enlargement of NATO, the Western security alliance. Since the attacks, the Russian's tone has become even more acquiescent, enough to raise concerns in Western capitals that he has maneuvered himself far in front of his national security apparatus and political base. When he meets with Bush in Washington and Crawford, Tex., later this month, the two men can be expected to start a process aimed at moving their countries into a shifting strategic environment. And that move could edge NATO, the centerpiece of America's security relationship with Europe, to the sidelines.

Well, before Sept. 11, NATO was the object of some tough questions: Did it still have a purpose? Was there a role in it for Russia, and if so, how central a role? A few Western leaders, starting with Britian's Tony Blair, had in one degree or another concluded that Western and Russian strategic interests had converged, and that collective security arrangements that lacked Russian participation no longer made sense. But if anyone was shuffling the new deck after Sept. 11, it was Putin. He was the first to call Bush after the attacks. he agreed not to oppose the use of bases in Uzbekistan and elsewhere in Central attacks. He agreed not to oppose the use of bases in Uzbekistan and elsewhere in Central Asia for strikes against the Taliban. He visited German Chancellor Gerhard Schroeder and wowed the Bundestag with a speech delivered in fluent German, studded with quotations from Goethe and Schiller, that portrayed Russia as rooted in European values.

On Oct. 3 Putin had a long private meeting in Brussels with NATO Secretary General Lord George Robertson, with whom he enjoys discussing security issues. Soon thereafter, I was shown an official account of what the two men said. The conversation pointed up Putin's resolve to anchor Russia to the West, and the intensity of his hatred of the Taliban and radical Islam.

In the meeting, Putin cited nuclear proliferation as the main threat confronting the world. He said there was a plot afoot to kill Pakistan's president, Gen. Pervez Musharraf. If that happened, he wondered, who would control Pakistan's nuclear weapons? And he answered his own question in stark, if peculiar, terms: Osama bin Laden, he said, calling the terrorist leader ''the defense minister.'' As for the Taliban, he said it would be a great mistake to remove the leaders but leave the Taliban in power. The Taliban is Afghanistan, he declared, and proposed a conference to bring together all the anti-Taliban forces in Afghanistan.

But Topic A was the Russian link to NATO. Neither man saw any reason Russia shouldn't be a member. Noting that Robertson was the first to understand that Russia poses no threat to the alliance, Putin said his country should be a primary NATO ally. But he said that Russia would have to be consulted on common security issues, or it would be isolated on the periphery of security, which would be in no one's interest. He wasn't asking for membership as such, but rather a central political involvement.

Putin declared that Russia would not stand in the queue to be admitted into the alliance, like countries on whose membership nothing depends. Robertson replied that he understood this, but he was no reason Moscow shouldn't apply. Both sides, he said, needed to stop the diplomatic sword dance over Russian membership. Putin restated his reluctance to wait in line, but said he did want a full-fledged, mature relationship with NATO. He wondered if Robertson and Russian experts could work jointly on the question.

The Russian president tried to highlight the opportunity he was offering the West by telling Robertson that he expected to be in office only four years at most. All his values, he said, were Western. But he warned that his successors may have a different view of European security—thereby underlining up the developing gap between him and other key players in Moscow.

Robertson noted that the two sides could focus on a few specific areas of cooperation—terrorism, air-sea rescue, Kosovo and Bosnia. He also raised the idea of a conference on military responses to terrorism jointly sponsored by NATO and Russia, an idea Putin liked. The conversation ended with Putin, perhaps revealingly, asking Robertson to pass on his regards to Bush, whose name had not arisen.

We should hear loud echoes of this meeting in Texas. There, Putin can safely agree to enlarging NATO yet again. Before Sept. 11, he deplored this idea, especially the prospect of admitting the Baltic nations, because he and his advisers saw it as bringing NATO into space that Russians are accustomed to influencing, if not controlling. But this concern becomes moot as he moves to acquire a serious role in revised Western security arrangements and to segue into Europe on his own.

Moreover, a bloated alliance operating by consensus will not be close to the center of political action. More and more, the center will lie wherever the key players, notably the United States and Russia, locate it. Today's security threats are not military, and NATO is not equipped to help much in the struggle against terrorism and weapons proliferation. Counterterrorism, for example, is much more of an intelligence and police function than a military one, and Washington will be increasingly reluctant to rely on NATO for other than peacekeeping tasks. NATO itself could become absorbed in solving problems between its members.

Although Putin won't be deflected, he will have to show critics at home some return on his bold move toward the West. Embedding Russia in the world economy is probably his first priority. But accomplishing this will require Russian membership in the World Trade Organization, even though well-positioned Russians see the organization as a conspiracy of multinational companies to exploit Russian assets. Putin also wants and probably needs a trade agreement with the European Union. Members are sympathetic, but unlikely to grant one unless and until Putin has maneuvered WTO membership. They need to see Russia establishing itself as a serious player and fully capable of living up to commitments.

The meeting with Bush could help anchor Russia to the West, politically and probably economically. Putin may expect Washington to advance his WTO prospects by asking EU governments to join in pushing to relax the standards for Russian membership.

Putin may not object—at least not strongly—to the Bush plan for a national missile defense if he convinces himself that the project may eventually fall of its own weight. Agreeing to kill the ABM Treaty, as distinct from amending it, would be very tough for him. While the treaty is about arms control, it is also seen in Moscow as an agreement between great powers and, as such, of great political value. If he and Bush were to produce a new and verifiable bilateral agreement dealing with steep reductions of strategic weapons, it would play very well in Moscow. Prospects for an agreement of that kind are good, although just how binding it might be is unclear, and the importance Russians attach to locking the United States into a formal agreement cannot be overstated.

The shell of the egg won't be filled overnight. Putin's romancing of major Western capitals will have to be accompanied by internal reforms, including democratic ones. And he will have to hold up the Russian end of any bargain, especially by helping to discourage the proliferation of truly frightful weapons and playing a full part in interconnected programs aimed at curbing organized crime, drug trafficking and money laundering, etc. Also, in most Western capitals, including London, there are senior bureaucrats who resist major change, especially change that benefits Russia and appears to weaken NATO. France, for one, may have mixed feelings about NATO, but it will see stronger Russian involvement as accelerating movement of the center of political gravity eastward, a shift that has been underway since German unification.

Change is nonetheless underway, as Secretary of State Colin Powell made clear in Shanghai last month, when he ventured the lapidary phrase: ''Not only is the Cold War over, the post-Cold War period is also over.''

(John Newhouse is a senior fellow at the Center for Defense Information.)

Mr. HASTERT. Mr. Speaker, I rise in support today of the Gerald B. H. Solomon Freedom Consolidation Act of 2001, a bill appropriately named after my good friend Jerry Solomon, who passed away last month. Jerry was a fine man who truly cared about NATO and the leading contenders for NATO admission. I support this bill, because I support the further enlargement of NATO alliance, as well as the inclusion of those seven countries that are candidates for NATO admission. If these democracies are willing to meet their responsibility of membership, I see no reason why they should not be able to enter this defensive alliance, and join their fellow members in preserving peace, freedom and democracy. These seven worthy nations are our friends, and I look forward to the day we can welcome them as members. I would now like to introduce a speech I made in March to the Lithuanian Parliament, in which I made the case for Lithuania's inclusion into NATO.

SPEAKER J. DENNIS HASTERT ADDRESSES LITHUANIAN PARLIAMENT, MARCH 2001

Mr. Chairman, Members of the Seimas, distinguished guests:

I am deeply honored to be here today.

Two years ago, just a few months after I became the Speaker of the United States House of Representatives, you were kind enough to invite me to address this Parliament. The opportunity to speak to you was one of the first honors given to me by another government. What made it even more special was the fact that it was an invitation from you, the representatives of the People of Lithuania, a people, like my own countrymen, who love freedom and know its heavy price.

Last month I was traveling in the State of Virginia—a part of my country that was the home of some of America's most famous ''Founding Fathers.'' One was a man named Patrick Henry. The school children in the United States are taught a famous line from one of Patrick Henry's fiery speeches which he gave during our War of Independence. In just six simple but passionate words he summed up the resolve of a people struggling to be free when he said: ''Give me liberty, or give me death!'' Patrick Henry's Comrades in Arms, went on to sign a Declaration of Independence where they pledged to each other, ''our Lives, our Fortunes and our sacred Honor.''

Most of us who serve in the Congress of the United States, and many of you who serve here, have never had to risk our lives to preserve our liberty. But many men and women, on whose shoulders we stand, have done so, on battlefields around the world and even in the streets of our own capitals.

Once again today, while entering this Parliament Building, I passed the spot where some of you literally manned the barricades and stood your ground to defend the right of the Lithuanian people to govern themselves.

As Speaker, I often ask my members to make difficult decisions and cast difficult votes. But I have never had to ask them to risk their very lives as some of you have done. To those of you were served in this body during those dark and difficult days, let me thank you on behalf of freedom loving men and women everywhere, for your courage and your example.

Some things have changed since I was last here. Your ''new'' President is now a successful veteran and you have held Parliamentary elections. The political landscape in the United States, too, has changed. We now have a ''new'' President and a new Congress.

But one thing has not changed. The bond of friendship between the people of Lithuania and the people of the United States remains strong. Our admiration of Lithuania's struggle for freedom and democracy remains constant. You can count on America's lasting friendship.

As our new President develops his legislative agenda and as the new Congress works to implement it, there are significant differences between the political parties, differences we debate peacefully, but with great passion.

For example, my party, the Republicans, believe in a smaller federal government, leaving more power to the States and local Governments and most importantly to the people themselves. We support a tax policy that leaves more money in the pockets of the people who earned it so they can spend it as they see fit, rather than government collecting it and then spending it. Our worthy opponents, the Democratic Party, have a somewhat different view. We respect our differences because the struggle of ideas is the heart of a true democracy.

But one place where we do not disagree—where our Congress is united—is on the subject of NATO expansion. Democrats and Republicans alike believe in the ''open door'' policy of NATO enlargement and both strongly endorsed the process begun at the 50th NATO Summit held in Washington. Candidate Bush, now President Bush, supports the idea that another around of invitations for membership be issued at the Prague Summit in 2002. He made that clear in a letter to President Adamkus last May.

No democracy in Europe that is prepared to meet the responsibilities of membership should be denied full participation in NATO. And no nation should fear the expansion of a defensive alliance which has done so much to encourage freedom and democracy and preserve the peace on this continent.

That is why it is worth remembering that the Helsinki Act of 1975—a document heralded as a cornerstone for European security and cooperation—declares that ''the participating states . . . have the right . . . to be or not to be a party to bilateral or multi-lateral treaties, including the right to be or not to be a party to treaties of alliance.'' Our friends in Russia, who are signatories to the Helsinki Act, should not fear Lithuania's membership in a defensive alliance like those sanctioned by the accord.

I pledge to you that if Lithuania invests the resources necessary to meet the requirements of NATO membership, I will do all in my power to bring Lithuania into the alliance in 2002.

I intend to work side-by-side with President Bush, Vice President Cheney, and Secretaries Powell and Rumsfeld to make this a reality.

Lithuania has further to go to achieve NATO membership, but we must not forget how far Lithuania has come in 10 short years. This nation has already taken essential steps on the road to full NATO participation. Lithuania continues to be a reliable member in the Partnership for Peace, an important testing ground for compatibility with NATO forces; Lithuania has employed the NATO Membership Action Plan to focus defense resources and establish military priorities; And Lithuania played a pivotal role in making the ''Vilnius-9'' process one of cooperation, rather than competition.

In addition, you are to be commended on your commitment to national defense spending. Your Prime Minister's reaffirmation of the government's plan to dedicate 2 percent of Gross Domestic Product on defense by 2002 is a critical benchmark.

Now, the members of this body must make the difficult choices to ensure your national budget reflects this priority. And while budget choices are never easy, the longterm benefits of today's national security expenditures will certainly pay off for years to come.

On regional security questions, too, Lithuania has shown a high level of commitment.

Your efforts to seek common ground with Russia regarding Kaliningrad and your relationship with Belarus continues to be handled with great finesse. You and Poland have built a strong partnership. And Lithuania's continued good relations with Baltic and Nordic nations are vital.

Some are too quick to forget the tortured years Lithuania endured as a captive nation. For five decades, the shackles of totalitarianism bound Lithuania. But you never gave up.

And for those 50 years, America steadfastly refused to acknowledge this illegal and immoral Soviet action. It would be equally wrong now, for NATO to fail to embrace the wishes of freedom loving Lithuanians.

During my last visit to Lithuania, I had the opportunity to visit your KGB museum. I must tell you it was a very moving experience to see firsthand the brutal methods employed by the Soviet secret police and the sinister tactics designed to strip this nation of its unique identity and proud history.

We all pray that this terrible period in European history has been relegated to museums and history books along with the fall of Soviet communism.

But, sadly, as we witnessed in the Balkans, Europe was not rid entirely of the cancer of aggression. Today in the southern Balkans, as ethnic tensions simmer, Lithuanian troops stand shoulder-to-shoulder with US forces, keeping the peace. Clearly this is another example that Lithuania already is supporting the collective security of all Europe.

But the American-Lithuanian relationship is not—and should not be—based solely on the traditional definition of mutual security. Our growing economic bond is critical to our continued good relations.

And with Lithuania's economic reorientation toward the West—helping to slash inflation from 1,163 percent in 1992 to less than one percent in 1999—there is no doubt that more U.S. investment will follow. Lithuania rightly looks toward America and Europe, while not disregarding Russia, for its increased economic integration.

Further, Lithuania's entry in the World Trade Organization and progress toward European Union membership—which I support—are critical steps in your efforts to broaden trade relations. I read recently that the joint Wall Street Journal-Heritage Foundation Index for Economic Freedom called the Lithuanian economy ''the most improved economy in the history of the index''. With a record like that, I have no doubt that Lithuania can achieve every economic goal she sets for herself.

The people of Lithuania and the people of the United States are bound by a love of freedom, by a desire to defend democracy, and by a faith in the free-market system.

We are also bound together by the one million Lithuanians who now call America home. Many of the Lithuanian-Americans live in my home state of Illinois, in the great city of Chicago. In fact, it was in Chicago where I first met many of your political leaders, including your President, Val Adamkus.

Earlier today, I was honored by President Adamkus as he awarded me the Order of the Grand Duke Gediminas (pronounced GET-A-ME-NAS).

Later today, I will be presented the title of Honorary Citizen of Vilnius. One of America's most beloved Presidents, Ronald

Reagan, a fellow native of Illinois, was the first recipient of this title. In 1984 President Reagan said, and it is still true today, ''We live in a time of challenges to peace, but also of opportunities to peace. Through times of difficulty and frustration, America's highest aspiration has never wavered. We have and we will continue to struggle for a lasting peace that enhances dignity for men and women everywhere.''

Both of these honors I accept on behalf of the many Lithuanian-Americans who have contributed so much to my country, and who keep the great nation of Lithuania in their hearts and in their prayers.

Our sixth American President, John Adams said: ''whenever the standard of freedom and independence has been unfurled, there will be America's heart, her benedictions and her prayers.'' Lithuania has unfurled the standard of freedom. May God bless you and all the people of Lithuania as He has blessed the United States of America.

Thank you.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 3167 and in strong support of the goal of NATO expansion.

I thank the Chairman of the International Relations Committee for expediting consideration of the bill and I would like to associate myself with his remarks.

Mr. Speaker, I have served as an active Member of the U.S. House delegation to the NATO Parliamentary Assembly—the legislative arm of this vital organization—for nearly a decade. Over those years, we have engaged in active discussions of matters relating to trade, financial services, labor policy and engaged our European partners in important discussions regarding the role of NATO in such regional conflicts as that in the Balkans.

These vigorous discussions, led for years by our late Colleague Jerry Solomon, and now by our distinguished colleague—the gentleman from Nebraska, Mr. BEREUTER—have enhanced communication among our governments and thereby strengthened our national security. I must make specific and sincere recognition of Jerry Solomon. He was an international leader and it is most appropriate that he be identified in this legislation.

In the last dozen years, various administrations—Democrat and Republican alike—and Congresses—Democratic-controlled and Republican-controlled—have supported expanding the North Atlantic Treaty Organization (NATO) to include newly democratic states in Eastern Europe and the former Soviet Union.

In the NATO Participation Act of 1994, Congress declared that full and active participants in the Partnership for Peace program (which provides U.S. military assistance to former Warsaw Pact nations) should be invited to become full NATO members.

In the NATO Enlargement Facilitation Act of 1996, Congress called for the prompt admission of Poland, Hungary, the Czech Republic and Slovenia to NATO. It also declared that ''in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine. And Congress signaled that we should not just be considering the emerging democracies in Central and Eastern Europe. But we also should consider the candidacies of Poland, Hungary, the Czech Republic, and Slovenia.

These sentiments were reaffirmed by Congress in the European Security Act of 1998.

Late next year, NATO will hold a summit in Prague, at which it will decide which additional emerging democracies in Central and Eastern Europe it will invite to join during the next round of NATO enlargement.

A few weeks ago, Russian President Putin declared that Moscow is prepared to reconsider its opposition to NATO expansion into states of the former Soviet Union as part of its changing security relationship with the West since the terrorist attacks of Sept. 11.

Mr. Speaker, a word about our current NATO allies is in order today as we approach the two-month anniversary of the murderous attacks on America on September 11.

Americans were enormously grateful and reassured by the decision of our NATO allies, in unprecedented action, to invoke Article 5 of the NATO Charter. At the time, this was a most important signal that the international community will stand beside the United States in our fight against terrorism.

Today, NATO nations are cooperating with our war against terrorism on many different levels and through many different activities. This should go a along way toward silencing the critics who claim that the U.S.–NATO relationship is a one-way street. Here is a concrete example of NATO providing important support to America in America's time of need.

Mr. Speaker, I urge strong support for H.R. 3167.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). All time for debate has expired.

Pursuant to House Resolution 277, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. BEREUTER. 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, this vote will be followed by a 5-minute vote on the motion to suspend the rules and agree to House Resolution 262 and on approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 46, not voting 14, as follows:

[Roll No. 431]

YEAS—372

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield

Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—46

Akin
Barr
Bartlett
Blumenauer
Cannon
Carson (OK)
Coble
Collins
Condit
Davis, Jo Ann
Deal
DeFazio
Doggett
Duncan
Everett
Flake
Frank
Goode
Harman
Hinchey
Holt
Johnson, Sam
Jones (NC)
Kerns
Lee
McKinney
Miller, George
Nadler
Obey
Otter
Paul
Payne
Pence
Pombo
Rohrabacher
Sanders
Sensenbrenner
Sherman
Slaughter
Snyder
Stark
Stump
Tancredo
Tierney
Watt (NC)
Waxman

NOT VOTING—14

Burton
Buyer
Conyers
Cubin
DeLay
Ganske
Jones (OH)
Kilpatrick
Larson (CT)
Lofgren
Meeks (NY)
Schakowsky
Stearns
Sweeney

□ 1314

Messrs. STUMP, JONES of North Carolina, CARSON of Oklahoma, PENCE, KERNS, AKIN and OTTER changed their vote from ''yea'' to ''nay.''

Mr. SESSIONS and Mrs. CLAYTON changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 431, I was detained on legislative business. Had I been present, I would have voted ''yea.''

Stated against:

Mr. STEARNS. Mr. Speaker, on rollcall No. 431, I was unavoidably detained. Had I been present, I would have voted ''nay.''

□ 1315

EXPRESSING SENSE OF CONGRESS REGARDING WTO ROUND OF NEGOTIATIONS IN DOHA, QATAR

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 262.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 262, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 4, not voting 18, as follows:

[Roll No. 432]

YEAS—410

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
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
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
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
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)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
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 (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
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
Schaffer
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
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Dreier
Flake
Kolbe
Waters

NOT VOTING—18

Burton
Buyer
Conyers
Cubin
DeLay
Ganske
Gilchrest
Hunter
Jones (OH)
Kilpatrick
LaFalce
Lofgren
Meeks (NY)
Peterson (MN)
Quinn
Schakowsky
Stump
Sweeney

□ 1324

Mrs. BIGGERT changed her vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2149

Mr. DICKS. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 2149.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2180

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent to remove my name from cosponsorship of H.R. 2180.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce it will entertain 1-minute and 5-minute special orders until 2 o'clock today.

COMMENDING THE WORLD CHAMPION ARIZONA DIAMONDBACKS

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

Mr. FLAKE. Mr. Speaker, I rise today to commend the world champion Arizona Diamondbacks.

On Sunday night, the Arizona Diamondbacks engaged New York in what will truly go down as one of history's greatest baseball games ever.

The game capped one of the most exciting and thrilling World Series that baseball has ever seen.

In the end, the world champion Arizona Diamondbacks emerged victorious, and in doing so, they became the first sports franchise in Arizona's long history to earn the right to call themselves the best in the world.

They also became the fastest baseball franchise to win a World Series, doing so in just their fourth year of existence.

The Arizona Diamondbacks take a lot of criticism sometimes for relying heavily on their aces, Curt Schilling and Randy Johnson, but this victory shows that they are truly a complete team from top to bottom. This is not to mention their rookie manager, Bob Brenly, who did a fantastic job, and the fantastic front office, led by Jerry Colangelo.

Mr. Speaker, I want to express my pleasure not only for what the Arizona Diamondbacks did, but the manner in which they did it. They did it with a great deal of class, integrity, and respect, which is a real reflection on the great State of Arizona.

On behalf of all Arizonans and Americans, I want to thank the world champion Arizona Diamondbacks for providing the country and the world with an exhilarating World Series, which reminds us why baseball is America's favorite pastime.

PAYING RESPECTS TO RAYMOND T. BUTLER OF SACRAMENTO, CALIFORNIA

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

Mr. OSE. Mr. Speaker, I rise today to pay my respects to a friend of mine who passed away this past Saturday. Raymond T. Butler was an icon in the Sacramento community. I know my good friend, the gentleman from California (Mr. MATSUI), also knew him very well.

Ray was involved in virtually every aspect of community life in Sacramento. He was by profession an insurance man, but he was also involved in banks and the cable TV industry. He was a longtime volunteer in numerous civic organizations.

Our community benefited from Ray Butler's involvement in it for many, many years. Our hearts go out to his wife and family in this time of loss.

Mr. Speaker, Sacramento has lost a champion, a lion of its community. We were the better for his presence and we are the lesser for his passing.

□ 1330

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). 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.

DISAPPOINTMENT IN FORMER LEBANESE OFFICIAL'S REMARKS

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

Mr. WOLF. Mr. Speaker, I want to express deep disappointment in an article which appeared in yesterday's New York Times with regard to Lebanon.

We lost American men and women at the American Embassy in 1983. We lost 241 Marines who went there to help the Lebanese people and to help the Lebanese Government.

There was an article whereby the former Prime Minister, Selim al-Hoss, said the following: ''The United States is consequently a terrorist partner, which makes the U.S. unfit to lead the world.''

Mr. Speaker, we need in this region reconciliation; we need peace. We do not need inflammatory statements like this from the leadership and former leadership of the Lebanese Government. We should be bringing people together, not dividing people.

Mr. Speaker, I include for the RECORD the article I referred to.

[From the New York Times, Nov. 6, 2001]

LEBANON TO RESIST U.S. SANCTIONS ON HEZBOLLAH

(By John Kifner)

BEIRUT, LEBANON.—The Lebanese government is indignant over American pressure to freeze the assets of Hezbollah, the Shiite Muslim organization bitterly opposed to Israel.

It is a request the Lebanese are likely to reject, according to officials and accounts in newspapers here including the daily owned by Prime Minister Rafiq Hariri, which is presumed to reflect his views.

''The government is headed for a refusal to freeze Hezbollah money or to interfere with the resistance,'' that newspaper, Al Mustaqbal, reported today.

The apparent impasse once again spotlights the difficulties the Bush administration has in cobbling together its international coalition against terrorism in the face of overriding, passionately held views on local issues, particularly the Israeli-Palestinian conflict.

Hezbollah, whose name is Arabic for Party of God, was listed by the State Department on Friday, along with 21 other groups—a number of them Palestinian supporters opposed to the faltering Middle East peace efforts—as a terrorist organization whose financial resources should be cut off.

Those groups join the list that already includes groups under the control of or with ties to Osama bin Laden, who is suspected of being behind the Sept. 11 attacks on the World Trade Center and the Pentagon.

The American action on Friday imposed stringent financial sanctions on the 22 groups. The government seized any assets of Hezbollah in the United States long ago, but the latest move is seen as putting pressure on Arab governments to crack down on the fund-raising activities of Hezbollah and other groups on the list.

The widespread Lebanese outrage over the American demand reflects the distance Hezbollah has traveled since it rose from the Shitte Muslim slums on the southern fringe of Beirut in the early 1980's as a shadowy, brutal band of kidnappers, suicide bombers and airplane hijackers.

Now it is a part of the Lebanese establishment, with members in Parliament, an important social service network and a television station whose news programs are avidly watched by many Lebanese.

Hezbollah has enjoyed the support of Syria and Iran. Syria dominates Lebanon's political affairs.

Indeed, Hezbollah members are officially regarded as national heroes—''the resistance''—for their role as guerrillas who opposed the 22-year-long Israeli occupation of southern Lebanon.

The American ambassador here, Vincent Battle, presented the American position at an emergency meeting he requested on Friday with the Lebanese foreign minister, Mahmud Hammud.

The foreign minister was apparently unimpressed.

''The Lebanese resistance has expelled Israel's occupation army from south Lebanon last year,'' Mr. Hammud said. ''We are proud of it.''

''We view the resistance as a legitimate means to liberate our land from Israeli occupation, and we hold fast to it, with the support of Syria and the rest of the Arab world.''

Perhaps the most striking reaction came from an unexpected quarter, the elder statesman Selim al-Hoss, a soft-spoken academic and a Sunni Muslim who was the long-suffering prime minister through many years of civil war. He is widely respected for his personal integrity, though as a leader he was rendered powerless by religious militia factions in a land then corrupt beyond imagination.

''America supports the world's most brutal terrorist state and the deadliest ever terrorist who leads it,'' Mr. Hoss said, referring to Israel and its prime minister, Ariel Sharon. ''The United States is consequently a terrorist partner, which makes the U.S. unfit to lead the world.''

Indeed, it was widely assumed here that Israel was behind the new list, particularly after the influential Israeli lobby in Washington, the American Israel Public Affairs Committee, applauded it.

To Hezbollah the condemnation was a badge of honor.

''We feel proud we have been taken as an enemy that should be blacklisted as terrorist by the Great Satan who heads the greatest pyramid of tyranny, repression and arrogance of modern times,'' Sheik Hassan Nasrullah, the group's leader, said at a rally.

''It is natural for the American administration to blacklist Hezbollah and the other struggling Palestinian factions.''

Sheik Nasrullah issued a prohibition against any form of assistance to the American operation in Afghanistan, calling it, ''a war against every Muslim who refuses to bow or kneel to the United States.''

In southern Lebanon, Sheik Nabil Qaook, the strategist of the guerrilla campaign against Israel, said in a speech during the weekend: ''The U.S. lists don't bother us the slightest. When America accuses Hezbollah, we take it as proof of the credibility of our goals.

''In the past, America didn't shout so loud. When it is in a dominating position and when the rules of the international game are in its favor, we don't hear accusations of terrorism. But when the balance of power leans the other way, we hear them scream.''

REINSTATEMENT OF MILITARY CONSCRIPTION

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, the service in the Armed Forces for all American men has been an experience that has I think unified us in this country. It has been a common experience of getting up early in the morning, eating mediocre food, but mostly understanding how the military works and understanding the importance of patriotism in this country.

I ask my colleagues, Mr. Speaker, to realize that within a few years there will be nobody in this Chamber that has served in the military. In a few years, there will be nobody in State legislatures that has served in the military except, possibly, for maybe a few heroes that have come back and had the name ID that allows them to run for political office.

I think that is a great danger in terms of the understanding of legislative bodies here in the U.S. House of Representatives, over in the U.S. Senate and certainly in all our legislative bodies, the State legislatures, as well as municipal jurisdictions. That experience of serving in the military has unified us.

I have been working on legislation for the past 5 years that would reinstate military conscription in a process that is both voluntary and mandatory. It would direct the Secretary of the Army and the President to reinstate a conscription between 6 months and 1 year where those individuals would go through a kind of orientation of boot camp, but also the learning of international relations, the learning of terrorism and how terrorists work and where they come from, a better understanding of the different goals of the countries around the world, and then after, but also the military discipline of that kind of basic boot camp orientation.

After that there would be a discretion. If they do not want to continue to serve in that kind of military combat training role for the rest of that 6-month period or for the rest of that year period discretionarily, they would have the option of working in community service or going into AmeriCorps or going into some other service for the government. They would receive modest pay but exceptional training to bring back that kind of unity of experience that is so important, I think, as we conduct business that involves, more and more, the rest of the world.

An understanding of international relations has been so obvious since the September 11 attack on this country. I would encourage my colleagues to call me or my office to get a copy of this draft legislation, to look into the possibility of renewing military conscription in both a mandatory and a voluntary way that they could earn credits with the GI Bill of Rights provisions for the time that they serve their country.

It would give those individuals the kind of experience, but more than that, it would be a binding force of common experience that would hold this country together.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WORLD TRADE ORGANIZATION MEETING IN QATAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I just wanted to draw my colleagues' attention to yesterday's New York Times, the front page. There are some stories there that bear an interrelationship that is important.

There was a major story about the World Trade Organization's upcoming meeting in Qatar in the Middle East, the first meeting that the WTO will be holding since Seattle; and the story talks about the World Trade Organization and some of the difficulties that it has been having in gaining broad-based public support for its activities and deliberations; and in fact, the story implies that if these meetings in Qatar are not successful, it might spell the demise of the WTO and the type of globalization initiatives that have ensued since this Congress passed GATT just a few years ago when the WTO was set up.

One of the reasons it says that these talks are having difficulty is because of the fact that the world trade system has resulted in widening disparities between the very rich and the very poor, and it is very interesting that the meeting is being held in a part of the world which demonstrates the wide disparity in incomes between the very rich and the very poor.

On the same front page there was a story about the rumblings in South Africa that have come since independence was granted, and what does it talk about? It talks about the growing disparity in South Africa between the very rich and the very poor and the fact that thousands and thousands of people are having their electricity shut off, are not able to earn a living, rising unemployment levels and that globalization without a social contract, and those are my words, not the words of the New York Times, creates a rising poverty and rising wealth for only the few, and that our globe is being affected by these forces, these powerful economic forces in all regions.

Recently, this week, Secretary Powell has met with the top leaders of Bangladesh, Bangladesh, one of the poorest nations in the world, which has a $2 billion trade deficit with the United States.

How do these stories connect? These stories connect because in Bangladesh over 3,500 contract shops operate, producing over a billion garments for the world, half of which come here to the United States.

Women in that country make caps that are worn by athletic teams at all of our major universities, for example. They are forced to sew 320 caps per hour if they want to keep their job, and their bosses want them to increase it to 370 caps per hour. For each cap, they are paid a penny and a half. Those caps arrive in our country for a total of $1 for total costs of production and shipment, material, labor and transportation. And then they are sold, on average, inside this economy for $17 to $19 a cap.

Now, the foreign minister of Bangladesh wants us to remove further tariffs on these items coming to our country. And what I am thinking is, even if we remove the tariffs, what guarantees are there that the women of that country would get a living wage? There is absolutely no guarantee.

The trading system that this globalization regimen has put in place has put a downward pressure on workers across this world; and they are rising up in South Africa, in the Middle East, in South America. We saw their faces in Seattle. Somebody had better pay attention to what is wrong with this global trading system. It works to the benefit of the few at the cost of the many.

I am for trade. I have a trading district, but I am for the dignity of the working person whether they work on the farm or whether they work in the factory, wherever in the world they exist. This world trading system must have a social contract, and without that we are going to have political tremors across this world, the likes of which the free nations have never experienced before.

I would say that you must have free trade among free people. And that trade regimen that is put in place by the laws we pass and by the institutions like the World Bank and the

International Monetary Fund and the Export-Import Bank, if they do not give credence to democratic rights and freedoms then, my goodness, what are we doing?

So I would commend to my colleagues, take a look at the New York Times. Think about the connection between WTO and Qatar this week and what is going on in South Africa, and what is going on in Mexico where wages have been cut in half, and what went on in Seattle when people did not earn enough for the work they do.

What kind of system is this country promoting?

CREATING SAFER AIRLINE TRAVEL

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Under a previous order of the House, the gentleman from California (Mr. ISSA) is recognized for 5 minutes.

Mr. ISSA. Mr. Speaker, I do not come often to the well of the House, but today I feel it is essential that I address both my fellow colleagues here today and the American people because we are now in the process of considering airport security. And the debate, in my opinion, has degenerated to do we, in fact, hire Federal workers or do we hire non-Federal workers when, in fact, the House of Representatives and the Senate clearly agree on two things that are existing today.

One is that we need to up and improve the standards; secondly, that the existing contractors who are doing the job today, that is supposed to result in our safety in the air, are not doing their job properly.

Only yesterday when Chicago was proven to be a hopeless sieve, and other cities when it was shown that these workers, many of them, most of them not citizens, operated by a foreign corporation that does not even ensure that the background checks are done, even after paying a huge fine, they continue to not do the background checks. They continue to not meet the requirements that will lead to America's safety.

I get on an airplane virtually every week. I have over 100,000 miles this year alone going back and forth to my district. I as much as any other member of this great Nation have a vested interest in airline safety, as do all of my colleagues here today and on the other side of the House.

There is no question that we must act and act immediately. From this body we do not call on the administration to specific action, but I call on all of us in government to immediately fire these contractors who have failed to protect us, those contractors who continue to violate the laws. Do not fine them; fire them. I believe that while we are deciding who can protect us better, I would feel much safer having my county sheriff standing there, having my California National Guard and every other State's National Guard. And I know that those men and women with minimal supervision on Day One will be U.S. citizens, will speak, read, write English, will understand better what behavior that is not consistent with a normal passenger would be, and they will be motivated for airline safety. Pay them what they need to have. Get them there today.

Mr. Speaker, we cannot wait until our law is passed, until it is conferenced, until it is signed, until it is enacted. Mr. Speaker, we, in the Federal Government before Monday morning comes, before we fly on Veterans' Day, we must have better airline safety. I call on all of us to act and act immediately to bring the kind of safety to our airports that we can bring only by replacing these proven criminal corporations and getting their questionable employees off the system, off the payroll and bringing in loyal Americans.

Mr. Speaker, I ask for this to be enacted and enacted before our great holiday.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CHARITABLE DONATIONS FOR SEPTEMBER 11 ATTACK VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, today the Subcommittee on Commerce, Trade and Consumer Protection had a hearing where we listened to the new chairman of the Federal Trade Commission, Mr. Tim Muris, and we talked about a lot of issues that are under his control. On the previous day, we had a hearing of the Subcommittee on Oversight and Investigations in which the chairman did an excellent job dealing with questions of the charities that have been created as a result of the September 11 catastrophe.

The outpouring of support from Americans is truly magnanimous since this tragedy. But we have to be sure that the contributions that are made expressly for the purpose of aiding fellow Americans in the wake of these attacks are used for the right purpose. In my home State we had Hurricane Andrew, which was a major catastrophe, a calamity; and we had the same type of outpouring of contributions that were given to help the victims of that hurricane, and, likewise, since September 11 we have had the same thing occur here in this country.

Americans regularly give to charities. A recent study in the Washington Times indicates that the average household gives about $1,600 or 3.2 percent of their income to charities. In addition, about $1 billion has been donated for relief efforts. The outpouring of donations since the attack provides further evidence of the desire and instinct of Americans to help their fellow man.

□ 1345

That is a given.

But, Mr. Speaker, the problem is a lot of these charities are keeping these monies, they are not distributing it, and there are roughly 50,000 people that are unemployed up in New York because of the September 11 calamity. And with the 5,000 people killed, there are roughly 7,000 children without parents. So we need these charities to step forward and to go ahead and distribute this money as quickly as possible.

Earlier this year, and recognizing the vital roles of charity, especially charitable foundations, I introduced legislation to abolish an antiquated excise tax that not-for-profit foundations pay on their net investment income. I am hopeful my colleagues will support this and it will be part of the stimulus package, because if we do not have this antiquated excise tax on the not-for-profit foundations, they will have more money to distribute.

As I mentioned earlier, Mr. Speaker, Americans are very generous in their donations, and yet we hear stories of people saying they went to ground zero and went to the various charitable organizations and lo and behold they could not get money. A few did, but for the most part they got very little money. So I am here this afternoon to encourage the charities to distribute the money and realize that in the end the money that they collected is for those 50,000 people unemployed who cannot make mortgages and those roughly 7,000 children that are without fathers and mothers.

Let me conclude by saying that the FTC, in the hearing we had today, indicated in testimony that their findings are that fraud cases are few and far between. So while there has been some talk about these charitable organizations as scam activities, from what the FTC chairman has seen, these frauds are few and far between. And I am heartened and pleased to hear the agency is aggressively monitoring and investigating any attempts of fraud within charities to take advantage of the September 11 occurrence.

We need to highlight here in the House and the Senate how important it is that we show confidence in these charities, but at the same time the charities need to show and demonstrate that they are helping by distributing the money.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate disagreed to the amendment of the House to the bill

(S. 1447) ''An Act to improve aviation security, and for other purposes,'' agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. WYDEN, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, and Ms. SNOWE, to be the conferees on the part of the Senate.

RADIO FREE AFGHANISTAN WILL HELP WIN HEARTS AND MINDS OF YOUNG AFGHANS

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I am here to applaud this Chamber for passing the Radio Free Afghanistan bill, because the battle we are in right now is not just to win this war militarily, but we have to win the hearts and minds of those young boys and girls playing out in the street or playing in the dirt and thinking about what are they going to be when they grow up.

We cannot have them saying they want to grow up to be a bin Laden; that they want to grow up to be a terrorist. We need to have them thinking about wanting to grow up to be a farmer, to be a teacher, to be a truck driver, a doctor, and get the ideas in their head of the freedom that we enjoy here and have them yearning for that freedom.

So this is a country that has spread our way of life and our philosophy throughout many parts of the world. We need to make sure they in Afghanistan know that we hold out our hearts and prayers to them; that there is a better life waiting for them. We need to inspire their young, and all the people of Afghanistan, for the future.

FAST TRACK AND THE ENVIRONMENT

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, on Monday, the League of Conservation Voters circulated a letter urging Members to oppose the Presidential trade negotiating authority known as Fast Track, or trade promotion authority. League of Conservation Voters warned it would consider including the trade bill on its annual scorecard.

The league has stated Fast Track would threaten hard-won environmental and public health laws and regulations. The bill would do nothing, nothing, to prevent countries from lowering their environmental standards to gain unfair economic and trade advantages over Western democracies.

Environmental provisions must be included, Mr. Speaker, in the core text of these trade agreements. Though Fast Track supporters have repeatedly refused, these provisions must be enforced by sanctions. Simply look at how environmental and labor standards evolved in the United States. Creation of these standards did not come about because corporations wanted them. To the contrary. They arose because concerned citizens demanded change to prevent companies from abusing workers, from polluting our air and from dumping waste into our waters.

Through free speech and the democratic process, the U.S. developed laws to protect workers and the environment. But many in the developing world do not have these privileges. In the developing world, decisions are typically made by three groups: government leaders, usually not elected; factory owners, who are often one of the same with government leaders; and Western companies.

Would authoritarian government leaders be in favor of cleaning up the environment or expanding worker rights? I do not think so. Would local factory owners be in favor of tougher greenhouse gas emission standards? I do not think so. Would Western corporations be in favor of rules to reduce the dumping of toxic chemicals? I do not think so.

How can the free trade lobby assume that labor and environmental standards will expand in the developing world when those who can improve the situation are the ones who profit from its abuse? Changes will only occur if there is an incentive to change, and the trend in corporate globalization, these trade agreements, provides very few incentives to do the right thing.

If we fail to include these important provisions in trade agreements, multinational corporations will continue to see these improvements as an unnecessary expense. We cannot allow the administration to push forward on these trade agreements, such as NAFTA, that value foreign investment more than they value the American worker. We cannot give corporations the green light to disregard human rights, to disregard labor standards, to disregard environmental laws. We cannot reward nations for abusing the ideals and the values that we in this country hold dear.

The greatest abuse of our principles is not really what is being left out but what has been put in these trade agreements: something called the investor-to-state relationship establishing chapter 11 of NAFTA. Through chapter 11, private corporations, for the first time ever, can sue a foreign government and overturn health and safety laws passed by a democracy.

Now, U.S. Trade Representative Bob Zoellick has committed to including that same chapter 11 in Fast Track. Not only can laws be overturned, but taxpayers in that nation are also liable for damages if a NAFTA tribunal rules a law or regulation causes an unfair barrier to trade. Understand this point: corporate trade lawyers can effectively repeal a nation's public health or an environmental law that was enacted through a democratic process behind closed doors.

Corporations have been quick to capitalize on chapter 11. We have seen it in Canada, we have seen it in the United States, we have seen it with Mexican, American and Canadian corporations. As power shifts from democratically elected governments to corporations, many more corporations will attempt to strike down environmental laws, to weaken food safety laws, to eliminate consumer-protection statutes.

Chapter 11's provisions suggest that when one country's public health laws collide with a foreign corporation's profits, then public health usually loses, time after time after time. Every single time in the World Trade Organization and almost every single time under NAFTA.

Americans need to know whether the Bush administration believes that corporations deserve to trample on laws that protect our health and protect our environment. Congress should not allow chapter 11 to be incorporated into Fast Track. We need to protect the laws that we in this democratic body, and State legislatures in their democratic bodies, and city councils in their democratic bodies have created.

More and more Members of Congress are joining the ranks calling for trade agreements that are not rammed down the public's throats and that in fact respond to true social and economic ramifications across the globe. We need to press for U.S. trade policy with provisions that do, indeed, protect the environment, not weaken environment and public health laws. We need to press for provisions that promote the advancement of stronger environmental standards. We need to press for provisions that can be effectively enforced. Fast Track, Mr. Speaker, is not the answer.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI 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 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 Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK 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 Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN 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 Ohio (Mr. KUCINICH) is recognized for 5 minutes.

(Mr. KUCINICH 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 gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1636

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHUSTER) at 4 o'clock and 36 minutes p.m.

PROFILING AND MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I wanted to take a little time this afternoon and have an in-depth discussion on a couple of different issues that I think are very important with the current matters that we have facing us. The first matter I would like to discuss at some length would be profiling and the need for profiling for the national security of this country. I have some experience in security. I used to be a police officer. I have a pretty good idea of what we need to do to look out for suspects and how we can help and assist all citizens of this country, regardless of their background, in being sure that they are secure and safe as they walk the streets of this country, or as they go up into a building.

The second thing I want to discuss at length this afternoon is missile defense. It is absolutely critical at this juncture in our Nation's history that we prepare, that we prepare a missile defense system for this Nation. Anything that falls short of a complete missile defense system for this Nation, in my opinion, would demonstrate dereliction of the duties that we have, the responsibilities that we accepted when we were sworn in to represent the people of this Nation.

Let me start with profiling. I have seen, and I have been very disappointed and discouraged recently, about some people playing what I would call the race card against profiling. We have to talk in a very serious tone and with thoughts of the consequences of doing things and not doing things, about tools of enforcement that we can utilize within the borders of our country and outside the borders of our country and for the people that want to cross the borders of our country and for the people that want to leave the borders of our country, tools that we can use to help secure the national security. One of those tools is profiling.

Now, let me distinguish at the very beginning the difference between what I describe and what I define as racial profiling, which most people in this country, including myself, are justified in opposing, and utilizing race as one of the components of a threat profile. We will see on this chart to my left, again, how do I define racial profiling. My colleagues will see I have obviously a red circle through racial profiling.

Racial profiling is where that is the only determinant factor that one utilizes in one's profile construction. Now, obviously, if race is one's only determinant factor, the only factor considered, it raises a balloon for a very legitimate argument that one is creating or causing discrimination.

Now, there are some cases where one may not have any other factors other than the person's ethnic background; and in that case, for example, one puts out a description only using the ethnic background because that is all the information one has. Let me give an example. One is called to the scene of a bank robbery and the witnesses at the bank robbery, within moments after the bank robbery is committed, when you arrive at the bank, all they can tell you is I do not know what size they were, I did not see their face, but it was a white man. It was a white male. Then, one is justified in saying, in immediately putting out an alert, look, we know that the suspect was a white male. That is all we have at this point in time. All units be advised, there is a white male that just committed a bank robbery.

I do not know anybody that says that is not a legitimate purpose or a legitimate means. But where one would run into problems and where one sees discrimination is if, for example, an Irish person is getting ready to get on a plane or an Arab is getting on a plane and simply because of the fact that their ethnic background is Muslim or Arab you pull them aside and question them, simply because, and the only determining factor in making that decision is their nationality or their ethnic background. That is not enough to justify it under our Constitution, in my opinion. I think it is discrimination, but we have to weigh out these situations.

Now, I can tell my colleagues that my stand in utilizing ethnic, or not excluding, that is perhaps a better way to put it, my position is that we should not exclude ethnic background any more than we should exclude age or religion when we build a profile with a number of components.

Now, some of the people who have opposed this frankly are taking examples, extreme examples of abuse by law enforcement where, in fact, they may be right, the people, the critics may be right, that in those particular cases, ethnic or what we would call racial profiling took place and there was a clear demonstration of discrimination. But let me tell my colleagues, for example, the other day in my debate I said, look, we have bad arrests in this country. We have a cop who makes a bad arrest, poor judgment. We have a lot of good police officers out there; but every once in a while, a bad police officer or a good police officer even makes a bad judgment call. If we have a bad arrest, should you immediately jump from the conclusion that you have had one bad arrest and therefore, logically, you should have no more arrests so that we avoid all future bad arrests? Of course we would not draw that kind of conclusion. That is exactly the type of conclusion that my critics are attempting to draw when I speak of national security and a profiling system that will help us protect our national security.

What my critics try to do is they try to come out and say, look, here is a case. This person was detained as they wanted to board an airplane, only because of the fact that they were Arabic background. They are Arabs. That is the only reason they were detained. It is a clear case of discrimination. They go through all of these facts that of course make the case seem horrible. And maybe it was a bad, bad case. But that is not the situation that is occurring out there. I have said to people before, look, I realize that with the millions and millions of travelers that we have in this country every day, that there are going to be some select, some very select situations of discrimination. But it is very easy to overstate that number. It is very easy to criticize law enforcement. It is very easy to criticize airport security on this profile.

What I have said to my critics is, produce the numbers. Show us case by case, and if we have a case where we have bad performance by law enforcement or bad performance by airport

personnel or whatever personnel were involved in this, there ought to be discipline. Because we should have zero tolerance; zero tolerance for discrimination in this country.

But let us not confuse who are the victims here. Who are the victims in this situation? Think about September 11. We have to quit being politically correct. What has happened is we have moved from being constitutionally correct to politically correct. I am telling my colleagues, there are law enforcement personnel, there are airport security personnel who are afraid to question certain individuals because they are afraid those particular individuals will complain that they are being discriminated against.

□ 1645

That seems the easiest get-out-of-jail-free card one could use. If they are detaining a person in the airport and one has any kind of ethnic leverage, they could just complain they are being discriminated against: Why are you searching me? You are discriminating against me.

I have yet to meet one traveler, and I fly a lot, as my colleagues do, I have yet to meet one of our constituents or one traveler out there that is not willing to go through what is necessary, to search their baggage and their fellow passengers' baggage, so they know when they get on that aircraft that that aircraft has been secured and is safe to fly.

Part of doing those kinds of checks, until we are able to put into place our computerized system which, through technology, will check every passenger that gets on that aircraft, their background, et cetera, through either eye scanning or other devices, will check every piece of cargo that goes underneath that aircraft, will check every bag that goes on that aircraft, whether it is a carry-on bag, whether it is a purse that somebody has over their shoulder, or whether it is checked-in baggage, until we get to that point, there is a certain amount of random selection that needs to take place.

That, at this point, until we get that in there, is the best alternative we have. We have no other alternative. We have to maximize immediately the safety of travel within this Nation and the safety of the citizens of this Nation, our national security.

So how do we build a profile? What kind of profile am I talking about? I think, for example, ethnic background is a legitimate component of it. Take a look. Here is typical of what I call ''threat profiling.'' That is what I am advocating here, threat profiling. Who is it we are up against?

We have some people out there that want to do very terrible things. We have obviously seen firsthand what they have wanted to do, as a result of what happened at the Pentagon and in New York City.

Mr. Speaker, I ask Members, do not let people try and back us down by saying that the politically correct thing is to not question anybody who might be offended by questioning; do not dare approach anybody who could claim discrimination; do not infringe on anybody's right to board an aircraft simply because we are interested in a number of components for a profile.

I actually have some constituents out there, Mr. Speaker, that think profiling, period, regardless of how we construct the profile, is not legitimate. I find that pretty interesting, because think about it, think about this: we find profiling in every avenue of our life. Think about it.

Our schools, for example, our schools profile. Our schools profile which students are getting poor scores. Our schools profile neighborhoods: gosh, people from this side of the city are getting poorer scores than people from this side of the city. They profile by race; they profile by, okay, the white students in this age bracket at this grade are at this reading level, the black students are at this reading level, the Hispanic students are at this reading level, the Vietnamese are at this reading level.

The colleges do it; they profile their top engineering students. We use it in education every day.

We use it in marketing. We use it to assess risks. That is another area, in insurance and in marketing.

The media, take a look at any newspaper or any television station that criticizes through editorials, or any radio station, and take a look at what they do. They profile every day of the week. They profile who their listeners are, who their viewers are, who is most likely to buy the products that they are trying to sell over their medium of communication. Of course they profile.

Hospitals profile. Traffic is profiled. In fact, I challenge my colleagues to name one aspect, one aspect of our life that is not profiling. We profile. Our political parties profile. Frankly, the political parties also profile based solely on race, in some cases, based solely on ethnic background.

For example, they might say, hey, this is a black district. Let us go in, because the blacks tend to vote Democrat, so let us not profile anything other than how many blacks in there are registered. They profile strictly on one factor, and the Republicans do the same thing with contingencies of, let us say in a particular community it may be that the Irish in that community support the Republicans in bloc form. They go and they profile, too.

What I am saying here is, for God's sakes, if we allow profiling for marketing purposes, if we allow profiling out there in our schools, if we allow profiling in every step of our lives, why do we not or why are we resistant at all to profiling to protect the national security of the United States of America?

This is not a game. The nice guy finishes last here. In this kind of matter, the nice guy finishes last.

Take a look at what we do when we buy insurance, for example. Insurance companies profile for risk. That is what I am asking that we continue to do. We need to profile for risk. What is our threat profile? What is the threat? What is the risk?

Think about it with an insurance company. Nobody says this is an illegitimate or somehow not politically correct matter. It is a fact of insurance. If they are going to insure somebody, they had better assess their risk.

It is the same as if anybody wants to invest in business. If one wants to invest, they had better assess their risk. That is exactly what profiling does.

Back to insurance. Let us talk about insurance. We know, for example, that males between the ages of 16 years old and, say, 21 years old, and then an additional profile between 21 and 25, we know that males in that age bracket tend to speed more. We know they tend to drink and drive more. We know that they tend not to use their seatbelts.

Members see what I am saying: we can begin to build a profile of why, when somebody is a 16-year-old driver, why we charge a higher insurance premium to a 16-year-old driver than we do to a 36-year-old female, mother of children, et cetera, et cetera.

Members can see the comparisons. We know that the risk of a 36-year-old female, say a mother, and there are some other classifications that can be put in, other components that can be put into the profile, is at much less risk of drinking and driving, for example. Probably uses her seatbelt every time she gets in the car; probably straps her children every time they get in the car.

We can compare it to a 16-year-old white male who probably is not using that seatbelt, who speeds around, who is not, frankly, as mature as the 36-year-old is.

It sounds like a lot of common sense. Nobody in these Chambers would disagree with this type of profiling. All I am saying is it is a huge mistake, a huge mistake for us to allow political pressure by a very select number of people to give any kind of commitment that we will not allow ethnic background to be considered as a component of a threat profile.

We are correct, however, to accept pressure and to make commitments not to use as a profile the sole, the sole component of race, because, as we know, when the sole component is race only, that does tend to lead to the difficulty of discrimination which most people in this country, if not the overwhelming majority of people in this country, believe that discrimination should have no less than zero tolerance, zero tolerance for discrimination.

So I am not a proponent of, nor are my colleagues proponents of, what I would call that type of racial profiling, where the only factor we have, looking to the left to my poster, the only factor that we have to consider is race or ethnic background.

But I am strongly advocating that we continue to encourage, in fact that we

mandate, until we come up with a better alternative, that we mandate threat profiling. It is common sense. It is not rocket science; it is common sense.

For example, we can pretty well take a look at a person's behavior, what we may know about their behavior. We may know their age, we may know their gender, we know their nationality, we know the ethnic background. They may have certain flight information; for example, did they buy a one-way ticket, a round-trip ticket, et cetera, et cetera. We might know their religious background, educational background, criminal background.

As we begin to get more and more information on these elements, the more information we get, the more accurate the threat profile becomes. Threat profiling is an essential law enforcement tool in this country. Threat profiling is no different than the type of profiling that many other walks of life utilize in our everyday life.

As I said earlier, newspapers use it, TV stations use it; even the people who blast me in an editorial, for example, for what I call threat profiling, ask them what they know about their readership and how they got that information about their readership.

The bottom line is simple. The bottom line is that I agree that ethnic background, and in fact, I advocate that ethnic background alone should not be used as the sole component of a profile. At that point, I think it is fair for us to call it racial profiling.

But once we begin to use ethnic profiling as a component, one of several components to build a profile, I think it is very legitimate. I think it is smart. Obviously, it is constitutionally protected. It may not be politically correct, with a small number of people. It may be abused by a small number of law enforcement personnel.

But overall, if it just saves one terrorist attack, and it will save a lot of terrorist attacks, we have proven evidence of that and we know it does, so if it can just assist our Nation and the citizens that we have a responsibility to protect in this Nation by giving them some assurance of protection and actual protection, then we ought to be using it.

So I would ask my colleagues, as this continues, number one, very quickly ask for the facts of the abuses that are alleged. Ask them to lay out each particular case where this so-called abuse took place. We will find in some of those cases that abuse did in fact take place, but I believe Members will also find that most of these allegations are limited in number, maybe legitimate but limited in number.

Then take a look at what a good threat profile, which allows as one of its components ethnic background, take a look at how much good that can do, how powerful that weapon is for protection of not just ourselves but protection of our fellow citizens.

So I urge that my colleagues take into consideration and run away from the politically correct theory out there, and to take into consideration just how much we depend on threat profiling for the protection of our society.

Mr. Speaker, I want to change subjects real quick and talk about one of my favorite topics, that is, missile defense.

A little history on missile defense. We have a treaty called the Antiballistic Missile Treaty. My colleagues know what that is about. Back in the 1970s, there were only two nations, only two nations in the world, only two nations in the world that were capable of delivering a missile into the borders of the other nation: the United States and the Soviet Union.

There was a theory back then that there was an arms race that was going to get out of control, and as one of the ways to slow down the arms race in the seventies, somebody came up with a theory: let us create what we call the Antiballistic Missile Treaty; in other words, antimissile. That is exactly what the treaty is called.

What they said in that treaty, or the way they put kind of the structure of the treaty together, was to say, all right, if Russia is not allowed by treaty to build a defensive mechanism against U.S. missiles, Russia then would not initiate an attack against the United States because they would have no protection when the United States retaliated against Russia.

It also works vice versa: Why would the United States initiate an attack against the Soviet Union if the United States had no way to defend itself from the multiple missile warhead that the Soviet Union could deliver into the borders of the United States?

So they put together this treaty. In this treaty, they said Russia will not build a defense system and the United States of America will not build a missile defense system.

For many years the treaty really has gone unnoticed. A lot of people did not pay much attention to the treaty. In fact, we could ask the average citizen, and at one time one probably could have asked me, before I became a little more knowledgeable on the subject: Okay, if a foreign country launches a missile against the United States, what happens?

If that person was somewhat up to speed they would say, well, we have the NORAD space command, the detection service in Colorado Springs and Cheyenne Mountain. It is a granite mountain. They hollowed out the inside of that mountain, and we have within that NORAD, the alliance between Canada and the United States of America, to detect missile launches, or to detect foreign objects, or to kind of put a radar in the sky; kind of our eye in the sky. That is NORAD.

Then if somebody fires a missile against us, NORAD would be able to detect a missile launch, which yes, they can do anywhere in the world; they would be able to do it within a few seconds, and that is accurate. And they would be able to tell us where that missile is going to hit, and that is accurate. They would be able to tell us the speed of the missile, and that is accurate. They would be able probably tell us what type of missile it is, and that is accurate.

But now we begin to leave the accuracy and what most people thought was the truth.

□ 1700

That was, once they figured all that out, we would somehow fire a missile and stop that missile from striking the United States, and that is a falsehood. The United States of America today does not have the capability to defend against an incoming missile.

Let me tell my colleagues that just a month ago people were mocking, saying, the United States, nobody is ever going to fire a missile against the United States. I have advocated for some period of time that not only do we have to worry about an intentional launch of a missile against the United States of America, we have to worry about an accidental launch of a missile. We all know that the old Soviet Union had, what, 6- or 7,000 nuclear warheads. We cannot be assured today, even by the capable leadership of Russia, we cannot be assured by the leadership today that they have all of those weapons; that they know where all of these missiles are; that those missiles have all been kept up on their maintenance, et cetera; and some people would not take me seriously.

Some people said, how can anybody accidentally launch a missile? About a month ago it happened. It happened in the Black Sea. The Ukrainian military launched a missile by accident, and what was the result? They shot down a passenger airline. They shot it right out of the sky by an accidental launch. If the Ukrainian military can launch, by accident, a missile against a passenger airplane, I can assure my colleagues that at some point in the future the United States of America, we, will be the victim, in my opinion, of an accidental launch.

Let us shift real quickly from an accidental launch to an intentional launch. Remember, when the treaty was drafted in the 1970s, there were two countries capable of delivering a missile against each other. That was the Soviet Union and the United States of America. Let me tell my colleagues what has happened in the 25 years since the signing of that treaty.

Take a look at this poster to my left. Again, let me reiterate, in the 1970s, when the Anti-Ballistic Missile Treaty was negotiated and when it was signed, there were two countries capable of delivering missiles against each other, the Soviet Union and the United States of America.

Look what has happened in the last 25 years or so. Countries that now possess ballistic missiles: Afghanistan, that is something we have heard about;

Algeria; Argentina, look at it; Belarus; China; Czech Republic; Egypt; France; Jordan; Hungary; Russia; obviously Saudi Arabia; Slovakia; South Africa; Syria; Taiwan. The blue on this map indicates countries that now have ballistic missile capability.

That is a big change. Twenty-five years ago the only blue on that would have been the Soviet Union and the United States. We would not have had any blue down here. We would not have any blue over here. We would not have had this blue over here, would not have blue around these areas, out there in Taiwan. That did not exist.

We would say, well, did not people back in the 1970s, when they were talking about putting this Anti-Ballistic Missile Treaty together, did they not think about that? Did they not ever think that maybe somebody in the future would also deliver or develop the capability for ballistic missiles? The answer to that is yes.

In fact, the people that executed that treaty, the people who helped draft that treaty knew that the circumstances could change. They also knew when they put that treaty together that the circumstances could change so dramatically that the treaty would be of no use to either party, that the treaty would actually work to the detriment of the Soviet Union and to the detriment of the United States of America.

I can tell my colleagues that today, actually several years ago, but today the point is here. This treaty is now a detriment to the national security interests of the United States of America. This treaty is now a detriment to the Soviet Union. Why should the United States of America not build a missile defense system? Why should the Soviet Union not build a missile defense system to protect their citizens and their allies, frankly?

Look at what we have got going on today. We have a war going on in Afghanistan. What if we lost control? What if the Pakistani Government lost control of its nuclear missiles and nuclear capability? What if bin Laden got ahold of one of those missiles? Do my colleagues think he would hesitate for 1 second to fire that missile against the United States and destroy hundreds of thousands of people instantaneously? Of course he would not.

We have an inherent obligation, it is our job, it is our responsibility, number one, to pull out of that treaty; and number two, to build a missile defense system that will protect the interests of the United States of America. And we can share that information; we can share that information with our allies like the Brits, for example, or the Italians, who support this, to go out and build their own missile defense system so they are not under a threat by some rogue country or under a threat by a very legitimate country that, by accident, launches a missile.

What about that treaty? What did the treaty say? They did have the foresight, the people that drafted this treaty, they had the foresight to put provisions within the treaty that would allow us to abrogate the terms of the treaty. Within the four corners of that treaty, they foresaw that at some point in the future the circumstances of 1970 might not match the circumstances of 2000 or 2001, and that is where we are today.

Let me show my colleagues exactly what the treaty says. We are just going to look at an article on this treaty, but it is the pertinent clause of the Anti-Ballistic Missile Treaty that allows us, as a right, as a right, to withdraw from the treaty. We are not breaching the treaty. We are not breaking the treaty. And the Soviet Union, if they decided to withdraw from the treaty, would not be breaching the treaty, and they are not breaking the treaty.

Some columnists in the journalistic world out there like to parlay to their viewers or their readers out there that if the United States or the Soviet Union were to withdraw from the Anti-Ballistic Missile Treaty that they would be breaching or breaking, like breaking a contract. These people obviously have not read the treaty because the treaty, within its own four corners, within the document has specific, specific language about allowing a country, either the United States or the Soviet Union, to pull out of this treaty.

Remember that no other nation in the world, no other nation in the world that has ballistic missile capability, no other nation in the world other than the United States and the Soviet Union is subject to this treaty. They can do anything they want. They are not subject to this treaty.

Let us take a look at the specific language contained within the treaty that allows us to withdraw from the treaty. Article 15 of the Anti-Ballistic Missile Treaty, the poster to my left. ''This treaty shall be of unlimited duration.''

Number two, key paragraph. ''Each party shall in exercising its national sovereignty,'' the word ''shall,'' ''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.'' Let me go through it again. ''Each party shall in exercising its national sovereignty have the right,'' it is a right, it is not a breach of contract, it is not a breach of the treaty, it is a right contained within the contract, within the treaty, ''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 contain a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests.''

Let us look at the key part of this paragraph. Number one, each party has the right. The Soviet Union has the right to pull out and the United States of America has the right to pull out from the Anti-Ballistic Missile Treaty. They have that right only if they decide that extraordinary events, extraordinary events, now, remember, that extraordinary events are not defined within the confines of that treaty. They are not defined. But I think we can define it within a couple of paragraphs, and I will show that in a few moments.

''If it decides that those events are related to the subject matter.'' Obviously, there are lots of events that are related to the subject matter of missile defense. Extraordinary things have happened in technology, in those people, that contain ballistic missiles in the last 25 years.

''Have jeopardized the supreme interest.'' I will state, jeopardization of our supreme interests must include within that category an accidental or intentional launch against the United States of America, not only by the Soviet Union, but by any other country or any other regime in the world that has the capability to do it.

So what would be those extraordinary events that would justify this? Let us pull up the previous chart. This is an extraordinary event. Compare, look at what has happened in the last 25 years.

Twenty-five years ago the United States of America and the Soviet Union had ballistic missile capability. They were the only two countries in the world that could deliver those missiles. And then some extraordinary things happened. All of a sudden other little countries all over the world begin to get not only nuclear capability but the ballistic missile capacity to deliver that nuclear capability, or a traditional warhead, conventional warhead, through the utilization of that missile. That is extraordinary, unfortunately, extraordinary in kind of a fearful way. But it is an extraordinary event that has taken place.

If for one moment we do not think that the proliferation of these missiles throughout the world is not a threat to the national interests of the United States of America, of course it is a threat, and it is a direct threat. And mark my words, just the same as the Ukraine military by accident fired a surface-to-air missile and by accident brought down a passenger airline, at some point in the future of this country someone will either intentionally launch or accidentally launch a missile against the United States of America.

Now, we can completely neutralize that treaty if we allow our administration, which has been very aggressive on their commitment to build a missile defense system for this country, we, every one of us in these Chambers, in my opinion, have an inherent obligation to help our administration build, first of all, we have the technology so it is to a point now where it is almost time to build missile defense for this country. This is an extraordinary event.

Let me show some other extraordinary events, as if proliferation of ballistic missile capabilities throughout the world is not enough, standing alone, to fill out the definition of an extraordinary event. Let me show some others.

The threat is real, as posted on my left. Rogue states and weapons of mass destruction. Among the 20 Third World countries that have or are in the process of developing weapons of mass destruction. Take a look at this. These are extraordinary events as was intended by the people that drafted the Anti-Ballistic Missile Treaty. These are the kind of extraordinary events that the drafters of this treaty must have thought of as a legitimate reason for the United States or for Russia to withdraw from the Anti-Ballistic Missile Treaty and to build a missile defense system that would protect the national security interests of their respective countries against a threat.

Who would have ever imagined 25 years ago that the country of Iran would have nuclear weapons, chemical weapons, biological weapons and advanced technology for ballistic missiles? Who would have imagined that Iraq would have had nuclear weapons, chemical weapons, biological weapons and advanced ballistic missile technology? Libya, same thing. North Korea, same thing. Syria, same thing.

These reflect, in my opinion, extraordinary events. These reflect the necessity as recognized by our administration, as recognized by George W. Bush, our President, and our Vice President, DICK CHENEY, and their Cabinet, their very capable Cabinet. This indicates, it demands, it insists that the United States, that the leaders of this country back this administration and allow this country to go forward with a missile defense system. We owe it to our citizens.

Now, until September 11, many people never thought it would happen and we could delay it to another day. Well, let the next generation worry about it. I am saying today, today, colleagues, we cannot afford to let the next generation worry about it.

□ 1715

We have to protect the next generation as well as this generation, and we have to do it as soon as we possibly can.

The day is coming. The day of reckoning is coming when the question will be asked, or the question could be asked, why did we not stop that missile? Did we have the capability to stop that missile? Why did we not build a missile defense system? Or the day is coming when the comment could be made, thank goodness that our government saw fit and understood their responsibility to the national security interests of this Nation, and they put in place a missile defense system that stopped that accidental launch.

And by the way, let me make a comment about all those people who are legitimately, well, I disagree with some of their points of view, but certainly have a protected right to be pacifists, who say, oh, my gosh, war is terrible. And, of course, all of us agree war is terrible. But just keep in mind what Winston Churchill said. He said, ''The only thing worse than war is losing one.'' Think about that. The only thing worse than war is losing one. And we can lose the war against missile defense if we do not provide missile defense for this country. But back to the pacifists. I think every pacifist in the United States, everybody opposed to the war in the United States of America should be urging and supporting President George W. Bush in his determination to build a defensive missile system for this country.

Now, one might ask why. I will tell you why. Think about it. You could avoid the next war if you had the capability of stopping a missile. Let us say, for example, that by accident some country, say North Korea or Russia, by accident, launched a couple of missiles against the United States; that the missiles were in such a silo arrangement and the electronics were such that there was a multiple launch, by accident. So the United States not only gets hit by one nuclear missile; it may get hit by one, two, or three nuclear missiles.

If we had the capability to stop it, there would be no retribution, or the retribution would not at least come in the way of a nuclear missile fired back towards Russia. But if we did not have the capability to stop it, because we simply neglected to build a missile defense system for the protection of this country, because of that neglect we were not able to stop an accidental launch, we could very well find the United States with no choice but to retaliate for the horrible, horrible results of a nuclear missile strike against the United States.

That is why I think that people who oppose missiles, who oppose war as an answer, that is why those people should be saying, look, the best way to disable missiles is to be able to defend against them. And we can actually make missiles obsolete in the future if in fact it is a weapon that can be defended against.

If we were able to develop a bulletproof vest which covered the whole body, we could make the shooting of a bullet against a police officer an obsolete weapon. We have only been able to protect a part of the body, and we cannot protect it against all shots. But we are very, very close to having the complete technology to provide this country the kind of missile defense that it needs.

Unfortunately, some of my colleagues are very stubborn. I cannot imagine or fathom why anyone in their right mind would object not to an offensive system but to a system that will bring down any type of missile attack against the United States of America. And I hope my colleagues never ever use in front of me the excuse, well, it is not going to happen, or the odds of this happening are so small. And by the way, keep in mind, colleagues, that a missile does not have to have a nuclear warhead on it. As we know, it could have a warhead of a high concentration of anthrax in it. The possibilities, the horrible possibilities of what can be delivered by a missile is unimaginable, just as unimaginable as 3 months ago somebody would have told us that the World Trade Center Towers would have collapsed and the Pentagon, hit all in a simultaneous act of terrorism. It was unimaginable 3 months ago.

It was unimaginable that the Ukraine Navy, or their military, on a military exercise, would accidentally launch a missile and bring down a passenger airline. These things take on a much more realistic view for us since September 11 of 2001.

We are charged, my colleagues, with the responsibility of the security of this Nation, of the security of this Nation's people. And one of the tools that we must deploy immediately is missile defense. And as I said earlier, I do not understand how anyone could object to it. I guess we can complain about the cost. These things are expensive. Our defensive mechanisms in this country, our military operations, are expensive. We have no choice. But thank goodness a few years ago we spent money to make our military number one in the world; that when some SOB attacks our country, like these terrorists did, that we have the capability to defend ourselves.

So please do not make money the issue, and do not make the issue that the technology is not there. I mean we did not have technology when the Wright brothers first flew an airplane. We did not have the technology to take that airplane across a State or fly it across the country or take it to high altitudes or to pressurize it. All of that technology came in steps. We had to start somewhere. Same thing with a car or anything else. We start somewhere.

Our technology is advanced enough today for missile defense that the President is right; that the President's commitment to providing a missile defense for this country should be supported by each and every Member of the United States Congress. Any Member of the United States Congress who chooses not to provide a missile defense for this country ought to be questioned by their constituents in a public forum. And I would be very interested to see how they explain to their constituents that the United States does not need missile defense.

And by the way, before my colleagues go out to their constituents, they better make sure not to get themselves in a corner by saying that we would be breaching a treaty; that the treaty prohibits us from doing that. Understand from my lesson today, from my comments today, that the treaty, in fact,

allows us because of extraordinary events, which are very easy to justify, allows us, under extraordinary events, to withdraw from the treaty and build a missile defense system.

So save yourself the embarrassment. Do not go out there and say the treaty does not allow it, because the treaty clearly does. Its language is as clear as can be that we are allowed to withdraw from the treaty, legitimately withdraw from the treaty and then build a missile defense system. And keep in mind, if you object to a missile defense system, not to get yourself in a corner on money. Obviously, we have to make sure the money is spent efficiently. We do not want pork. We do not want waste. But the technology is out there.

Keep in mind that just 3 or 4 months ago we had the successful test. We had two missiles connect in space. Two missiles, an intercept missile and an offensive missile, coming into the United States. Obviously, it was a test. Both missiles were test missiles. It is working. Our technology has made giant steps towards being perfected so that it can provide an effective shield for the United States.

That is what we are asking for. We are not asking with missile defense to enhance our capability to attack another nation, but there are lots of nations around the world that can do it. And as we now know, there are people in the world who wish great harm on this country. So all we are asking for is the capability to protect, to put a shield over the United States and give us the protection that our citizens deserve.

Now, time is wasting. Ever since September 11 our realization of what can occur received kind of an aggressive jerk. We hit a pretty hard speed bump in the road. We now realize there are dangers out there that may be much closer to the United States than we ever imagined.

So, colleagues, in conclusion with my two subjects today, let me say that I speak from the bottom of my heart when I say to my colleagues how critically important it is that all of us support President George W. Bush in his commitment to build a missile defense system for this Nation. We ought to give him a resounding ''yes'' vote. We ought to give this President what he needs to put that security blanket over the United States to prevent a missile attack against our country.

And, finally, on my first subject of discussion this evening, do not run away from threat profiling. What we ought to prohibit is profiling that is based strictly on race alone. I am not asking for that. I think that does lead to discrimination, and I think we should have zero tolerance for discrimination. But I am saying that in the game, in the matter we are involved in right now, the nice guy finishes last. The politically correct guy finishes last.

It is very important for us to allow our law enforcement agencies and our protection agencies to engage in what we call threat profiles. And threat profiles do not exclude ethnic background as an element or as a component, nor do they make that the exclusive element of the profile. It puts together a series of components so that we can then construct some type of risk profile, the same as we do in insurance, the same as we do in marketing, and the same as we do in our schools. It is exactly what we are asking to do for the national security of the United States of America.

CATERPILLAR'S BARRIERS TO TRADE

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

Mr. CRANE. Mr. Speaker, the necessity of passing H.R. 3005, a bill to renew trade promotion authority, is epitomized by the experience of Caterpillar, headquartered in my home State of Illinois. Caterpillar's motor graders made for export to Chile face nearly $15,000 in tariffs. Caterpillar motor graders manufactured in Brazil for export to Chile face a tariff of only $3,700. And when Caterpillar's competitors produced the same product in Canada, it can be exported to Chile free of tariffs because of the Canada-Chile free trade agreement. Caterpillar employees in Illinois are forced to watch as workers in other countries provide products to our neighbors.

Mr. Speaker, while other countries are making preferential trade deals, we are sitting on the sidelines lacking the authority to negotiate. Make no mistake, our foreign competitors have this authority, and they use it to their advantage. Of the more than 130 free trade agreements in force today, the U.S. is party to only three.

Trade works for America. Let us pass H.R. 3005 and keep America's economy growing.

AFTEREFFECTS OF SEPTEMBER 11 TRAGEDY

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do have an opportunity now to speak with a sense of appreciation as well as a sense of questioning. Many of us have come to the floor of the House in the weeks after September 11 to raise many issues to help heal this Nation or to help solve the crisis that was created. I am never far from thinking of the enormous loss of life that occurred on September 11. For that reason, I believe that there is certainly never enough commentary and solutions that could be offered to help heal us from September 11.

□ 1730

We, of course, have been told to get on with our lives, to go about our business as Americans, to not be intimidated by the terrorist acts, and I would add something else, to not turn, if you will, into the kind of people who would perpetrate hatred so deep that it would take innocent lives. I am very gratified Americans have not done any of that, that there is a great deal of charitableness, there is a great deal of desire to be involved in how we can be problem solvers. For that reason, I see it fitting that we continue doing our work in the United States Congress to be problem solvers.

So to my colleagues tonight, I believe there is a degree of work that is yet undone, and we must keep busy to help solve these problems. There is work undone with respect to airline security, Federal security, federalizing the airline security in our airports.

We have yet to address the approximately 5.4 percent unemployment, the surge in unemployment, the many industries that have been hit so hard because of the tragedy of September 11, such as the tourist industry, hotels, hospitality, those particular employees, and many others.

I was riding on a plane with a constituent who said that an accounting firm had laid off 400 workers. Every day we are finding different industries that are being impacted from the events of September 11. Is American going about its business? Yes. Americans are cheered and buoyed by their values, and they are committed to the wonderfulness of this Nation.

I also see the effort by Americans to draw closer together, as diverse as this Nation is, from the many walks of life and many ethnic backgrounds that our citizens have come from, and I have seen a renewed zealousness around our values, our songs, our spirit, our charitableness; and it has been done not with any particular negativeness.

We have overcome or maybe we have spoken about or spoken out against the idea of targeting any particular group. We have joined together to say that this is not a fight against Islam, this is not a fight against the Muslims, but clearly what this is is to recognize that we are standing against terrorism. That is why we acknowledge the fact that September 11, 2001, left thousands of victims from around the world. The attacks killed hundreds from Britain, from Israel, 250 from India, and scores of others from Japan, Mexico, Iran and elsewhere. As I have said previously and as the mayor of New York City has said, these attacks were crimes against all humanity, and much of it was more than any of us could bear.

But I think as we look at our challenges and before this Congress recesses this year, there is still work to be done. As chair of the Congressional Children's Caucus, I am very gratified that we will have an opportunity to debate H. Con. Res. 228 on the floor, and I would like to thank my colleagues for

this opportunity and I ask Members to join me in that opportunity. That is legislation to finish one piece of our task, and that is addressing the needs of children of this terrible tragedy.

I introduced Members to the Calderon family just a week ago. They have become very real symbols for the 10,000 to 15,000 children which have confronted this terrible tragedy, having lost a parent or parents or guardian on September 11. The pain is still being felt. The reaching out to find these children is still occurring. The need to nurture these children is still occurring. The long-term results of the impact of this tragedy on these children is still being deciphered. We do not know.

Mr. Speaker, we recognize that children are being deprived access to mental health services. We realize, of course, that there is a great need. That trauma in children's lives can be implemented, if you will, in many different ways. We have yet to determine what those ways will be.

H. Con. Res. 228, with sponsors from around the Nation, is a legislative initiative that helps us recognize the plight of these children and establishes a quick expediting through Federal and State and local agencies the needs of these children. The psychological needs, counseling, nutritional and medical counseling, and upon determination of death of their parent or parents or guardian, in 60 days those benefits can be generated for them.

I want to applaud the opportunity to be able to debate this, which I am hoping and looking forward to doing, and I want to applaud the bipartisan effort on this legislative initiative.

This is the Calderon family. This is Naomi, 4, and this is their 20-month-old son, and they lost their mother.

Mr. Speaker, I am very pleased that I have been joined by a number of colleagues on this issue. Again, we are talking tonight about work undone, work that we need to carry forth because we have been given this very special challenge of September 11. While there are many who are still burying their loved ones, they are also requesting that the United States Congress moves towards addressing issues dealing with children, but also dealing with the question of airline security and also dealing with the economic stimulus package.

As I introduce my friend and colleague from Texas, I am going to continue to discuss my family that is symbolic of the children who lost parents on September 11. That is one unfinished business. How do we address their needs, the thousands that have yet been, if you will, secured; or if we have not found the kind of resources for them, we must do so and establish the bully pulpit to get the government focused on them. But we have something that we have been focused on.

Just this past weekend in Chicago it was determined that an individual going through the security check was found to have had a myriad of more than utensils, threatening instruments, stun gun and box cutter and knives. As I recall the gentleman from Texas (Mr. LAMPSON), we were here last week debating vigorously on the floor and just adopting the Senate bill so we would have legislation in place as we speak tonight. I consider that unfinished business, and I yield to a member of the Committee on Transportation and Infrastructure.

Mr. LAMPSON. Mr. Speaker, I thank the gentlewoman for yielding me time, and for the significant work she does and her statements regarding the children.

There is, indeed, much work that remains to be done. It goes obviously to the heart of people like this family that is exhibited in the picture that the gentlewoman from Texas (Ms. JACKSON-LEE) has been talking about and many, many others who lost loved ones, families broken apart. Those are hurts and pains that will take literally forever to heal, and probably never to be able to be put back together. There are things that we can be doing in the House of Representatives and in the Congress of the United States to put into place and make a difference in people's lives.

Mr. Speaker, one of those other areas of unfinished business happens to be airport security. It is unbelievable to me that we continue to have a debate at this late date. The attack occurred on September 11. The gentlewoman joined me and others of our colleagues only 5 days after September 11 with a specific plan that we discussed at one of the major airports in Houston, Texas, and that we discussed at other airports in southeast Texas. We came back here, and there was a proposal made in the House of Representatives. The Senate took it up soon after that, passed a measure unanimously that we could not pass in the House of Representatives.

It seems that our desire and America's desire for us to be considerate of all the needs of all of the people and considerate of our political differences set partisanship aside; and on so many things we have done that. But in too many areas we have broken down in our ability to work together.

I have big concerns about where we are and why we are not able to move this forward. We would not dream of contracting out the protection that our police provide or the protections that our military provides. Why are we having a debate today on whether or not this body would attempt to contract out airport security? That is, finally, we hope, going to be debated in a conference as soon as the Senate, I think they are preparing to name their conferees, as we did yesterday.

Airport security forces have to be reliable, standardized and verifiable. There should be no compromise on this. We should speak to the will of the people of this country, 82 percent of whom have told us what needs to be done. That is in the Senate's legislation that will be discussed between our two Houses, hopefully within the next few working days. We should not continue to even think about rewarding the private companies who have a proven track record of egregious violations.

The example about the man carrying knives, Mace, and a stun gun that slipped past the screeners, well, slipping past people is not acceptable any longer. If we are going to affect the lives of the family that the gentlewoman is talking about, and every family happens to be dealing with the safety of travel within this country, our ability to move about the country and promote economic security and development throughout this country relies on safe transportation; and that means in the air just as it does on the ground.

We must move this legislation through the conference committee, and do so quickly and effectively. Speak to the will of the people of this country and put into place so that the national defense and security, which are the charges of the Federal Government, will indeed work to keep our skies safe, and it is the responsibility of the Federal Government to make it happen.

□ 1745

It is plain and simple common sense. I hope that everyone in this country and certainly everybody in this room tonight asks themselves, who do you want protecting you and your family, a Federal security force or the lowest bidder? I think that question is real simple on almost everyone's minds.

I thank the gentlewoman from Texas for allowing me to come and speak a little bit to this concern, this one particular area of concern that I have and the many things that are left to be done, as you are graciously taking the opportunity to point out to us and give our other colleagues the opportunity to talk about.

We have an economic stimulus package that is critical for the United States of America. We obviously were in an economic slump before the attack on September 11, and we certainly are today. We are trying tremendously hard to affect the real areas of our economy that can make a difference in re-creating the activity that helps so many people enjoy some level of quality of life. That does not mean that we have to put money out to those businesses that are continuing to lay people off. It needs to be put in the hands and the pockets of the people who will spend it today because they need it today. They need it to have food and clothing and shelter that will make a difference for themselves and their families.

We will pray for the family of the woman whose life was lost in that attack, and we will also pray for each and every person in the United States of America that we will continue to hold together as we have and fight through this war that we are now living in the hopes that we will overcome

terrorism worldwide, that we will not ever face the terrible tragedy that we faced in this country on September 11, and the pain and suffering of the people like this gentleman and two young kids will have to face because of the loss of a loved one. We do not ever, ever want to see that happen again. If we will act on these pieces of legislation soon, now, we can make a difference in their lives and an appropriate one.

I thank the gentlewoman for allowing me to have the time. I wish you well in your continued work as I do for all of us.

Ms. JACKSON-LEE of Texas. Let me thank the gentleman for his leadership on these issues. We did draw together quickly in Houston at our airport after the terrible incident to hear from our local officials but also to address those concerns. We are now here in November, and I believe it is extremely important that we move forward. You may be aware that the U.S. Conference of Mayors supports federalizing the security at the airports.

Might I just, before I yield to the distinguished gentlewoman from California, mention that just yesterday at Dulles Airport, a passenger was able to get on with a different boarding pass. That compounded with the situation of Mr. Gurung at O'Hare to the extent, I just want to call out what it is alleged that he had, seven knives, a stun gun and pepper spray. And that he was also released. Certainly we believe in civil liberties and respect for the individual's rights, but because there were no standards, the individual was released, where he was, if you will, able to leave without further determining any associations that he might have.

I yield to you to answer this question. This is not an issue now of numbers of employees or who hires employees. I think the American people realize this is an issue where we need consistency. We need every single person dealing with security, whether they are in a small airport in Mississippi or California or a large airport in Texas or New York to have the same comprehension of what you should be looking for, what the standards are for an individual who may have violated the law. You treat them with the respect of the law, but you also treat them with the severity of the issue.

Let me yield to the gentleman. Does the legislation that we are trying to propose even with the conference and the fact that the bill that the Senate passed 100 to nothing but did not pass the House have anything to do with politics or does it have to do with securing our Nation?

Mr. LAMPSON. In my opinion, the ideology difference that we had in the House came down to politics. It is clear to me that 49 Senators and 50 Democrats and one independent coming together in the Senate on one bill was not a political statement. It was a statement in belief of the American people. When it came to the House, the House was broken on ideological grounds and that broke down to party lines. That is unfortunate. That is what I am talking about. The biggest concern that I had during that whole debate was not that people are not going to be hired; people will be hired. We need that experience to be the same regardless of what airport it is.

As you were just saying, the training has to be much more significant than what it has been. And if we leave the people in charge of the process who have been a part of the process, and I might add that before the Transportation Committee just 2 or 3 weeks ago, we had some of the major airport security companies represented at a meeting, three of the five present were foreign-owned businesses. If we are going to allow people working in our airports for foreign-owned companies to be in line with our Federal security agencies, with information that is critical to the security of the United States of America and allow them to come into this loop, I think that is a ludicrous thing. But at this point, we just have to have a bill before this President to sign so that the country can get back to traveling and feel safe in doing so.

I hope that the House will quickly consider what the Senate put forth and that in our conference, whenever it happens and hopefully it will happen very quickly, maybe Monday or Tuesday of next week, that we can have a bill that the people of this country will be as happy with and feel secure with as they have in the statement that was made very clearly that this whole process be federalized. Regardless of the end run, we have to have the standard in training and in action and in a career path that allow people to keep an interest in the job that they are doing in the hopes that because they do a good job at one level, they will be able to grow from level to level and on through, so it truly becomes a career.

Through that, I think our country will be safer and more secure in their travels, our economy will get back to what it was doing before with so much of it being driven by tourism, by hotels and many other tourist activities that are involved with air travel. I think these are critical pieces.

My plea to our colleagues is that we set aside partisan politics in this matter, do the business that the people of this country want them to, and let us get this bill back over here so we can put it on the President's desk and let it become law.

Ms. JACKSON-LEE of Texas. I am hoping that is the case. I am very pleased that we have also been joined by the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD), whom I believe is as well on the Transportation Committee and the cochair of the Women's Caucus.

I thank the gentleman from Texas for highlighting for us the importance of standards and just how ludicrous it is that we would have incidents like this that are occurring. That is why I believe that our discussion this evening is so important, work yet done that we have to address. I have indicated establishing an expedited process for these children to get their benefits so that they can continue on with their life, so that schools can be notified in case there is a special treatment or special process, a special notice to help them with the trauma that they may be feeling; but yet we also have this airline security bill. Thanksgiving looms, one of the happiest and joyous times when families are going about the country visiting. I want them to do so.

We have been on airlines since September 11. We were leaving to go to our district shortly thereafter to hold forums, as I did and as I know the gentlewoman did, to hold forums to share with people what happened and let them express themselves. At the time, I believe we all committed to working on airport security, to looking at the issues dealing with Afghanistan, to try to deal with the pain of people being laid off. Our work is still yet done.

I am delighted to yield to the distinguished gentlewoman to talk of the work undone and that we must try to finish our legislative business so that some of these people who have been so devastated, whether they have lost loved ones, whether or not they have not got the full confidence of flying, even though we are encouraging everyone, we are not trying to scare people, we are just trying to do our jobs, but we need to finish these tasks. These are very important tasks, so that we can make good on our commitment to the American people.

I yield to the distinguished gentlewoman from California.

Ms. MILLENDER-MCDONALD. I thank the gentlewoman so much for yielding. Let me commend you on the leadership that you have taken for our children around this country, those who have been devastated by the horrors of September 11, as we call 911, urgency. Let me also commend you on your tenacity to make sure that this House gets in front of it the piece of legislation that will help these children to get benefits for those horrific things that they had nothing to do with: the loss of parents, the loss of loved ones, the loss of even having the ability to carry on without counseling. I would like to join you and the Women's Caucus to call all agencies to see how soon they can expedite the funding, the benefits for these youngsters so we can get counseling done so that they can get back on track. I would love to join you in those efforts.

I also commend you for helping us to categorize just what is left on this floor, why we are still here this November 7 or 8, I have lost count of the dates; but it is because when we rushed to pass an airport bailout, I was all for that, being a senior member of the Aviation Subcommittee of the full Transportation Committee representing California; and I thought this was the proper thing to do, because on

the day of 9–11, we had to bring in 2,200 flights from the air to the ground at the request of the Secretary of Transportation and the President and Vice President.

But little did we know that an airline security bill would be this long in coming, for heaven's sake. We thought that after bailing out the airline industry, the secondary thing would be to make sure that all of our folks who work at the airports and on the aircrafts will be secure. Of course we asked for the cockpits to be fortified, and that is what was in all bills. We asked for the flight attendants to get antihijacking training as opposed to some generic type of training. That was put into the bill. We also asked, and I was very dogged about this, that you do not remove these screeners until they have the opportunity to vie for positions, to take exams and to try to keep their jobs. I am livid that that happens and continues to happen. You do not just erase thousands of people off a job just to bring out a whole new crop. You see how qualified those are who are currently in those positions. But the whole thing of federalization comes to be.

And when we talk about security, that is a national issue when it comes to American people. And so I will say to you that I am a little disheartened over the fact that we have not passed as yet the people's bill, because that is the people's bill. That bill will rush people back on to the aircrafts; it will boost our economic stimulus, because what it will do is bring back that $6.6 trillion that we see with the traveling public. It will bring an additional $6.5 trillion that we see in tourism. And so all of those things will help our economic stimulus package.

I am joining the Democrats and especially the Senate side and our side, too, in asking for the stimulus package to include a consumer interest-type of provision for those who are low-income workers who do not have homes but need some type of rebate so that they can go out and join the crowds in the mall with this upcoming big holiday. I would like to ask for $14 billion for tax rebates to low-income workers, $27 billion to spur businesses and their investments.

I would like to also talk about those small businesses that came to talk with me. As the ranking member on the Small Business Committee, I had about 15 businesspeople from lower Manhattan come to meet with me last week. They said, we need some type of stimulus; we need some type of push because we are losing our family businesses in lower Manhattan, New York.

□ 1800

That is what we are talking about, making sure that small businesses get their rightful stake in this stimulus package.

Lastly, I would like to see the $24 billion that is being requested by Senator DASCHLE and others who are working on this stimulus package to be for health care and unemployment benefits. If we are going to rush people off of jobs, 100,000, we certainly should have the funding to give them unemployment benefits that they rightfully deserve. We should be able to try to give health care to the over 11 million children who are uninsured and the 44 million adults who are uninsured.

So I thank the gentlewoman tonight for allowing us to bring into focus for the American people the unfinished business, the business that is truly the people's business that is going undone.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman very much for her leadership on this very important issue, and I might ask and pose a question to the gentlewoman as well on this question of unfinished business: Can we do any less?

First, I want to thank her for her leadership, as I indicated, as Chair of the Women's Caucus, and also her work in the Committee on Small Business as well her work on the Committee on Transportation and Infrastructure. All of that seems to be lodged right here.

The gentlewoman raised a point that I think is very important, and I hope in the conference, if they change anything in the bill, they will address the question or at least make known that there are some qualified individuals who are presently working for private contractors who should be given the opportunity to apply. What we are saying is that there are no standards, there is no training, and we are also saying that these private companies have erred toward not paying money, not paying benefits, undermining the quality of the employee so that they can get the cheapest bid.

We know that one of those companies was engaged in O'Hare, and in fact, we have run into that same company engaged in some other activities that brought about tragedies. I think it is well-known and they have been published. So they are really an example, if you will, of the need for not promoting self-interest, if that may be the case, of worrying about what private contractors may be eliminated, and really talking about the public interest, the national interest, of how we can create standards. So I want to applaud the gentlewoman for that.

I think if there is anything else they fix in the conference while they place federalizing the security as a priority out of that conference committee, taking it out of the Senate bill, would be also the eliminating of this super-citizenship, which means you have to be a citizen for 5 years. We respect the fact that there are difficulties in dealing with people who are not citizens, and I have raised that concern.

I have another concern on that issue, but I am going to focus just tonight on making sure if you are a citizen, then there is no reason to put a number of years on it. I do not think we need to do that.

But my question to the distinguished gentlewoman deals with the economic stimulus package, and that is that we are about to enter into the holiday season. We have been charged and challenged by the President to go on with our lives. If there is ever a season where families are out, when consumers present the final indicators of how the economy is doing, it is the Thanksgiving through the holiday season, the many names that the Christmas holiday season is called, whether it is for the different faiths. But it is a holiday season.

I cannot for the life of me understand why we cannot immediately move an economic stimulus package that goes to the consumers, small businesses, to provide for health care and unemployment benefits, not just for the airline workers, but as we are coming to understand, workers around the Nation.

What I believe is so important is getting this message out to the American people of how we need to move on that package.

Ms. MILLENDER-McDONALD. Mr. Speaker, I agree with the gentlewoman. As I have said, and I will reiterate, in order to move any economic stimulus package, you must have people buying into the economy, and in order to do that, you must give low-income workers a rebate so that they can provide the toys and those other types of things that we provide for our children. We can ill afford not to do that.

I also would like to say that when you talk about the private companies engaging in the screening and screeners, we know that those private companies were in violation over millions of dollars. But if we are talking about national security, we have to be careful of how we disseminate information that we want to do now, that we are talking about the integration of information.

We have to be careful how we are going to integrate information coming from the CIA and FBI to some private company, especially foreign-born companies. So we have to be very clear and very careful on that.

Secondly, when you talk about federalizing workers, as a former personnel director, we had a merit system in place in the Federal Government. You will have a merit system, and you cannot just do an exodus of employees without them having their due diligence and fairness. So this is why we need the federalization of those screeners.

I thank the gentlewoman so much for having us come today to talk about this.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlewoman. The important point she raised was, first of all, the disseminating of information. When we are looking to secure our airports, share intelligence, would it not be more appropriate to have these particular workers under the Federal auspices, under Federal law enforcement, under the Department of Justice?

Then, with the economic stimulus package, does it make sense to give billions of dollars to corporations, and the

consumers are left holding the bag? I would like to say to her, I would like to take her up on that offer in trying to reach out to Federal and local and State agencies to see how they are doing with our children.

Mr. Speaker, I am very pleased to be able to yield now to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

When I mentioned to her that we were on the floor today to talk about unfinished business, knowing her work in the Committee on the Budget, I know she has great insight into what we need to do with the budget, on how we need to balance the needs for securing this Nation, and also her experience. Both of us have experienced terrible natural disasters, when she had to single-handedly work to help save her hometown and local community of Princeville, and I just experienced Tropical Storm Allison. You have to get busy and finish the job because people are in pain.

I want to thank the gentlewoman for her great leadership on the Committee on the Budget and on the Committee on Agriculture and her knowledge about rural areas.

As I yield to the gentlewoman, no one has really mentioned the last plane fell in Somerset, Pennsylvania. I imagine that was a rural area. We do not know what kind of impact it had, we have not made a determination. There is a lot of work we need to do.

I am delighted to yield to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I am very pleased to join the distinguished gentlewoman from Texas. Again, I want to join my colleagues in thanking you for arranging this special order so we can talk about the unfinished work that we should complete prior to the holidays or the work we should complete in the next few days or certainly in the next few weeks.

The gentlewoman mentioned the issue of airline security that has been talked about by both of my colleagues who preceded me, being on the Committee on Transportation and Infrastructure and having interest in the airlines.

I serve on the Committee on the Budget, and today we had a homeland security hearing. At that homeland security hearing we were privileged to have the Director of GAO share with us a number of reports that they had performed throughout, I guess, the last 2 years.

But the latest report that the government is using comes from the GAO audit, which actually was released the very day that President Bush came and spoke to the combined House here in the House of Representatives when he spoke to the Nation. It basically talked about the threats that may affect our homeland security and looked at what the roles of the government should be.

Obviously, there are things we could do now, not only because of that report having been identified, but things we have undertaken on this floor that have not been finalized. As flawed as the transportation piece is that came from the floor, we are hoping that during the conference meeting it will be improved. You have already mentioned some things perhaps it ought to consider.

But we had our opportunity at bat over here, and most honestly, we missed a few balls. But, as they say in the ball game, ''It ain't over until it's over,'' and it is not over until indeed we have finalized the conference bill. So there is hope.

I think we do need to federalize the security. I think it is unthinkable. We would not think of not federalizing the Border Patrol. Those workers are under a certain standard. The idea that we cannot find ways of dealing with them in a fair way, in recruiting those who are among the contractees now who possibly could qualify is to suggest that we do not know how to recruit people. So I think that is a bogus argument that we cannot control, or we do not know how to dismiss them or discipline them.

We know how to discipline our military. They are federalized. They have a certain standard. We know how to discipline our CIA. They have a certain standard. It is the same thing with them. We know how to recruit and employ and discipline the FBI. They are all federalized.

So the intelligence, the military, in fact, the Capitol Police officers, are employed by the Federal Government with certain standards. So to suggest that we need to have a different structure because it is unmanageable does not bear well on the consistency of how we protect ourselves.

I want to spend my time, though, talking about your idea of what we do in terms of children, and I want to parallel some opportunities.

I think in homeland security, as well as national security, we need to take every opportunity to look at our communities in holistic ways. We need to take opportunities as we look at these threats, again referring to the Committee on the Budget, the threats on our water system, threats on our food program, bioterrorism, chemical threats, low-tech threats, all of the information, cyberterrorists, all of these are potential threats that we need to find ways to handle.

But we have an opportunity before we leave in the next few days to make sure we find resources to make it available to our local health departments, our local front-line defenders, to give confidence.

What we have as a result of September 11, America is really feeling great fear and anxiety, more anxiety about the homeland threat than they are about our national threat, to be most honest. Not only with the attack on September 11, but since that we have had the anthrax attacks; and all of those have just raised the level of anxiety and fear and increased the lack of confidence in our infrastructure being capable of responding or protecting us.

The first responsibility a government has is to protect its citizens. The next one, it seems to me, is to give a sense of freedom and opportunity that they can bring their children up or their families can grow and be provided for. We need to make sure that we are providing those necessary resources to shore up our health departments, to shore up our first-line responders, to give them the tools, the information, the technology, the collaboration.

I am pleased that President Bush has appointed someone to focus on that. Governor Ridge has that responsibility, and I am very pleased that that has happened. But that will not do it, just to have a spokesman. He needs to have the authority, plus the local people who will be working with him, whether State or local, need to have the capacity to respond to give our communities that kind of response.

The whole idea of homeland security is, not only have we been threatened physically, but our economy has been threatened, our way of life has been threatened. So we need to give confidence back to families that the government will respond to them in their hour of need.

Yes, we did pass the airline reassurance, or bailout, whatever you want to call it, and perhaps they needed those monies. But I thought it was grossly unfair to put them ahead of people. I thought both of them needed to be helped. I did not think that the big dogs needed to eat before the little dogs. I thought all of them needed help. Children and unemployed people need to have that opportunity.

So we have an opportunity still to make sure we extend those resources, make sure health care is there, and to provide for families to do that.

Finally, I want to parallel children in foreign countries as well. We have made a military response to the attacks, and they were horrific. They were unacceptable and there is no excuse for it. There may be causes, but it is still unacceptable.

□ 1815

So it was a terrorist act without justification. But nevertheless, in those countries, there is the instability that gives opportunity for terrorists to grow. In those countries are families and children who are suffering. In Afghanistan itself, it is reported as of this last week, 6 million people, most of them women and children. Let me say that again, Mr. Speaker: 6 million people. We are dropping more than 1 million packages of food which will feed for one day. It will not at best respond to more than 1 million. Already they cannot get the food in certain areas. So we need to find ways of working with our allies to bring, in parallel with our military, a humanitarian approach.

Now, the United States has done well in terms of providing food for needy countries, but we can do far more. Our strategy must be one that says our military will always be strong; but our strategy has to be, if we do not want our homeland security and our national security continuously threatened by terrorists who come from unstable situations, we have to be smart enough to try to prevent the cause of that, as we indeed defend militarily anyone who is killed or maimed or brought harm to the American citizen. So we have an opportunity here in this country, both to respond to corporate America, but we also have to respond to the average citizen and children. We also as a great Nation have an opportunity, an obligation to defend our country. So military strategy has to be involved, but at the same time we ought to be doing humanitarian strikes.

So we have an opportunity as we close these last few days, yes, to do the final version of the airline security; and hopefully, they can work out a compromise that will improve what we have, and we certainly need to do more on the stimulus. The stimulus program that we passed in this House is really shameful when we understand the needs of the unemployed, the needs of the children, and the needs of those who do not have opportunities for other resources, and giving them a tax break is not the response that they need for shelter, for clothing, for food, and yes, also for Christmas and toys. They need some basics, and we are not providing that as a great country; and I think we can do that.

Again, I want to thank the gentlewoman for her leadership and her vision to challenge all of us that in these waning days, we have an opportunity, but more than that, we have a challenge and an obligation to make sure we take care of the American people and take care of all of them, not just part of them, all of them. Our humanitarian efforts, our responsiveness to the whole community requires us to look at our infrastructure, requires us to look at our health and education needs, and requires us to look at security of our airlines. But nationally, the reason we have trouble in our homeland security is that we are threatened by those who dislike us enough to kill us. Whether that is reasonable or not, we have to find how we change that. Not to suggest that we ever give up our military response, but we are very shortsighted as a country if that is the only approach. Because what we will be doing is fighting this war sometime next year, the next year and the next year, because what we are doing is giving opportunities for new terrorists to attack us.

So our homeland security and our national security is tied almost the same way in that our policies do matter. There are consequences of our foreign policy and there are consequences from our domestic policy. To the extent that we do patchwork, we get that kind of response. So we have an opportunity to respond to the holistic need and the vulnerability that my people back in my district feel, both physically, but also economically, and the vulnerability that we see that is nationwide is also one of military strength, but also of diplomacy and humanitarian. So we have opportunity.

Again, I thank the gentlewoman for allowing me to participate.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, I thank the gentlewoman for bringing her insight to the floor of the House this evening, particularly since the gentlewoman just came out of a very important budget hearing on the question of how we prepare long range.

As the gentlewoman well knows, we have formulated a Homeland Security Task Force that has just presented a report that our caucus has received and reviewed; but what the gentlewoman is highlighting, and I want to yield to the gentlewoman on this question, is that we now have the opportunity. We are here now. This is November. Our work is not yet finished; appropriations bills are yet unfinished. But we need a new bill from the administration and we need the Committee on the Budget engaged so that we can address these issues head-on with a plan. The Committee on the Budget provides the plan, the vehicle, and I know that with some sense of humor; but we will not make light of this. There are always some vigorous debates sometimes between our budget legislators and our appropriators, but we have been working together.

The gentlewoman has seen now what the long-range plans need to be. It does not seem like the economic stimulus package that has been proposed by this House that so many of us opposed took into account the dollars that we might need for long-range planning, and I am going to pose that question to the gentlewoman. As we move through the appropriations process, this economic stimulus package is sort of a part of that; but it has no plan to it, because none of us can comprehend billions of dollars going back to large corporations on tax rebates to them dated back to 1986. My son was born in 1985. It almost looks like we are burdening people with monies that have been long given and really are not at this point the appropriate utilization of precious Federal dollars.

The other point I would like the gentlewoman to be able to comment on, and I thank the gentlewoman for that, I am not sure how we can approach this; but the gentlewoman has highlighted a very important point. What is happening in Afghanistan and neighboring Pakistan is that children are being sent to these terrorist schools, these schools that are training them for lack of something else to occur in their lives, and they are being led to believe that we are bad and they are good.

Unless we deal with the needs of people, the starving people in Afghanistan, the starving people around the world; in the Sudan, there are tragedies happening there between religious groups; but unless, as I hear the gentlewoman saying, we address the pain of starving, millions of starving Afghanis, millions of starving people who are innocent, the terrible cold that is going to be approaching, and we can certainly salute our military.

By the way, I want to salute them. We are approaching Veterans' Day. I want to thank all of the men and women who are protecting us all over the world who are part of the United States military. But unless we address the question of the pain in this country, and that we take these children away from these kinds of terroristic training, we take them away from being brick makers at 8 years old. I do not know if we know that Afghan children are working at 4 and 5 and 6 and 7 years old to bring home 50 cents a day, 50 cents a week, making bricks. I think the gentlewoman knows that the gentlewoman from California (Ms. SOLIS) is doing a briefing on Afghan women. We have agreed to join her to do one on a separate day on Afghan children. But as I hear the gentlewoman saying, we have to wake up and address those issues.

I yield to the gentlewoman.

Mrs. CLAYTON. Mr. Speaker, first I think it is almost shameful that we ask the local policemen and the firemen to sacrifice their lives, and yet we give GM and these big corporations big tax breaks, but we do not give the families of these people those kinds of breaks. Just to use the comparison in that stimulus. There are some principles in the stimulus, and the Committee on the Budget might not agree on both sides, but they agree on the principles. The stimulus needs to be short-lived. The stimulus needs to have an effect that it would cause people to have confidence, and also the stimulus would be the one that would bring no harm in terms of increasing the deficit. Also the issue of Afghanistan and what we must do in that area, I think the gentlewoman is right.

I think to the extent we fail to speak to the great gap between societies, we are creating those vacuums where dictators and terrorists come and fill that void. That is what bin Laden did in Afghanistan. That is what we find in other countries where they are harboring terrorists or governments that are unstable. So there is value in America spreading democracy or trying to stabilize those communities for our own selfish interests. It is in our interests to have stability in the Middle East. It is in our self-interests to have stability in Afghanistan and Pakistan, if no more than to keep down the potential of a threat of terrorists; but it is also in our interests in the long run to have trading partners. So we want to secure those.

So both of those questions are very important. Again, I want to thank the

gentlewoman for the opportunity, and I want to wish her well in pushing her bill and that we should consider that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman. I thank all of my colleagues who have taken the time to address the question of unfinished business. I started out by saying that 9–11 was a day in infamy, it was a day of pain. It was a day where many of us have said, let us go on with our lives, we do not want to talk about it; but it is the responsibility of those of us in government to talk about it and act upon it to heal the American people.

Let me just summarize what I think our unfinished business is. It is to deal with the children. As I started out, I want to thank the leadership of this House that I understand will possibly be giving us an opportunity to debate this resolution, and I am very pleased with that. I think the Members of the House realize the importance of the long-range impact on the children that lost a parent or guardian or parents on that day. They are going to need foster care assistance, adoption assistance, medical, nutritional, psychological care, educational services and other services.

We realize that those children who are separated from family members are going to need the kind of direction from government, or at least the impetus of government, to encourage that these children get with relatives, close relatives; and then we are going to need to give those relatives the financial support based upon benefits that are due these children. This resolution will address local and State government and the Federal Government to get those benefits out, not handouts, but benefits due these children in a 60-day period from within the determination of the death. We think this is something we can do. I applaud the leadership of the House for the appearing opportunity to do this.

Airline security must be done now, and it must be federalized. The Attorney General said about a private contractor even before this terrible incident in Chicago, an astonishing pattern of crime that potentially jeopardized public safety described one of the private contractors doing Federal security. My friends, let us restore the faith of the American people back into the travel industry, and in particular our airlines, on the brink of this holiday season. I am flying. We are all not trying to create hysteria; but it is long overdue for us to be able to check and to screen checked bags, to be able to train and have standards on people who are checking us into the airport. We do not mind being checked. We just want to make sure that they check us the same way in Atlanta that they do in Chicago; that someone is not just looking at you in Chicago and screening you and all that you have in Atlanta. Standards are extremely important for federalizing.

I plan to offer a bill, it has been in the drafting stages, to outlaw once and for all the idea of knives and such instruments being carried on to planes. I think if the American people know you cannot carry them on, you will be subject to criminal penalties, they will adhere to that; and I believe that is extremely important.

□ 1830

And then it is crucial in the economic stimulus package that we take care of those individuals who have been laid off through no fault of their own because of this enormous tragedy; that we provide unemployment benefits and health benefits; that we get help to the small businesses that are out there struggling, as they are the infrastructure, the backbone of America; the concessions in the airport are suffering as well; that we provide a rebate to those low-income workers and moderate-income workers who will take those dollars and put them back into the economy as we move toward the holiday season.

Let us not get into any kind of warfare about what large corporations deserve funds and which do not. Let us attempt to do the job, Mr. Speaker; finish our business and provide for the American people through a real stimulus package; with airport security, federalize it and let the conferees do the bidding of the American people.

Then let me be grateful for the fact that we are going to work to help our children. We have not forgotten this family. I would simply say that we have work to do. Let us get it done.

Mr. Speaker, the tragedies of September 11, 2001 left thousands of victims from around the world, killing hundreds from Britain, more than 130 Israelis, more than 250 from India, and scores of others from El Salvador, Iran, Mexico, Japan and elsewhere. Indeed, these attacks against all people, and against all humanity are, as Mayor Rudolph W. Giuliani correctly noted, ''more than any of us can bear.''

But perhaps the greatest victims of these tragedies are the yet-to-be counted children whose parents or guardians never came home on September 11, 2001, and never will.

As Chair of the Congressional Children's Caucus, I call on Congress to recognize the uncounted victims of these tragedies: the children. Their slain parents and guardians were the passengers and crew of Flight 77, Flight 11, Flight 93, and Flight 175. They served our great Nation at the Pentagon, both as civilians and military, and they were the thousands of innocent civilians and rescue workers killed or injured at the World Trade Center on September 11, 2001.

Today, six weeks after the September 11, 2001 attacks, there is still no official overall count of the bereaved children. Speculation as to just how many children have lost at least one parent or a legal guardian range in the area of 10,000 (based on various news sources and cited last week on National Public Radio by Senator HILLARY RODHAM CLINTON) to 15,000 (cited in an editorial in The Times on September 26, 2001), to the conservative estimate of 4,000 who qualify as ''orphans'' under the Twin Towers Orphan Fund. Finally, the early estimate of 1,500 children left by the 700 missing Canter Fitzgerald employees alone is strong evidence that the projections of children affected should be interpreted quite liberally.

Whatever the actual number, one thing is clear—as Members of Congress we must address the needs of our children, the most vulnerable of all Americans, first and foremost.

My resolution before us today, H. Con. Res. 228, addresses this great need. It expresses the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urges the heads of Federal agencies responsible for providing such assistance, services and benefits to give the highest possible priority to those children.

This resolution is non-controversial. It merely prioritizes the delivery of Federal benefits currently available under Federal law to children who have lost their parent(s) or guardian in this horrific tragedy. These should include: (1) foster care assistance; (2) adoption assistance; (3) medical, nutritional, and psychological care; (4) educational services; and (5) such additional care or services as may be necessary in light of this tragedy.

Additionally, we urge such agencies, to the maximum extent possible, to take such steps as necessary to ensure that such assistance, services and benefits are provided within 60 days of the date of the determination of the death of the child's parent or guardian.

Much of the funds that would be utilized for services in this legislation would come from the Social Services Block Grant (SSBG). The SSBG is a flexible source of funds that states may use to support a wide variety of social services activities.

In FY 1999, the largest expenditures for services under the SSBG were for child day care, foster care for children, and prevention and intervention services.

There are no federal eligibility criteria for SSBG participants. Thus, states have total discretion to set their own eligibility criteria (with exception of the welfare reform law's income limit of 200% of poverty for recipients of services funded by TANF allotments that are transferred to SSBG). States also have wide discretion over the use of these funds. Federal law establishes the following broad goals toward which social services must be directed: Achieving or maintaining economic self-support to prevent, reduce, or eliminate delinquency; achieving or maintaining self-sufficiency, including reduction or prevention of dependency; preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families; preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

Federal law also provides the following examples of social services that may relate to these broad goals: Child care, protective services for children and adults, services for children and adults in foster care, health support services, and services to meet special needs of children, aged, mentally retarded, blind,

emotionally disturbed, physically handicapped, alcoholics and drug addicts.

My legislation, H. Con. Res 228, would express to the States that these funds be expeditiously distributed to the proper Agencies so that needed services for the children who lost parents or a guardian during the attacks of September 11 may be rendered.

Mr. Speaker, this resolution is greatly needed now.

Foster Care and Adoption Services: These services are crucial to any child who has lost their parent(s) or guardian. The importance of providing such services expeditiously cannot be underestimated, particularly in light of compounding emotional trauma endured by these children.

At a recent Congressional Children's Caucus briefing held on October 12th, 2001, Cindy Freidmutter, Executive Director of the Evan B. Donaldson Adoption Institute in New York spoke to this issue. She noted that after September 11, the Adoption Institute proposed the Permanency Project to minimize further trauma and uncertainty in the lives of children who lost one or both parents in the attacks.

This project is needed due to the uncertain future faced by children who have lost their parent(s) or guardian. For many of these children, extended family members become decision-makers and permanent caregiver for these children. Some children, however, may not have a relative or friend to assume parental responsibility and eventually enter the public welfare system. Other children find themselves moved around from relative to relative.

Best practices and research in the fields of adoption and child welfare dictate that two considerations should be paramount in offering crisis services to these children and their families/caregivers. First, it is critical to quickly institute and support a stable family structure because repeated changes in caregivers for displaced children can cause irreparable harm. Second, children who have lost their parent benefit by having a permanent caregiver who is a family member or close family friend, and when possible, it is beneficial for such children to remain with their siblings. Separation from remaining biological family members can cause these children significant additional trauma.

This resolution recognizes these needs, and to the greatest extent possible, provides for services that best serve these children.

Medical and Nutritional Services: Without a parent or guardian to provide regular medical and nutritional services, children face worsening situations still. This resolution ensures that such services are available.

Psychological Services: According to the National Mental Health Association, children who experience such trauma are at extreme risk of mental disorders, particularly in situations such as this, where ongoing trauma exists due to the loss of parents or a guardian. For example, children who lost a parent in the Bosnian War still experience chronic depression, post traumatic stress disorder, and grief, even years after the Bosnian War ended. These children have been further deprived of a normal grieving process due to difficult and painful thoughts in the way in which their loved one died. As a result, these children needed and continue to need intensive and long-term mental health services.

Importantly, the trauma that the Bosnian War children endured closely parallels that of the children who lost parents or a guardian in the September 11, 2001 tragedies because the circumstances and violence of the loss is analogous.

The combination of witnessing and experiencing traumatic events and multiple environmental and family factors further contributes to various mental health problems. Statistics indicate that only one in five children with a serious emotional disturbance receive mental health specialty services. That's why I introduced H.R. 75, the ''Give a Kid a Chance Omnibus Mental Health Services Act of 2001'' to promote mental health among all children and their families and to provide early intervention services to ameliorate identified mental health problems in children and adolescents. This legislation is greatly needed, but the resolution before us today, H. Con. Res. 228, effectively address the issue of mental health in our children in light of these tragedies.

Mental health is indispensable to personal well-being, family and interpersonal relationships, and contribution to community or society. This resolution recognizes the need for such services and makes them available.

Educational Services: Clearly, children displaced from their homes, communities, and families must be stabilized as soon as possible, before further damage is done. One of the most important factors in providing such stability immediately, and in preventing further de-stabilization is maintaining the level of education that existed prior to the loss of the parent(s) or guardian. This resolution provides for such services.

Other Services: Finally, other services may be deemed appropriate in light of the situation as it progresses. While it is impossible to anticipate and enumerate every conceivable situation calling for the need for such services, this resolution recognizes the need for common sense and discretion in determining what services are needed given the particular situation as it applies to children.

Update on Mr. Calderon and His Children: Mr. Calderon is 39 years old and moved to New York City from the Dominican Republic 7 years ago. He and his children currently reside in the Washington Heights neighborhood of Manhattan.

At an October 12 briefing sponsored by the Congressional Children's Caucus, Mr. Calderon spoke about his wife Lizie Martinez-Calderon, who is still missing from the attack at the World Trade Center.

Lizie was employed with Aon Financial Group, which was located on the 100th floor of Tower 2. They were married in 1996.

The Calderons have two young children, Naomi, 4 years old, and Neftali, 20 months, Mr. Calderon is a school bus driver, but was force to take a leave of absence in order to care for his children.

As a result of that briefing, which included a panel of experts whose agencies deliver services to families, Mr. Calderon is now able to provide for his children. The American Red Cross, with the personal assistance of Ron Houle, presented Mr. Calderon with 2 months rent, and will be providing food and winter clothes for his children shortly. Mr. Calderon is also expecting financial assistance from the Red Cross to help with living expenses and to help secure a future for his children. Because of this greatly needed assistance, Mr. Calderon is able to return to his job in a few weeks.

Afghan Children: While H. Con. Res. 228 specifically speaks on the children who lost parents during the September 11 attacks, there are millions of children in Afghanistan who will lose a father and/or mother as a result of the War Against Terrorism. A generation of Afghan children is at risk. We cannot forget these children and they will be the focus on an upcoming briefing co-sponsored by the Children's Caucus.

As Members of Congress, we bare the great burden of providing and protecting these children. This is perhaps our greatest and most sacred responsibility. So today I urge us all to come together as parents, as leaders, and as Americans to provide these children with the services and benefits that they so desperately need are entitled to.

Thank you. God bless the Children, and God bless the United States of America.

ANNOUNCEMENT OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROHRABACHER (during the Special Order of Ms. JACKSON-LEE of Texas). Mr. Speaker, I hereby give notice that I intend to offer a motion to instruct conferees.

The form of the motion is as follows:

Mr. ROHRABACHER 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. 2500, be instructed to insist on the language contained in section 626 of the House-passed bill and section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

DENOUNCING BRUTAL TREATMENT OF AFGHAN WOMEN AND WOMEN AROUND THE WORLD

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, as the co-chair of the Congressional Caucus on Women's Issues, I am here again to denounce the brutal and horrific treatment directed against Afghan women and women around the world.

Mr. Speaker, I have developed a track record for supporting legislation and championing causes that support the needs of women, such as pay equity and the enforcement of antidiscrimination laws.

My passion for supporting the needs and rights of disenfranchised women and children has motivated me to urge my fellow House colleagues to join me in denouncing oppression wherever it is manifest.

I have vowed to revisit the plight of Afghan women each week until gender apartheid there ceases to exist, and for several weeks I have passionately addressed these concerns. Therefore, I come before this body not only to express my outrage and sorrow about the plight and treatment of Afghani women by the Taliban regime, but to also express my outrage regarding domestic violence within our own borders. There are atrocities that we and the House will not allow and will continue to fight until justice is done for all women.

In Afghanistan, the Taliban regime is mistreating women. Their actions are woefully inconsistent with the Islamic religious injunctions that recite one should be just and compassionate to women.

Contrary to Islamic custom, Muslim women and girls are forbidden from receiving an education. They can be severely punished and even put to death for violating Taliban laws. These laws enforced by the Taliban are not those set forth in the Muslim's holy book, the Koran. The laws are reflective of narrow and atypical interpretations of Islamic law.

The end result is that Afghani women are confined to their homes to live, suffer, and sometimes die in a state of fear. The fathers, brothers, husbands, uncles, and men of the society share in the mistreatment of these women. Reports continue to be published about the extent of brutality that women and little girls are being subjected to. Domestic violence is not only common but rampant.

I am horrified by this. It is my belief and understanding that women are supposed to be held in high esteem. If this is the case, I am forced to wonder how these men of the faith can justify such inhumane behavior to Muslim women.

Domestic violence is a phenomenon that plagues women nationwide. In the United States, a woman is beaten every 9 seconds. This year, almost 4 million American women will be physically abused by their husbands or their significant others.

Wife-beating, a common and repugnant behavior employed by far too many men, results in more injuries requiring medical treatment than rape, auto accidents, and mugging combined. These figures are disturbing, Mr. Speaker, and disheartening, because underlying these numbers are those not counted that are even more appalling.

For example, 42 percent of murdered women are killed by their intimate male partner. But a tragic and disgraceful irony is that prison terms for killing husbands are twice as long as those for killing wives. There must be parity in sentencing for domestic violent crimes. The women of this House have fought and will continue to fight for resources to protect the lives of women.

In the 7 years since the passage of the Violence Against Women Act, VAWA, more than $1.5 billion in grant funds have supported the work of prosecutors, law enforcement officers, the court, victim advocates, and health care and social service professionals.

Through the support of VAWA funding, my home State of California maintains 23 sexual assault response teams, 13 domestic violence response teams, and scores of domestic violence advocates located in law enforcement agencies throughout the State.

I am proud of these resources, but more work and funding is needed. Women need more safe havens and protection against domestic violence, not only for themselves but for their children.

Mr. Speaker, we will often hear people say that I am a mother of all children; and in order to do that, we must be the defender of women's rights.

IMMIGRATION AND IMMIGRATION REFORM

The SPEAKER pro tempore. 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, I have on many occasions risen on this floor to address the body with regard to the issue of immigration and immigration reform, and tonight is no exception to that rule. I do this often because I believe it is a significant problem, perhaps the most significant problem we face in this country from a domestic policy standpoint.

We argue on the floor of the House day in and day out and night in and night out about a variety of issues. All of them, of course, have major consequences.

We have spent a long time debating the issue of airline security, for instance. It was mentioned again just in the course of the previous speaker's comments. It is undeniably an extremely important issue, the issue of airline security. It is for those of us, especially, who fly as often as those of us in the House do.

I, for one, am on an airplane twice a week, and my family are off and on airplanes. I assure the Members that I have just as much concern about airline security as the next person, and perhaps more so, from a very personal standpoint. Therefore, the decisions we make in this House with regard to the particular kind of security that is put in place are certainly important. I do not mean for a moment to suggest that they are not relevant to our debates here.

But I do mean to suggest that they are not as important, Mr. Speaker, as one other issue. That issue is the defense of our borders.

As I have said on more than one occasion, the defense of this Nation begins with the defense of our borders. The extent to which we devote time and energy and resources protecting the flying public, to the extent to which we do that, of course, it is commendable and it is important; and it is absolutely the right thing to do.

But it is amazing to me how much time and energy we spend in that. We passed something called a stimulus package. It is really a security package. It is designed to make sure that the American economy remains strong and that people remain employed, and we do this as we watch an economy that is deteriorating. We all know that.

We are taking the right steps, I believe, in the measures that have been passed by this House to address this economic downturn. But they will, of course, take time.

All of these issues deal with, in a way, some directly, some indirectly, national security. But in every single instance, we also have the issue of immigration and immigration reform working its way into those discussions. I will try to deal with both of them tonight.

The issue of airline security. Let me talk about that on a broader scale. It is, of course, important to make sure that we are safe when we get on an airplane. Is it not also important, is it not even of paramount importance, to try and do something about the millions of people who come across our borders, either by land or by air or by sea, every single year? And they, for the most part, come here not to necessarily do us harm, but for their own purposes, almost always economic in nature.

It is understandable. No one is suggesting that it is not the desire of every human being on the planet to better themselves and to provide more for themselves and for their families.

But they do come across our borders, Mr. Speaker; and they do so sometimes, some of these people come across our borders with evil intent, as we learned all too savagely on September 11.

Now, there is an undeniable problem. It is one of those huge problems; and in a way it is like the typical story of the 500-pound gorilla in the room that nobody wants to acknowledge, but everybody knows it is there. In this case, ''it'' is a completely broken, completely incompetent INS, Immigration and Naturalization Service.

I want to focus the first part of my remarks this evening, Mr. Speaker, on this incompetence and on the desperate need we have for national security purposes to not only make sure that the flying public is safe, but to make sure that we are safe every day on the streets of the United States from people who come across our border, from illegal aliens or from immigrants who are here even legally, but have the desire to do us ill.

We have a responsibility to point this out, and I try my best to do so. I have, every single time I come to this floor, people who write us, who call us, who take advantage of e-mail, which is right now probably the best way to contact us.

I have people who do that by the thousands, contact our office to tell me

of stories that I have put in the category of almost too incredible to be true, but they are true. Many, many of them are documented.

Many, many of the stories come from people who work for the INS, people who are trying their best to do a good job in light of a bureaucracy that has absolutely no interest in having them do a good job, especially if that job is in internal security within the boundaries of this United States.

I am going to start this evening's discussion with a story about a gentleman by the name of Walter Cadman. Mr. Cadman is an employee of the INS, a very high-ranking employee. I will tell the Members what that specific position is in just a moment. But let me give a little bit of background, Mr. Speaker.

Mr. Cadman's climb through the bureaucracy of the INS began when he joined the service in 1976; and after working as an investigator and a regional director, he took over a job in Florida, the Florida operations, in 1992.

Three years later, a seven-member congressional fact-finding team visited Krome, and that is a facility, a detention facility for detainees, alien detainees. They visited the Miami International Airport also.

Mr. Cadman was among several high-ranking INS officials who attempted to deceive these Members of Congress into believing that Miami immigration operations were well managed. Mr. Cadman and others abruptly released 58 inmates from the critically overcrowded Krome detention center 2 days before the task force's visit, according to an exhaustive Federal investigation.

All of this, by the way, everything I am telling with regard to this case is documentable. Again, if anybody wants more details, this is the way, Mr. Speaker, that one would obtain those, by contacting our office.

Let me go on. More than 100 other aliens were hidden in the facility to dupe the House delegation, Members from the House of Representatives, to give the illusion that the inspection process at the Miami airport was well managed.

□ 1845

Staff was bulked up and noncriminal detainees were allowed to wait in an unsecured lobby rather than in a less hospitable holding cell. Inspectors were also ordered to remove their gun holsters and handcuffs to portray a much kinder, gentler INS that focused on customer service.

This phrase, ''customer service,'' I heard many times from many INS officials and many people who have come to our office as whistleblowers to talk to us about the incredible pressure under which they have been placed by INS management. They are told the same thing, that they are to treat anyone coming, trying to get into this country, and even those who have come here illegally, as customers; and the customer is always right. In this case, the customer chose evidently not to stay in the cell.

After more than 45 employees, many of them union members, blew the whistle on their bosses, Kromegate broke. The office of the Inspector General for the Justice Department investigated the matter and in June 1996 released its 197-page report. In this report, Inspector General Michael Bromwich not only detailed the conspiracy behind the INS sham but also explained how Mr. Cadman and other officials tried to cover up the wrongdoing.

Initially, by the way, Mr. Speaker, the Inspector General told a member of the delegation, the gentleman from California (Mr. GALLEGLY), who was at the time I believe even the chairman of the Subcommittee on Immigration, told him that it would be done, that this report would be done within a few months, that the facts were clear, and if they could get simply the response that they required from the INS in terms of access to documents, the report would be done in just a few months. It actually took over a year because, of course, to no one's real surprise, the INS was not forthcoming with the documents that were required to conduct the investigation.

Mr. Bromwich wrote in the report: ''Moreover and perhaps more troubling, Mr. Cadman was a willing participant in efforts to mislead INS headquarters and then to mislead and delay the investigation of this matter.'' That is a very damning statement. We have heard statements to that effect in other cases, people trying to mislead investigators, people trying to delay the investigation. We remember that all too clearly, I think, from past administrations.

Anyway, Justice officials found that Cadman had presided over meetings in which the conspiracy was planned. On the day of the visit, Mr. Cadman, reportedly red-faced with anger, threatened to arrest two INS inspectors who tried to alert representatives about the whitewash. Mr. Cadman even called airport police.

Again, this story gets better when I tell my colleagues where this gentleman now resides within the INS. So just hang with me here a minute. Again, put it in the category, unbelievable but true, and of course, with regard to the INS, the folder gets bigger and bigger and bigger every day.

Mr. Cadman's cover-up efforts began after the Office of the Inspector General started its investigation. Mr. Cadman, ''did not deny that large numbers of aliens had been transferred and released from Krome,'' Mr. Bromwich wrote in his report. ''However, Mr. Cadman essentially represented that all alien movements were normal in light of the overcrowded condition there.''

That explanation, investigators determined, was not true. Rather than cooperate with investigators, Mr. Cadman forced the Justice Department to obtain subpoenas to access his computer files. As I say, the Inspector General expected that there would be some degree of cooperation. I do not know why they thought so, but they did. It was not forthcoming, however.

When the Office of the Inspector General finally gained access to Mr. Cadman's computer, all his e-mails relating to the delegation's visit had been deleted. According to the report, ''In his interview, Mr. Cadman stated that as matter of consistent practice, he contemporaneously deleted his electronic mail messages shortly after responding to them. In searching his e-mail, however, we,'' the OIG, ''did find some of Mr. Cadman's messages from June 1995 which was inconsistent with Cadman's representation to us.''

In an extensive and time-consuming process, investigators were eventually able to locate 61 messages that had been sent or received by Mr. Cadman regarding the congressional visit, many of which helped OIG, Office of Inspector General, prove that the officials had purposely deceived the Congress of the United States.

''On the basis of the evidence gathered in this investigation, we believe the appropriate punishment for Miami District Director Walter Cadman falls within a range from a 30-day suspension to termination of employment.'' This was the OIG's, the Office of Inspector General's, conclusion.

They went on to say that, ''Should he not be terminated, we urge his reassignment to a position where he would not have significant managerial responsibilities.'' I want my colleagues to listen to that carefully, Mr. Speaker. The OIG said should this man not get fired, which is as we all know almost impossible in the Federal bureaucracy, contrary to the protestations of those who want to federalize the airline security service, but it says, ''Should he not be terminated, we urge his reassignment to a position where he would not have significant managerial responsibilities.''

After Mr. Cadman's removal from Miami, he virtually disappeared in the INS bureaucracy. Then, on March 4, 1997, the gentleman from Kentucky (Mr. ROGERS) held hearings on Kromegate, trying to find out how Cadman and his cohorts were punished.

The gentleman from Kentucky (Mr. ROGERS) asked then-Attorney General Janet Reno the following question:

The gentleman from Kentucky (Mr. ROGERS): I need to know what happened to the people. Let us get to the bottom line here. What happened to the people that misled the Congress? Name the names. Where are they now?

Janet Reno's response: Dan Cadman elected a voluntary demotion to a GS–15.

By the way, a GS–15, that is, if not the highest, it is close to the highest category of GS, of government service, that one can get. It is at least $100,000 a year.

He elected to take this demotion to GS–15, criminal investigator in headquarters operations. Okay. That was the demotion.

Congressman ROGERS: Well, where is he now?

Attorney General Reno: I cannot tell you precisely.

Congressman ROGERS: Is he still working?

Attorney General Reno: He accepted a voluntary demotion, sir, so I would assume he is still working.

Congressman ROGERS: He is a Justice Department official; correct?

Janet Reno: So far as I know, sir.

ROGERS: He misled the Congress and he still works for the Justice Department?

Correct.

Now here is the punch line, Mr. Speaker, and listen carefully to this. Roughly a year later in 1998 the INS promoted Mr. Cadman to head the newly formed National Security Unit.

The gentleman from California (Mr. GALLEGLY) represents this whole thing as a case where truth is stranger than fiction.

Five years after Mr. Cadman left south Florida in disgrace, only to take a job as a very high-paid INS administrator and as a, quote, ''demotion,'' he was appointed, if we can believe it, to head up the newly formed National Security Unit. Chalk that up, Mr. Speaker, to another incredible but true series of events of which we have become aware in the last several months as we discuss the issue of immigration reform in this country.

We wonder then how is it that so many breaches of security could have happened over the years? And more recently, how is it that even Mohamed Atta, a name all too familiar to every one of us now since September 11, how is it that Mr. Atta could have been readmitted to the country in January even though he had left the country? He was here on a particular kind of visa. He left and he was supposed to apply for what is called an I–512 form, or authorization to leave the country and return. By law he was supposed to put that in writing, the reason he was leaving and for how long and how long he would be gone. Now, he never did that.

So, therefore, of course, after he left to go to Spain, which he did in January and then returned to the United States coming through Miami, should never been allowed to reenter the country. But, of course, the INS did not catch it and essentially did not care. That is the truth of the matter. They do not care.

There is a lot more attention being paid to it now, that is true, since September 11. But prior to that time, let me just give some examples once again of the unbelievable but true incidents or situations that we have become aware of while we have been doing this analysis of the Immigration and Naturalization Service in the United States.

Approximately 35 million people come into the United States every year on visas. Now, Mr. Speaker, not everyone visiting the United States needs a visa. People come from certain countries where we have agreements where visas are not necessary. So we have far more people coming to the United States each year. In fact, we have about 500 million visitors a year. But about 35 to 40 million come as a result of the visa process.

Now, that process is one where people go to the consulate in their home country. They fill out some forms; and it is the responsibility of that consulate official to determine whether the person making the application is indeed who they say they are, number one, and, number two, whether or not they have any sort of background that would prevent them from being able to come into the United States. So about 40 million come.

Very little attention is paid, and was up until September 11, very little attention is paid to anybody's background. They could not care less, frankly. Again, they have been told that all of these people must be treated as customers. Again, if a customer wants to come to the United States, the customer is always right. So a visa is almost automatically granted.

Once they get here, there are certain conditions that they must follow. If they are here on a student visa, they are supposed to be students. If they are here on a work visa, they are supposed to work. There is an H1B. This is a category of visa of a person, usually a white collar worker, usually in very high-tech industries, computer programmers. That is what they are supposed to do while they are here.

It is estimated somewhere near 40 percent of all visas are violated every year, 12 million, in other words. Twelve million people either stay here even after their visa says they should go home or in some other way violate the visa, as many of the 19 hijackers of September 11 did.

The process is one where if someone violates their visa or if someone commits a crime while they are in the United States as a visa holder, they are taken to court. But they are not taken, Mr. Speaker, to a regular court, the kind of court that we would be taken to if we violate the law. Not a district court, not a county court. They are taken to an immigration court. And believe me, there is a significant difference.

What happens at that point in time is fascinating. And I will tell another anecdote, another story in a moment, another incredible but true story.

They can go to the immigration court, charged with a crime. It could be as insignificant as overstaying a visa. It could be as significant as murder. Crime brings them there. They get arrested and end up in front of a judge, and the judge listens to the case, and he either gives bail or he throws the case out of court or he orders the person deported. Then they are essentially turned over to the INS; and that is where the problem begins, as we can imagine, turned over to the INS for their handling of the case, for their enforcement essentially.

□ 1900

Now, would you believe, Mr. Speaker, that there are, as we sit here tonight, at least 300,000 people wandering around in the United States of America completely free to do whatever they are doing and want to do, 300,000 people who have, in fact, been ordered deported, but the INS has not taken charge of it? They have simply let them walk. And they have done so because, I contend, Mr. Speaker, the INS does not care.

We have documentation; and I will read from a letter I received, an e-mail message we got not too long ago, like we get so many times, as I say, hundreds sometimes in a day, and it has now accumulated into the thousands of letters about this issue, and e-mails about this issue, and one of them came from an INS agent. Again, I will read part of it later, but he essentially expresses the opinion that the INS does not care, does not want there to be any close scrutiny of these people. The whole idea of internal investigations, internal security and what happens when people come across the border illegally, or what happens if they overstay, do they go after them? The answer is absolutely not.

There are literally millions of people here. I am using the figure of 300,000, which I gave earlier, Mr. Speaker, which only refers to people who have actually been to a court and then ordered deported but have not gone anywhere. When we talk to the INS, they say I do not know where they are; I have not the slightest idea. This is a favorite response of the INS to almost every question; it is a shrug of the shoulders. I do not know. I do not know where they are, have not the slightest idea. After all, we can only look at so many people. How can we follow all these people? They give you a million excuses. But, of course, that is their job. Theirs to have internal security, but nobody cares much about it. So 300,000 people that have been ordered to be deported that the INS have done nothing about, did not take them to the border and deport them.

One anecdote here to add to this list of incredible but true, unbelievable but true, however you want to put it. I will give an example of something that happened. Again, every day I am telling somebody about this and they will come to me and say, ah, that is nothing, listen to this. It is astounding now. Our files, if we stacked them up here, they would reach higher than the sign here.

A magistrate, an INS magistrate told the story to a Member of Congress about a person that came before him as a criminal. He had been arrested. He was about, I think, 18 or 19 years old, if I remember correctly, but he had no identification on him. He had mugged

an old lady, I think broken her arm or leg and had stolen her purse. Anyway, he had been arrested and taken to immigration court. The judge listens to the case and orders him deported. Actually gives him a choice: Do you want to go to jail, or do you want to get deported? Well, the kid I think probably made the right choice under that circumstance and said I would just as soon go back to Mexico, which is where he had come from.

He told the judge and the arresting officers that he was an illegal alien; that he was here without permission. And he had no identification. He gave his name, or he gave a name to the police and to the judge. They actually, in this case, did take this particular person then, put him on a bus, and sent him to Mexico through San Diego, I believe. Shortly after this gentleman got into Mexico, he called his mother and said, okay, will you bring down my ID now. Because, of course, this gentleman was not an illegal alien. He was born in the United States, his parents were born in the United States, his grandparents were born in the United States. He was not here illegally.

But he had learned, Mr. Speaker, he had learned that if you say you are an illegal alien, you will be taken to immigration court and you will not find yourself in a prison, or even in a jail waiting to go to prison. You will be sent on a trip, in this case down to Mexico. So he called his mom and said, would you bring down the ID; and his mom dutifully got in the car, drove down to Mexico, drove across the border, I guess it was 100-some miles from their home, handed him his ID and he then, of course, came right back across the border with her, showing his ID to the INS agent, the border guard, as if anybody paid attention even there, but showed his true ID and came into this country as a citizen.

All records of the original offense, of course, were attached to that person that was deported to Mexico, not to the person that was coming back in. Two different people. This guy was an American citizen. But he knew how corrupt, how messed up the system is. He knew that it was better for him to pretend to be an illegal alien and take advantage of the laxity, the incompetence, whatever you want to call it, of the INS to get away with his crime. Amazing, but true.

Here is another one. Would you not think, Mr. Speaker, that it would be only appropriate, certainly expected that a high-ranking official of the INS would understand the words ''legal'' and ''illegal'' and the definition of the word ''crime''? Would that be asking too much? Perhaps we need to give a test to every potential administrator at INS so they could actually define these words; because evidently, Mr. Speaker, some of them are having a very difficult time with the English language and with understanding the English language.

Here is what I mean. Mr. Fred Alexander, the deputy district director for the Immigration and Naturalization Service. Fairly high-ranking position, would you not say? A position where you would expect someone to be able to understand the English language? Well, I am now going to attribute what he is quoted as saying to language problems. I am not going to suggest that he is actually abetting criminal behavior, aiding and abetting or encouraging criminal behavior. That is too much to suggest. Because if you actually ended up maybe prosecuting this gentleman for aiding and abetting criminal behavior, he would be moved up to an even higher position within the INS, following INS protocol.

Here is the comment by Mr. Fred Alexander: ''It is not a crime to be in the United States illegally.'' It is not a crime to be in the United States illegally. Is there something wrong here? Maybe it is just that he does not understand the English language; does not know what a crime is; does not know what the words illegal and legal mean, the difference between those two.

He went on to say: ''It is only a violation of our civil law.'' Now, evidently a violation of a civil law is not a crime. If you are here illegally, it is not a crime. What kind of a statement is this? It is a reflection of what the INS thinks their job is. They believe themselves to be social workers. They believe that they were put here to encourage immigration into the United States, and it does not matter how anybody gets here.

The INS, for the most part, I will contend, Mr. Speaker, would just as soon there be no borders whatsoever. The INS would then find themselves in a position of sending out agents to countries all over the world to explain why they should come to the United States, and that the fact is there would be no restrictions against them doing so and everything will be better off as a result of hundreds of millions of people crossing our borders.

I believe that that is the motivating factor and the real basis, the ethos, of the INS, I do believe, after all the things we have come across here, after all the things that have been e-mailed or faxed to our office by thousands of people, some of them wanting to know what they could do about this horrendous problem; but many others are like the gentleman I am going to read or address here in a moment.

We got this in our fax just a short time ago. I cannot reveal his name right now, except to say that he, according to his letter, works for the INS. And I will just read excerpts from his letter so as to avoid any indication of who he is for fear of whatever retribution might be in store for him.

''I wanted to write you and let you know that I, as well as my entire extended family and all my close coworkers and friends, appreciate your efforts to reform our immigration policies.'' That is the kind of thing they usually start out with. They are not alone, and believe me, I know it. We are inundated with not just faxes and e-mails but people coming to the office, INS agents, present and past INS agents, telling me essentially the same thing; thanking us for doing what we are doing here, trying to reform that system.

I think my colleagues could understand those kinds of things happening, Mr. Speaker. We have all been confronted by a Federal employee in this agency or that who is disgruntled and wants to come and tell his or her story. We have to oftentimes look at it in light of what the circumstances are: Have they actually gotten into some sort of trouble, are they being fired or something other? But never, ever have I had so many people from the same agency coming to tell me of the problems that they face there.

He says, ''I currently work for the Immigration and Naturalization Service and have for'' blank years. I am not going to say. He goes on to explain what his background has been. He served in a variety of different capacities in the INS and he was recently transferred. He said, ''Every honest border patrol agent will tell you that every illegal alien makes it through the border, it just takes some longer and more attempts than others to get across. In any event, make no mistake about it, every determined illegal alien, from the youngest of the young to the oldest of the old, and even disabled aliens can find a wheelchair, and make it to the interior of our cities. Once they are there, they live amongst us with very little fear of discovery and deportation.''

An absolutely true statement. And even those outside INS know this is true. There is not a Member on this floor, and certainly probably most of the population of the country recognizes that once an illegal alien is here, the chances of their ever being returned to their country of origin are slim to none. It is because the ethos inside that Department says, come on, come on over.

He goes on to quote something, this gentleman who wrote me, goes on to quote something that his employer, one of his supervisors told him that puts in a nutshell everything I have said about the INS and the ethos there, the thinking. He said, ''I would also like to point out that probably close to half the illegal aliens in our country first entered under some sort of legal method and subsequently violated or overstayed their original status.''

This is what I mentioned earlier: came here through a legal process, under a visa perhaps or some other process, but then just simply stayed. And there are literally millions. We are not sure how many. Figures range from 7 to 15 million. No one really knows, but we know it is in the millions, and I certainly believe it is in the double digits.

''Here in the interior,'' he said, ''there is almost zero enforcement operations which target these violators.'' Absolutely true. Documented time and

time again. ''Finally,'' he said, ''I would like to make you aware that I believe the INS is totally mismanaged.'' Again, a common theme. ''After writing that, I feel it is a complete understatement,'' he said, ''but the English language probably doesn't have a word which would convey my sentiments without being vulgar.''

When he was transferred to this particular district office, he said that his new supervisor said to him, and we have heard this phrase over and over again, Mr. Speaker, ''Now, listen, big cases, big headaches; little cases, little headaches; and no cases, no headaches.'' ''That in a nutshell,'' this individual writing me goes on to say, ''seems to be the INS management philosophy.''

□ 1915

''That same supervisor told me not to be too gung ho about doing my job because the United States is not ready for an efficient immigration service.'' The letter concludes that he would be happy to discuss this later with me, and that sort of thing.

Mr. Speaker, I think that in a way sums up the attitude of the INS with regard to what their job really is. Big cases, big headaches. Little cases, little headaches. No cases, no headaches. And do not be too gung ho about doing your job because the United States is not ready for an efficient immigration service. Maybe this supervisor is right, and we are not ready for an efficient immigration service. I disagree.

There was a time when I would stand on the floor of the House, as I do tonight, and ask my colleagues to join me in an effort to reform the Immigration and Naturalization Service, and there would be relatively little comment except from the general public. I would hear from folks all over America. When I get their e-mail address or any other way to contact them, we try to respond, and we have thousands and thousands who have contacted us in that way.

I would be asking my colleagues time and time again for their help on this issue, and this gentleman's observations were accurate. Nobody really cared that we did not have an efficient immigration service. There were political problems with trying to make it efficient.

One party, the Democratic Party, recognizes that there is a great deal of political support that they get from the immigrant communities; they want to encourage massive immigration for that purpose. The other party sees that there are both business interests and political problems that develop as a result of actually trying to do something about immigration reform.

Many businesses are not happy about what I talk about here on the floor and, believe me, I hear from them. They suggest that it is my responsibility to make sure that they have a cheap work force. That is really what it boils down to.

They seldom say it in just those terms. It starts out ''Mr. Congressman, I have to hire them to do the job.'' We explain that we would be willing to look at some sort of guest worker program, but people should come to the United States legally. I try to encourage them to think about that as the right way to do it. Maybe, yes, they will have to pay more money for the service. Employers do not like to hear that. I was an employer, and I recognize that an employer is always looking for the best help at the lowest wage.

But the reality is that there are tremendous problems as a result of massive immigration to the United States, and especially massive illegal immigration to the United States. Because of the problems that I have identified with both political parties, for the longest time, we could not get anyone to pay attention. I would come to the floor and say, there are problems with standard quality-of-life issues with massive immigration, with the balkanization of the American culture and society; and there are national security problems with not being able to control our own border and not knowing who is coming across at any given time, not knowing what they are doing here, or if they have gone home when they are supposed to go home.

I recognize that there are massive problems with actually trying to secure our borders. Let me suggest, although I certainly hope that we will use the military, either the Active Duty military or the National Guard, to secure our borders, along with using all kinds of technology that is available. We are not talking about having guards standing shoulder to shoulder across thousands of miles between Canada and the United States and Mexico and the United States, I am talking about patrolling, use of sensors and overflights, and there are a variety of ways.

I am also talking about deploying massive numbers of people for internal security purposes. We started talking tonight about security issues. How much more relevant are the discussions with regard to the internal security of the United States than just the person who looks through that little machine and screens our bags? I want good ones, but I am trying to keep the bad guys from coming here in the first place.

We cannot just stand at the border and say, you look like someone who wants a job; even though you are illegal, there is probably an eager employer willing to hire you and oftentimes, unfortunately, exploit you. We could do that and try our best to figure out which ones we want to let in illegally.

The INS would be all for that, by the way. They would say, let us look for certain characteristics. Are they Arabs, let us keep them out. Even those, we have to be more specific. The reality is we cannot do that. If we are going to have secure borders, that means that we are going to stop all people from coming across the borders illegally.

We have to stop it, Mr. Speaker. We have no alternative but to try and control our borders. It is a very difficult task. Everybody recognizes that. But I suggest that we have to rise to the occasion.

There is hopefully legislation that will be making its way through the Congress. I understand that there will be some legislation coming up soon that will actually do something about the INS structure. I am not sure what it is right now. I think that the chairman of the Committee on the Judiciary is developing it. I hope that it is comprehensive in nature. I hope that it actually abolishes the INS, or the part of the INS that is designed to deal with security and enforcement. I hope that it abolishes that responsibility that we give to Customs, to the Department of Agriculture, to the Coast Guard, and a variety of other agencies that are cobbled together in order to try and create some kind of border security.

Right now there are so many agencies with such conflicting responsibilities and specific regulations as to what they can do, what they can look at and what the other people cannot, people will wait on the border to see which line is being monitored by which agencies. Certain agencies can look in the trunk and certain ones cannot. So if you are trying to smuggle drugs into the country, you will pick one line. If you are trying to smuggle people in, you will pick another. Put that in the category of idiotic but true.

I hope that we abolish all of those agencies or those parts of it that are supposed to deal with border security, and I hope that we create a brand-new agency. Let us call it the United States Border Security Agency for our purposes together tonight, and all of their functions are to secure our borders and root out those people who have come here illegally and send them back. If they violated the law while here, they serve time for it.

The reality is, the nature of this place and the business we do here and the pressures that are applied by special interest groups, especially by immigrant support groups, business interest groups and others, we will start out perhaps with a very good thought in mind, and by the time it works its way through the body, it will get diluted.

People in this business hope that everybody out there simply forgets the connection between the terrorists and immigration and our lack of enforcement. The hope is that people will simply forget about it and we can get back to business as usual. Business as usual, meaning porous borders, meaning unconcerned about who is coming across and why. There are plenty of people who still want that. They desire that situation. Again, the political motivations are strong.

I hope and I assure you, Mr. Speaker, that I will never let this body forget

this, at least as long as I am here and I have breath. I will not let Members forget that 19 people came into the United States on September 11, all of them immigrants, all of them here on some status, some of them with legal documents, some of them who were here illegally because they had overstayed; and some of them, six to be accurate, we do not have the slightest idea what status they had when they came here. The INS cannot tell us about six of the individuals, if they were here on visas, here on green cards; they have no idea.

That tells us something, does it not, about exactly how those people did get here. I think they probably waltzed across the border without telling the INS and asking for a visa. I cannot even imagine such a thing, but they did. That is why when we talk about tightening visa requirements, I am all for it.

But let us assume that we get concerned about handing out visas like candy, and we begin to apply more scrutiny and we actually have a law if it is signed into law, the Antiterrorist Act, which has something which we proposed, the Immigration Reform Caucus, which said that if you are a member of a terrorist organization, you cannot come into the United States. Put this into the unbelievable but true category, Mr. Speaker.

Prior to the passage of that law, the antiterrorist law, a person could be a member of al-Qaeda, the organization that is devoted to our destruction, could be a member of that organization and that alone would not have been enough, would not have been sufficient to deny this person a visa.

There was a law on the book that said the INS cannot deny a person a visa simply because they belong to a terrorist organization or an organization that is devoted to destroying the United States of America. We did repeal that. That is good.

Now, if we find out that they are a member of al-Qaeda or an outfit that wants to destroy us, we can deny them a visa; and boy, do I feel better about that. The terrorist with his or her bomb in the bag waiting to come across, when they do not get the visa, do they go home and say, sorry, Mr. bin Laden, I cannot get my visa. You will have to get somebody else.

Does anybody believe that is what is going to happen? Does anybody believe that they will not simply use the same path that everybody else uses to come into the United States illegally, that is, the millions and millions of people who cross our border illegally? No. They will waltz across our southern border or northern border, or find a way to fly in undetected because our borders are porous, and there is no real defense mechanism, while we are wrangling over having these people who look through the screening device, whether they should be paid by the Federal Government or somebody else, as to whether that matters, as to whether they are competent. Amazing.

□ 1930

But that is what we wrangle over. And we do that to our peril.

If we do not address this issue, Mr. Speaker, if we do not do everything in our power to stop people from coming into the United States illegally, to find those who are here illegally and deport them, if we do not do everything in our power to accomplish that goal, then if, God forbid, another event similar to the 11th were to occur and it turns out that it was perpetrated by somebody who is here either on falsified papers, snuck across the border, here even legally but eventually became illegal because they violated their visa status, any one of the wide variety of reasons that someone like that can get into the United States today and stay here, if that happens, Mr. Speaker, then we are not just being irresponsible in this body, we are actually culpable, because we have the opportunity to try and stop it.

Can I guarantee that even if we implemented the most stringent border controls that we would never have an incident again like September 11? Of course not. Of course not. But I can tell you this, just because I cannot guarantee that we will never have such an incident does not mean that we should not do everything in our power to try to stop it.

We have a great window of opportunity, Mr. Speaker, in this body because the American people are with us, those of us who want immigration reform. I hear from you. I guarantee you. They want to know, they write me, they call me, they e-mail me and say, what do I do, what can I do to help? There are plenty of things that we can suggest and we do. There are bills coming up that need to be passed. There is action that needs to be taken. Suffice it to say, Mr. Speaker, that this body needs to represent the common sense that is manifest time and time again in the information I receive, from, quote, your average Americans. God bless them for being there. God bless them for being willing to come forward and tell their story, sometimes to their own detriment, to the fear of losing their job.

My immigration reform caucus, Mr. Speaker, will be holding a hearing, we believe next Thursday, at which we will have at least one individual that we have been able to obtain or we are working to obtain whistleblower status for if that is what is necessary to get him to be able to speak to us. He is an INS agent. He has been an INS agent for over 30 years. His stories about the troubled agency are again almost unbelievable but true. I hope that he will not be treated unjustly by being willing to come forward. I assure you that we will do everything we can to protect him from any retribution that might attempt to be wreaked upon him because of his willingness to come forward.

There are hundreds out there, Mr. Speaker, hundreds that are willing to tell the story. They just need someone to hear it and then act upon it. I ask this body to heed their message. They know the threat to America. These are patriotic Americans who watched what happened on September 11 and shed the tears, the same tears, the kind of tears that you and I and everybody else shed. They work for the INS. They know the problems. They know and some of them tell me in very specific terms about what they believe happened and what they believe is wrong with the agency they work for that helped cause the horrible events of September 11.

Please, Mr. Speaker, I urge you and everyone else, all my other colleagues, to move expeditiously to reform immigration, to abolish the INS, create a new, a better homeland defense organization, stop illegal immigration at the border by every method we have at our disposal, devote resources to identifying the people who are in the United States illegally, and yes, deporting them.

Mr. Speaker, these may be harsh words; but these are harsh times in which we live. Who could have thought that we would be here talking about buildings collapsing as a result of terrorists turning planes into bombs? The days to be shy about immigration reform are over with. They were over with for me a long time ago. They should be over with for all of us. I am encouraged by the response we get from average Americans. Now all I need to get, Mr. Speaker, is the same response by my colleagues here.

WORKING FAMILIES PLAY VITAL ROLE IN WAR AGAINST TERRORISM

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I am disturbed by the fact that in this war against terrorism, which we all recognize is going to be a long-term war, we are not recognizing that working families in this struggle against terrorism are very important. Working families in the struggle against terrorism have a vital role to play. It is important that we all recognize that role that working families play.

I am disturbed because of the treatment that I see working families receiving. Since September 11, we have not behaved well toward working families. They are a vital component of our long-term mobilization to make certain that this Nation is never again subjected to the kind of attack that took place on September 11. They are a vital component of a war for the Nation, a war for the whole of civilization, really, because the kind of fanatics and zealots who attacked the World Trade Center are that kind of threat. So working families should be respected and considered a vital part of whatever we are going to do in the future.

I am also concerned about the fact that some immigrants who are Americans, working families and happen to be immigrants, are being unnecessarily harassed. Particularly in my congressional district there is a large contingent of Pakistani immigrants, Pakistani Americans. They have been subjected to all kinds of harassment by the INS and the FBI. In an overzealous attempt to demonstrate that they are working hard, the INS and the FBI have arrested large numbers of people, they say more than a thousand across the Nation, in the metropolitan area it is about 250; and I know from firsthand contact that a large number of these people are innocent Pakistanis. It is ironic that the one Muslim nation that has gone the farthest out to join us in the fight against terrorism, taken a great deal of risk as a nation, is Pakistan.

Why are Pakistani Americans being lumped into the whole threat to America that it is perceived immigrants represent? Why not recognize that the President of Pakistan is coming to this country this weekend. He will be at the United Nations. He is going to talk to President Bush. Pakistan again has not reneged on their offer to make some air base space available. They are way out there with us. I think that to subject Pakistani Americans to unnecessary harassment and intimidation, some which resulted in the death of one Pakistani man in a jerry-built detention center in New Jersey, large numbers of people were being detained by the INS in a facility that was being run by the local county, the county jail, and the man had a heart attack and died. There are large numbers of others who are in detention right now whose names we cannot get. There are an unusually large number of women also who are being detained, Pakistani women. These are all people who are basically working-class people. I am emphasizing this because no wealthy Pakistanis would be involved in this. No wealthy immigrants are going to be subjected to this, either.

It is very interesting that those who talk about immigration never talk about the fact that in our immigration laws, we actually have provisions which encourage rich, wealthy immigrants to come in. We have incentives for wealthy immigrants. We put them at the front of the line. The assumption is made in this present situation where we are unnecessarily harassing immigrants, the assumption is made, I guess, that only the poor immigrants are a threat.

Why the assumption is made, I do not know, because Osama bin Laden is a rich man. Osama bin Laden comes from a very rich class of Saudi Arabians. There are many Saudi Arabians and other people from the rich Arab world that are in this country who never get harassed and never have been harassed since September 11, I assure you. There are many who have contracts with lobbying firms here in Washington. There are some really very famous celebrities and ex-government officials who work in consultant firms for these same rich people. They are not immigrants, or in some cases immigrants. The children of these rich people are here on visas all the time. They are not subjected to this. It is another case of the mentality too much in America is a mentality which is weighed in a direction which makes working-class families suspect or second class.

I do not want to fall into the trap of fomenting a class war. The people who really believe in a class war are quick to accuse liberals and Democrats and progressives of wanting to start a class war. The class war is not even a war. The people who are in control in our country who have the greatest part of the wealth and the power, they are so overwhelming in their power that they dominate the working class. It is not a war. It is just a domination, the way they push the interests of the working families around.

There is no better example of that than what has occurred since September 11. Consider the fact that we passed a bill to bail out the airline industry, $5 billion in cash for them to divide up among themselves because of losses we say they suffered as a result of being grounded by the Federal Government after the September 11 attack. They were able to play with that, and they are going to get another $15 billion in loans. That is for the airline industry, the executives, et cetera. At the same time many of us pleaded that at least the airline employees should be taken care of in the same legislation, because, after all, when you grounded the airline industry, the planes, you also took away the employment of the people who work on those planes either in the base or in flight or the supporting services at the airports.

So why not have a relief package for them? Because of that traumatic economic blow to the airlines, they were already beginning to lay off large numbers of workers. So we said, the workers who are laid off, let us provide for them. We got from the Republican majority an insistent no, an ideological no. There was a lot of talk about ideologues. A blunt no, we will see about them later. We even got some half-hearted promise that next week. Well, next week has not come yet. There has been no particular special relief for the airline industry employees. We are now moving through the preparation of an economic stimulus package where the same ideologues are insisting that we should not have any great amount of relief for the unemployed in general. The unemployed people are at the very bottom who are suffering greatly from this economic slump that was given a great boost downward. It was pushed downward and made more serious by the September 11 attack.

We ought to stop and consider what our long-term mission is here. We have had forced upon us the need to consider what is the United States of America all about. Before September 11, we were the most powerful Nation in the world.

□ 1945

We are the most powerful nation that ever existed on the face of the Earth. We were prosperous, very smug, and anybody who said we needed to stop and think about our relationship with the rest of the world and what our mission is as a nation and how our mission as a nation is important, because in defining that mission, we not only protect ourselves and defend ourselves and guarantee our children and our grandchildren will enjoy the same kind of liberty, prosperity and comfort that we enjoy. That is the dream I think every person has.

I am a grandfather, and I look at my grandchildren and say I want them to have a world as good as the world I am, and, if possible, better. So we want a better world. We cannot do that by acting in isolation as the United States of America.

A lot of us understood that before. Since September 11, most Americans are beginning to hear from the leadership that that is an impossibility, starting with the leadership in the White House. Appropriately, President Bush moved to establish a coalition, what is called a coalition, but the coalition is to deal with terrorism. The coalition spirit should be a permanent spirit.

In defending ourselves against terrorism, we are coming to grips with what our Nation is all about, what civilization is all about. Because the people who have perpetrated these terrorist acts are striking at the very jugular vein of our Nation and our civilization.

Our long-term mission has to be to understand that we stand for certain values, and those values are what bring about our enemies. The people who perpetrated the terrorist acts on September 11 do not like those values.

We should not cry about it or spend undue time worrying about whether we are liked or not. The question is, why are we not liked, who does not like us, and what do we think of the people who do not like us?

People hate our values, and we should not get into the trap of one religion being set up against another. Certainly Osama bin Laden wants to make it a conflict between Christianity and Islam. A lot of other people would enjoy having the real issue hidden under crosses and past history of crusades, et cetera. But we are not a country that accepts religion as a basis for our being. We are not a country that adopts one religion.

We have a certain value system, and the value system is really what upsets our enemies most. Whether we were Christian or Jewish or any other religion, they still do not like the value systems that are defined and set forth and promulgated by the Declaration of Independence and the Constitution.

Probably more so than the Constitution, the Declaration of Independence defines what America is all about. It is not a legal definition, because the Declaration of Independence, the preamble, is not a legal matter. You do not go to court on that. The Constitution is a legal document that we have a lot of wrangling about, back and forth in the court.

But Thomas Jefferson's declaration that all men are created equal and are endowed by certain inalienable rights, and among those are life, liberty and the pursuit of happiness, is the core of the spirit of what this Nation is all about, the core of our democracy and what it is all about, the core of what we carry about throughout the world, the core of what the world is responding to.

Anybody who says we are more hated in the world than we are liked in the world, I challenge them right away. I think we are more imitated, admired, and people would duplicate our system, if they could, ordinary people.

We have leaders out there, fanatics, zealots, who would like to see this belief in the equality of all men ended. And we should stop saying all men, but say all humans, because we clearly believe that women should be equal to men. That upsets a large number of people throughout the world. Equality of men and equality of women.

We do not subscribe to a system which says that you have got some people up here who can be ayatollahs or chiefs or kings or sultans or potentates that have a right to trample on the people underneath them, that the lives of the people at the bottom of the economic ladder are not as good as the lives of people at the top; that they do not deserve the same system of justice, the opportunity to improve themselves; that they do not deserve an education.

The spirit of America is what the enemies of America hate. That spirit is summed up in the statement about life, liberty and the pursuit of happiness, and all human beings are created equal.

It does not matter what happens in our foreign policy today, tomorrow or the next day. If you do not back away from believing all men and women are created equal and we continue to have a democratic system, and we are going to have decisions made as fair as possible and keep trying to perfect it to make it real, we are going to offend large numbers of people throughout the world. Large numbers of zealots and fanatics are always going to be attacking us.

Do not worry about whether they like us or not. We have a mission to try to go throughout the world and make people understand how important this is.

We have succeeded greatly in expanding democracy in the 20th century. Just stop and think about two very sophisticated, powerful nations with influence stretching over large areas of the world who became definite democracies. Without question, Japan and Germany, after the defeat in World War II, became democracies. Whatever else they are, nobody challenges; nobody would question the fact that Germany is a great democracy now and will be tomorrow. There is no likelihood that they are going to sink into fascism, totalitarianism. Germany is clearly a democracy. We accomplished that.

The transformation of Germany, some people said, well, we do not engage in nation-building. That is bad. Call it what you want. We did not exactly nation-build in Germany. They had a nation, very rigid rules and social strata. All kinds of things are happening there, and it is still happening in many cases.

It is just as in the case of Japan. We did not knock down traditions in Japan. We did not turn around their religion. We did not turn around their deeply entrenched practices with respect to marriage and a number of other things. But Japan is a democracy. Germany is a democracy. Two great nations with a lot of influence are moving forward as democracies.

The Soviet Union, which most of us felt in our lifetime would never be called a democracy, is struggling and moving and has operated for a number of years now, 10 years, as a democracy, a struggling democracy. A huge nation, but a very large sphere of influence.

Democracy. Democracy moves on. We should not back away from that mission.

India, whatever problems India may have internally, India is a democracy. The untouchables in India probably feel like blacks felt in America 20 or 30 years ago, and there are still a lot of things to be done about the way untouchables are treated in certain regions. But India is basically committed to democratic rule. They have gone through a lot of tribulations and travails, social and political travails, but they have not yielded to any temptation to lapse back into something other than democracy.

So our way of life, our mission in the world, is to perpetrate that democracy. That may mean we need to go to war when it is necessary, when we are attacked. I must say that people who say that what is happening in Afghanistan is similar to what happened in Vietnam are starting out with the wrong premise. The Vietnamese never attacked us. Whatever you may think about the war in Vietnam, we were never attacked. They did not perpetrate 5,000 casualties on us in the first day of the war.

A war was declared upon us. Even the Japanese at Pearl Harbor did not hit as many casualties, and they did not hit the mainland of America. So war was declared upon us via an attack on the mainland of America. As a nation, there was no choice but to accept the challenge and go to war. The nature of that war and how we conduct it is something we can debate about, but war was necessary.

We are at war physically. Militarily we are at war. But we also are at war for the minds, and we understand the minds of the world, the minds of human beings all over the world are part of this war and effort.

So we must, as we conduct this war and understand our long-term mission, understand that working families are very vital in this struggle against terrorism. How working families are treated, how they are included, how they are allowed to participate, how we show concern for their problems is vital to the effort to win the war against terrorism and to win the war for a democratic world, where all men and women are seen as equal, where life, liberty and the pursuit of happiness are the values of the people who are in charge of nations.

Barbarians are anyone choosing to define themselves as being against all this, who are our enemies. The barbarians are against equality, equal rights for all men and women. They are against life, liberty and the pursuit of happiness as being a basic set of rights. They define themselves. We do not have to wrangle about their way of life or their religion, whatever. If you are against equality for all people, if you are against the right to life, liberty and the pursuit of happiness, you are our enemy. You define yourself, and we are committed.

We must maintain a mission to deal with that enemy. As long as the enemy believes that way and does not attack us, certainly we will not attack them. It is a battle of words. It is a battle of ideas. It is a battle of moral concepts. We would like to see it return to just a battle of words, ideas and moral concepts.

But since it is a hot war, a military war, engagement is taking place, working families and the sons and daughters of working families are very much involved in that war. If you look at percentages, I assure you the percentage of the people who are running the operation, whether it is the women in the rear, in the ships and the planning of the logistics or whatever, or the men who are in the Special Forces teams that landed already or are getting ready to land, you are going to find that large percentages of those people, overwhelming percentages, are from working families.

How dare we ignore the needs of working families when, if you did not understand how vitally important they are before, you certainly must acknowledge now how vitally important they are? Because this is nothing new. In all the wars that have ever been fought, there are always working families, people on the bottom who make the greatest sacrifices. Their sons and daughters have been the cannon fodder in every war since the Revolutionary War onwards.

Therefore, if we are wise and we want to continue the progress of our Nation

and fulfill the vision of the Declaration of Independence, working families should be treated well. They are on the battlefields, wherever they are. They sacrifice, they take the great risks. They are on the battlefield domestically. They are needed very much as we try to shore up our home security.

There are a lot of problems that we have just because we do not have the personnel, quality personnel, to fill jobs. I have spoken about this before, but, since then, just last week, the Government Office of Personnel launched a major campaign to get young people to come into the government. We are trying to entice people in to fill the positions.

There are investigative positions, there are analyst positions, there are positions in the computer areas, and there are, of course, translators. I talked about that before. There is a great need for translators, people who can translate from Arabic, from Farsi, just as an example.

So we have a great need that cannot be filled by educating just the middle class and elite children. I have talked about this many times. Our public education system, which is an American invention, public education, which sets forth the credo that all children should be educated, it is one of the great contributions to civilization.

It is also one of the reasons that we are greatest Nation in the world. Step by step, when we need it, the brain power to go forward, the brain power has been there. Thomas Jefferson understood that we had to get away from educating people just to speak Greek and Latin and deal with philosophy and religion. They have to be educated in the arts of farming, engineering, et cetera. So he was the creator of the model for the land grant colleges which came later.

Of course, those land grant colleges established in every State were fed by a system of public education, which, in State by State, over the years, has been very much imperfect, and there are many problems. The problems did not just begin a few decades ago. We have always had problems.

But we must rush now to solve those problems by making certain that working class families, children of working class families, get a first-class education, because in addition to them being our first defenders on the battlefields of the world when there is a military conflict, they are also the ones that have to replenish the human resources that we need to run the CIA, to run the FBI, to run the INS, to take care of a very complex society.

□ 2000

Even the airplanes and the aircraft carriers and the tanks and all of the weapons require educated people to operate them at this point. So it is imperative that we recognize the vital role of working families and we end what has happened this year in this country, this House of Representatives. What has happened this year is that since September 11 it has come out more than ever before that there is great contempt for people in the working class. Working-class families are being treated with great contempt. The majority of Republicans show again and again their great contempt for the working families of America. Minimum wage, they refuse to talk about it at all. We have not increased the minimum wage. We have not each even had a chance to discuss it.

Mr. Speaker, I am making a plea to my colleagues that we end the contempt, the class contempt and the class hostility that is reflected in the way we have treated working-class families in this Congress. We refuse to discuss minimum wage, so people are mired at the very bottom and have had no movement for the last 2 years. No discussion of it at all.

What has happened since September 11? There is an article that appeared in The New York Times on Tuesday, yesterday, which I think is a very thorough analysis in a very compact way of what has happened to working families. The article in The New York Times, Tuesday, November 6 is entitled: ''A Tax Hit Low Pay Jobs the Hardest. Many of the unemployed were in the service industry.'' It is by Leslie Eaton and Edward Wyatt. ''The terrorists,'' and I read a quote from the article, ''The terrorists who attacked the World Trade Center may have been trying to crush American capitalism and its masses of the universe on Wall Street, but the economic impact of the attack is felling a very different group of people: cooks, cab drivers, sales clerks, and seamstresses. Workers in traditionally low pay industries like restaurants and hotels, retailing and transportation, have been hit hard in the fallout from September 11, according to a new analysis from the New York State Department of Labor. A report released yesterday by the labor-backed Fiscal Policy Institute forecasts that almost 80,000 people will have lost their jobs by the end of the year, and that 60 percent of these positions paid an average of $23,000 a year.''

That is far below the citywide average salary of roughly $58,000 in New York City. New York City has a slightly higher salary scale and standard of living. If we want to know who I am defining as working families, I am not going to get into trying to deal with expert definitions, but let us just say anybody who has a family and they are making less than $50,000 a year can consider themselves in a working-family situation. The working families income-wise. There are other features. People have to get up every day and go to work. There are some people who may get $50,000 a year from their investments in the stock market or various interest-bearing accounts or real estate, but the people have to get up and go to work every day and are making less than $50,000 a year are clearly people who belong to working families; and there are an overwhelming majority of people in America who fall into this category.

Continuing to read from the article that appeared in the New York Times on November 6: ''The spillover effect hit the retail and service industries very hard in New York City, said James Parrott, the chief economist for the institute, and those tend to be lower wage jobs. A sudden decline in these jobs marks a sea change in the economy since September 11. Earlier this year while the job market was softening, the losses were concentrated among white collar workers like dot-com programmers, stockbrokers, and advertising executives. Now they are concentrated among people like Kim Daily. A single mother of two, Ms. Daily worked her way up from a $6 an hour job picking up room service trays to a $15 an hour job stocking mini bars at the World Trade Center Marriott. When the hotel was destroyed on September 11, so was her job. She has not been able to find another job. It is not for lack of trying. She stood in line for 4 hours outside a city-sponsored job fair, but never even made it to the door. She has been talking to a union, but the only position available so far was so tip-dependent, that she wondered if it would cover her $700-a-month rent. A job bank had only a few hotel positions, and none of them paid anywhere near the $25,000 that she earned at the Marriott last year. I do not want to go for less money, she said. But a changed job market raises huge challenges for the city at a time when hundreds of thousands of families have moved off the welfare rolls.''

Here is a welfare recipient who got a job for $6 an hour. She worked up to $15 an hour, and $15 an hour comes out to $25,000 a year in her pay, so we are certainly not talking about wealthy, well-to-do people. We are talking about people who are working ever day, but getting very low pay.

Continuing the article: ''The changing job market raises huge challenges for the city at a time when hundreds of thousands of families have moved off the welfare rolls. The most successful of these former welfare recipients, as well as many newcomers to the country, found jobs at the hotels and restaurants, as cleaners of office buildings, and as messengers in lower Manhattan. Now that the economy has exploded along with the World Trade Center, their prospects of staying in the world of work have diminished, said David R. Jones, the President of the Community Service Society of New York, which has been helping workers who lost their jobs after September 11. His group is recommending a government-financed jobs program, he said. Otherwise we will have people sitting on stoops, getting a little check and doing nothing, he said.''

That is David Jones of the Community Service Society talking. He is more optimistic than I am. Given welfare reform, there are a lot of these

people who are very needy, desperately needy, who will never get a welfare check. They will never be sitting on a stoop doing nothing, because the way the system operates now, you can almost starve. Your family can go completely mad before you get any help.

Continuing the article: ''How many New Yorkers are unemployed is unclear. In a government survey taken in the week of September 11, which anyone who worked at all was counted as employed, 223,100 people in New York were looking for work. That was an increase of almost 20,000 people in a month. The unemployment rate hit 6.3 percent. The October survey will not be released for several weeks, but its results are included in Federal figures which were released on Friday. Those Federal figures show that a surge in national unemployment rose by half a percentage point to 5.4 percent,'' and we have all been reading about the fact that that surge to 5.4 percent represents the highest unemployment for the last 20 years. The unemployment rate is higher now than it has been in 20 years.

''Unemployment insurance covers only about a third of unemployed workers. The number of people applying for benefits in the city have soared. Last month, an average of 12,745 people a week had applied. A year ago, that figure was merely 5,616 a week. A special program, Disaster Unemployment Assistance, is supposed to help those who are not eligible for unemployment insurance because they work part-time or they were self-employed before. They are not eligible. But only 2,350 people are now getting those benefits.''

In other words, out of the 12,745, only 2,350 are getting those special disaster unemployment benefits in New York State.

''Almost 25,000 people told the New York State Department of Labor that they lost their jobs because of the Trade Center disaster. The analysis said that the first 22,000 of these claims found that about 16 percent worked at bars and restaurants, 14 percent worked in hotels, and 5 percent worked in air transportation. Only 4 percent at Wall Street brokerage firms.'' And many of them have been relocated to some other place. They have fared the best.

''The largest group of people, 21 percent, worked in a category called business services. Many of these were temporary workers like Lisa Mendes, a single mother who lost her job as an accounting clerk on September 12. In years past when one temporary job ended, she could pick and choose among the offerings of the agencies. Now there is just nothing there. Ms. Mendes is typical of the unemployed in another way: she lives in Brooklyn. The Labor Department analysis said that almost 26 percent of the people who said they were jobless because of the twin towers collapsed lived in Brooklyn.''

Brooklyn happens to be my home borough. The 11th Congressional District is located in the center of Brooklyn.

''Twenty-four percent of the people lived in Queens, 12 percent lived in the Bronx, and just 18 percent live in Manhattan where most of the jobs are located. Ms. Mendes, who is from Jamaica, is lucky of the many of the unemployed because she speaks English and she can use a computer. The Consortium for Worker Education, which runs a special program for people unemployed because of the disaster, and they have already counseled 3,200 people, they have 5,000 jobs in that special bank,'' for people who can handle that kind of need, I mean are familiar with computers. ''Most of them are back office jobs, data entry jobs, word processing jobs, administrative assistance, said Sal Rosen, the Associate Director of that group.

''Hotel and restaurant employment has been devastated by the destruction of the trade center and the steep drop in tourism that followed. Most restaurants are not unionized, but Local 100 of the Hotel Employees and Restaurant Employees Union, which represents about 6,000 restaurant workers, say that 10 percent of its membership lost jobs immediately after September 11. About 200 of those, 600 have since found work, but not necessarily in restaurants.

''John Haynes has a short-term job at the Immigrant Workers Assistance Alliance helping undocumented workers. Until September 11, he cooked meals on the 106th floor of the World Trade Center for the 250 employees of Windows on the World. He said he earned $408 a week before taxes, about $25,400, and he lives in a public housing unit in the Bronx.'' Mr. Haynes is of course quite happy that he escaped death, first of all.

''The tourism and travel drought has hit many businesses in Queens, according to a new report by the Center for an Urban Future, a public policy group. Airline workers, freight forwarders, truckers and limousine drivers are all hurting.'' And on and on it goes.

They also included in the same article a chart which breaks out 10 occupations that were most affected by events of September 11, unemployed after the attack. The occupation: waiters and waitresses. The estimated layoffs were 4,225 as a result of September 11 events. The average hourly wage of those waitresses and workers was $7.08 an hour. Cleaning and maintenance workers about 3,365, have lost their jobs. Their average wage was $14.90 an hour.

□ 2015

Sales representatives (retail), 2,843. Their average wage was $9.15 an hour; food preparation, 2,284, and they made $8.90 an hour; cashiers, 2,282 and $7.36 an hour they make; housekeeping workers, 1,840, and $13.42 they make; food preparation and fast food service, 1,718 have been laid off, and $7.09 was their average wage; general managers and top executives, 1,367 have lost their jobs. Their average wage per hour was $51.34; sales supervisors, 1,183, and $22.42 an hour; service supervisors, about 1,070 have lost their jobs, and they made $16.46.

This chart is for ten occupations most affected by the events of September 11. It appears in the New York Times Tuesday, November 6.

I include for the RECORD the entire article.

The article referred to is as follows:

[From the New York Times, Nov. 6, 2001]

ATTACKS HIT LOW-PAY JOBS THE HARDEST

MANY OF THE UNEMPLOYED WERE IN SERVICE INDUSTRY

(By Leslie Eaton and Edward Wyatt)

The terrorists who attacked the World Trade Center may have been trying to crush American capitalism and its masters of the universe on Wall Street. But the economic impact of the attack is felling a very different group of people: cooks, cabdrivers, sales clerks and seamstresses.

Workers in traditionally low-wage industries, like restaurants and hotels, retailing and transportation, have been hit hard in the fallout from Sept. 11, according to a new analysis from the New York State Department of Labor.

And a report released yesterday by the labor-backed Fiscal Policy Institute forecasts that almost 80,000 people will have lost their jobs by the end of the year and that 60 percent of these positions paid an average of $23,000 a year. That is far below the citywide average salary of roughly $58,000.

''The spillover effects hit the retail and service industries very hard in New York City,'' said James Parrott, the chief economist for the institute. ''And those tend to be lower-wage jobs.''

The sudden decline in these jobs marks a sea change in the economy since Sept. 11. Earlier this year, while the job market was softening, the losses were concentrated among white-collar workers like dot-com programmers, stockbrokers and advertising executives.

Now, they are concentrated among people like Kim Daily. A single mother of two, Ms. Daily worked her way up from a $6-an-hour-job picking up room-service trays to a $15-an-hour job stocking minibars at the World Trade Center Marriott.

When the hotel was destroyed on Sept. 11, so was her job. And she has not been able to find another one.

It is not for lack of trying; she stood in line for four hours outside a city-sponsored job fair but never even made it in the door. She has been talking to her union, but the only position available so far was so tip-dependent that she worried it would not cover her $700-a-month rent. A job bank had only a few hotel positions, and none paid anywhere near the $25,000 she earned at the Marriott last year.

''I don't want to go for less money,'' she said.

The changed job market raises huge challenges for the city at a time when hundreds of thousands of families have moved off the welfare rolls. The most successful of these former welfare recipients, as well as many newcomers to this country, found jobs at hotels and restaurants, as cleaners at office buildings and as messengers in Lower Manhattan.

''Now that the economy has exploded along with the World Trade Center, their prospects of staying in the world of work have diminished,'' said David R. Jones, president of the Community Service Society of New York, which has been helping workers who lost their jobs after Sept. 11.

His group is recommending a government-financed jobs program, he said. ''Otherwise, we'll have people sitting on stoops, getting a little check and doing nothing,'' he said.

How many New Yorkers are unemployed is unclear. In a governmental survey taken in the week of Sept. 11, in which anymore who worked at all was counted as employed, 223,100 people in New York City were looking for work (after adjustments for seasonal factors). That was an increase of almost 20,000 people in a month. The unemployment rate hit 6.3 percent.

The October survey will not be released for several weeks, but its results are included in federal figures, released Friday, that showed a surge in national unemployment, which rose by half a percentage point, to 5.4 percent. Unemployment insurance covers only about a third of unemployed workers, but the number of people applying for benefits in the city was has soared. In the last month, an average of 12,745 people a week has applied; a year ago, that figure was 5,616.

A special program, Disaster Unemployment Assistance, is supposed to help those who are not eligible for unemployment insurance (usually because they worked part time or were self-employed). But only 2,350 people are now getting those benefits.

Almost 25,000 people told the New York State Department of Labor that they lost their jobs because of the trade center disaster. An analysis of the first 22,000 of those claims found that about 16 percent worked at bars and restaurants, 14 percent worked at hotels and 5 percent worked in air transportation. Only 4 percent worked at Wall Street brokerage firms (many of which simply relocated workers to Midtown or New Jersey).

The largest group of people—21 percent—worked in a category called business services. Many of them were temporary workers, like Lisa Mendes, a single mother who lost her job as an accounting clerk on Sept. 12. In years past, when one temporary job ended, she could pick and choose among the offerings at the agencies. Now, ''there's just nothing there,'' she said. ''It's scary.''

Ms. Mendes is typical of the unemployed in another way—she lives in Brooklyn. The Labor Department analysis found that almost 26 percent of those who said they were jobless because of the twin towers collapse live in Brooklyn; 24 percent live in Queens, and 12 percent live in the Bronx. Just 18 percent live in Manhattan.

But Ms. Mendes, who is from Jamaica, is luckier than many of the unemployed because she speaks English and can use a computer. The Consortium for Worker Education, which runs a special program for people unemployed because of the disaster (and has already counseled more than 3,200 of them) has 5,000 jobs in its special job bank.

''Most of them are back-office jobs, data entry, word processing, administrative assistants,'' said Saul Rosen, associate executive director of the group.

Hotel and restaurant employment has been devastated by the destruction of the trade center and the steep drop in tourism that followed. Most restaurants are not unionized, but Local 100 of the Hotel Employees and Restaurant Employees Union, which represents about 6,000 restaurant workers, says that 10 percent of its membership lost jobs immediately after Sept. 11. About 200 of those 600 have since found work, but not necessarily restaurant work.

John Haynes has a short-term job at the Immigrant Workers Assistance Alliance, helping undocumented workers. Until Sept. 11, he cooked meals on the 106th floor of the World Trade Center for the 250 employees of Windows on the World. He said he earned $488.80 a week before taxes, or about $25,400 a year, and he lives in public housing in the Bronx.

He does not think he will be able to go back into restaurant work, he says. ''They are not hiring right now,'' he said. ''So I'm going to go for job training, either in computers or photo imaging.''

The tourist and travel drought has hit many businesses in Queens, according to a new report by the Center for an Urban Future, a public policy group. Airline workers, freight forwarders, truckers and limousine drivers are all hurting.

Listen to Greg Buttle, who operates valet parking lots at the three major New York area airports: You park at these lots and workers will shuttle you to and from the terminal for about $13 a day plus tax. (They will also wash your car, change the oil, rotate or replace the tires, even pick up your dry cleaning.) Before, he normally had more than 150 cars in the lots; now, there are about 50, he said.

Mr. Buttle said he employed 45 people before Sept. 11; now he employs 30. ''I tried to make sure that the part-timers who have come in most recently are the first ones to go,'' he said. ''But some of our employees have worked for us for eight or nine years.''

For more evidence of the spillover effect, look at Chinatown. Business has plunged at many of the more than 200 sewing shops below Houston Street and at least 20 went out of business in October, said May Chen, a vice president of Unite, the garment workers' union. At least a thousand of her 10,000 members have lost their jobs as stores and clothing companies have canceled orders. Others are working reduced hours.

Their job prospects are not good. ''Because of the language barrier, sewing is about the only skill they have,'' said Susan Cowell, another union official.

Unite also represents workers at commercial laundries; because of the declines at many restaurants, about 600 of these workers have also been laid off.

With the public's attention riveted to the sad stories of the dead and the heroism of the rescuers, some workers fear that their plights will be ignored.

''No one wants to hear our stories,'' said Asmat M. Ali, a former captain at Windows on the World. ''About a busboy or the dishwasher making $250 a week and raising three kids in an apartment in the Bronx or Brooklyn. But 80 percent of the people who worked in the World Trade Center fell in that category.''

Mr. Speaker, I think this is a landmark article which clearly sets forth the basic thesis of my discussion: Working families in the struggle against terrorism are suffering greatly already in New York City.

The domino effect of the World Trade Center catastrophe and the declining economy goes right across the whole country. Workers in New York City are not the only workers suffering. The pattern that I have just set forth applies right across the country in the big cities, and certainly places where tourism was important, places where the service industries are important, they are all suffering equally. These are the people who are vital to our winning the struggle against terrorism, to the saving of our civilization. They are suffering in a very direct way. We are not responding in this Congress to that suffering.

As I said before, we approved a bill for the airline industries, and at that time we would not approve a bill for the airline employees who were being laid off in large numbers. We said we would do it next week. It is 3 weeks later now, and we still have not done it. There seems to be no haste at all.

The airline employees, those who are unemployed, have been lumped with the other unemployed now. What does the Republican majority propose for the other people who are unemployed? Piddling, very tiny amounts of money were included in the stimulus package that has already passed this House of Representatives.

We passed the stimulus package in the House without any significant aid for the unemployed and for working families. The emphasis of the bill that passed the House by the Republican leadership, the Republican majority's bill, which passed by a two-vote margin, that bill places great emphasis on more tax cuts.

We are going to have more tax cuts because the ideologues say the tax cuts are necessary for investment. The ideologues say when we have tax cuts, people invest, the investment creates jobs, and it trickles down to people on the bottom.

But sometimes tax cuts are not invested, they are just hoarded. Sometimes tax cuts lead to people having money which they invest in other parts of the world where they get a higher return on their investment. Taking care of big business does not automatically lead to a benefit for people on the bottom, and that has been shown again and again.

The best way to help poor people, we know from social services practices, nonprofit services practices, the best way to help people is to put money in their hands. Unemployed people need money. Unemployed people, people who have working families, cannot save the money. They need the money now. They will spend the money now. It will turn over in our economy.

We recognize that the engine of capitalism is consumerism. Consumers make our economy go. Why do we hesitate, then, to make provisions for people who are the number one consumers? The working families are our number one consumers. It does not make sense.

Ideologues, people trapped in a vision of the world which says, no, government spending are always bad, tax cuts are always good, they have their heads in the sand in a dangerous way.

So we are stalled. Fortunately, yesterday the other body unveiled an economic stimulus package that sets up a situation where we will have another opportunity maybe in the conference to fight for the unemployed.

The other body's plan was drafted in close consultation with labor leaders who helped persuade key Senators to gear the package heavily to helping workers who have lost their jobs, but some elements sought by labor were trimmed back in the final hours, even though the plan is still far superior to the one that came through the House.

Democrats will be able to get the bill through the closely divided Senate Finance Committee. Tomorrow it is expected, but no Republican has signed onto the plan. It is even doubtful it could pass on the Senate floor unless it is agreed that they would not have a filibuster.

The House and Senate bills are almost mirror opposites of each other. The House bill devotes about 75 percent of its $99 billion first-year cost to business and individual tax cuts, while only about one-quarter of the $90 billion Senate bill would reduce tax revenue.

The Senate plan also includes $20 billion for additional spending on infrastructure and security. AFL President John Sweeney said that ''Congress took care of companies'' with airline rescue legislation, and ''they continued to lay off workers. Weeks have gone by and no action was taken and the unemployment numbers rise. It's about time they deal with the unfairness here.''

One of the tax provisions, allowing companies to speed up depreciation of newly-purchased assets, would cost States about $2 billion in revenue. With State budgets already under pressure, that could lead to layoffs of State workers, county workers, city workers.

We have contempt for the needs of the people on the very bottom at a time when it is pretty clear that they have to play a vital role in our war on terrorism.

I hope the message goes out and all of the Members of Congress who are listening would understand the need to communicate with their working families about the unfairness of this, and about the fact that this Congress is being managed in a way in which it is almost impossible to get up enough momentum to confront the party in control.

We spend a lot of time in recess. We spend a lot of time working back in the district. There is a plot, a scheme to minimize the amount of time spent on the floor of this House and people speaking in a way which might be picked up by the general public, and certainly working families.

So the message has to be gotten out there somehow that working families are being treated unfairly. Working families have a vital role to play in the struggle against terrorism, and they are not being recognized for their full worth. We demand that there be some definite changes made.

On another area, working families are being subjected to conditions which are going to create more unnecessary victims. We have a situation where we opened this Congress this year with a repeal of the ergonomics standards by OSHA. There was joy in the majority, great joy and celebration in taking away labor standards and standards to assist the safety of working people, working families, members who have to go out and work every day in the area of ergonomics.

There was a set of standards that would have helped make the workplace far safer, less dangerous, and less debilitating for key people. On all measures that relate to worker safety, we have tremendous opposition from the Republican majority. I know because I am the ranking member of the Subcommittee on WorkForce Protections. It is my job to deal with workforce protections, and we have bill after bill and effort after effort to cut down on the safety or the government's protection of the safety of workers.

Now this monster has raised its ugly head at ground zero in New York. At ground zero, we have a situation where rescue workers and other people in the area are not being protected properly, and we are going to have victims created unnecessarily.

Because of the contempt for workers, the hostility towards working families, nobody is paying attention to the need for protective gear. Recently, according to an article that appeared in the Daily News on October 26, ''A Federal agency has slammed the city for not taking steps to protect rescue workers from injuries immediately after the World Trade Center catastrophe. In a sharply worded report, consultants for the National Institute of Environmental Health Sciences said nearly 1,000 injuries, ranging from blisters and nausea to severe burns and fractures, could have been prevented if the city had made sure workers had basic safety training and adequate equipment such as hard hats, and respirators.''

The report was dealing with very basic, elementary kinds of things, but beyond that, the report gets into the discussion of toxic chemicals and metals: '' 'Toxic chemicals and metals are being released into the environment around lower Manhattan by the collapse of the World Trade Center towers and by the fires that are still burning at ground zero,' according to internal government reports. Dioxins, PCBs, benzene, lead, and chromium are among the toxic substances detected in the air and soil around the World Trade Center site by Environmental Protection Agency equipment, sometimes at levels far exceeding Federal levels, the documents show.'' This is a report in the Daily News also on October 26, an article by Juan Gonzalez.

''EPA monitoring devices have also found considerable contaminants in the Hudson River and in the water and sediment, especially after it rains. Six weeks after the World Trade Center attack, benzene, a colorless liquid that evaporates quickly and can cause leukemia, bone marrow damage, and other diseases in long-term exposure, continues to be released into the air in plumes from the still burning fires at relatively high levels.''

On and on it goes to talk about the fact that the protective gear needed is not there. The highest level of benzene recorded was on October 11, 58 times higher than OSHA's permissible exposure limit. Other kinds of extremes have also occurred.

Workers' health and sometimes their lives are at stake in this kind of situation because later on these kinds of exposures lead to debilitating diseases and people die.

We have a situation that has now been revealed concerning the workers who worked on the spill at EXXON, the EXXON Valdez oil spill in 1989, when an oil tanker ran aground and spilled tremendous amounts of oil. The count was 250,000 dead birds, 2,800 sea otters, 300 harbor seals. We know what the animal count was, but only now are we beginning to understand that when 11 million gallons of oil were spilled and people from all over the country went out to clean it up, they became victims, also.

No one talks about the workers who stood in the brown foam 18 hours a day, who came back to their sleeping barges with oil matted in their hair, ate sandwiches speckled with oil, steered boats through a brown, hydrocarbon haze that looked like the smog from hell, and after the summer, some found themselves with oil traces in their lungs, in their blood cells, in the fatty tissue of their buttocks.

They got treated for headaches, nausea, chemical burns, and breathing problems and went home, but some never got well.

The story appears in another newspaper that this goes on and on, and many years later workers are suffering dramatically, and some people are dying as a result of not paying attention to the health of the workers.

Another way the workers are being treated in a hostile and contemptuous manner relates to the contracting process at ground zero. We started off on the wrong foot. There was an article in the New York Times on October 19 which talks about the fact that they were employing people who were not being paid. Day laborers at ground zero say they are not being paid. The story as it goes here shows that illegal immigrants were brought in by a contractor from outside the city and they were not even bothering to pay the people who were working at very low wages.

The treatment of workers in this situation amounts to a lockout of legitimate workers who live in New York. New York has a high unemployment rate. A few minutes ago, I said it is presently at 6.3 percent for adults. Yet, most of these workers were brought in from outside the city.

Day laborers are frequently illegal immigrants who are promised payments in cash. They have no form of employment contracts. They know their employer only through a crew leader who hires them on a street corner.

Officials with a cleaning company, in this case Milrose Services, Incorporated, of Freeport New York, the usual racket in which certain people in city government contract with people outside the city, and these officials of this particular company say they are not responsible for hiring and paying the laborers. They have the contract, they are not responsible.

□ 2030

The company hired a subcontractor to do that. What is unusual here is the setting. Ground zero has just been destroyed in an act which is attributed to illegal immigrants or undesirable immigrants. They are hunting all over the country for undesirable immigrants, but the contractor brings in illegal immigrants to do part of the cleaning work at the World Trade Center, and of course, the people are so crooked they do not even bother to pay the workers, and they make a mistake, and it becomes a matter in the paper.

One of the workers was named Cecilia Ramirez, but what is important here, and I would like to submit this entire article, is a documentation of the utter contempt they have for a working class that would go outside on a critical matter like cleanup work around ground zero and get illegal immigrants and bring them into New York City while other people are looking for work and these kinds of jobs.

I will include this article that appeared in the New York Times on October 19th in the RECORD.

[From the New York Times, Oct. 19, 2001]

DAY LABORERS AT GROUND ZERO SAY THEY ARE NOT BEING PAID

(By Somini Sengupta)

The state attorney general's office is investigating complaints that day laborers hired to clear debris from office buildings surrounding the site of the World Trade Center have not been paid, some of them for up to two weeks of work.

The complaints here are hardly unusual. Day laborers are frequently illegal immigrants who are promised payment in cash. They have no formal employment contracts, and they know their employer only through a crew leader who hires them on a street corner.

Officials with the cleaning company in this case, Milro Services Inc., of Freeport, N.Y., say they are not responsible for hiring and paying laborers; the company hired a subcontractor to do that. (Late yesterday afternoon, the subcontractor said she was making arrangements to pay the workers.)

What is unusual here is the setting. In this case, the day laborers are at the center of the mammoth cleanup effort in Lower Manhattan. By 8 a.m. each morning, they are lined up, 100 deep, on the corner of Broadway and Fulton Street for a day's work. Escorted past barricades by police officers, they clear shards of glass, wipe soot off desks and sweep floors covered with ash and debris.

They are promised $60 for an 8 hour shift, $90 if they work 12 hours, and the buildings they clean include the offices of several city and federal agencies. But in interviews at the hiring site this week, several laborers, including some men and women freshly unemployed from shops and delis near the trade center, said they had not seen a dime for their work—some for a week, some for two.

One man, Gonzalo Carmona, opened his datebook and pointed to his nine days of work, starting on Oct. 1; by his calculations, he was owed $780. A woman, Cecilia Linares, said she had worked for seven days straight; when she asked about pay, the woman who hired her, whom she said she knew only by her first name, Lumi, told her, ''Tomorrow, tomorrow, tomorrow.''

Early Wednesday morning, Ms. Linares showed up again and looked, in vain, for the woman.

The complaints first surfaced when an organizer with the New York Committee for Occupational Safety and Health went to the hiring line to talk to workers about safety precautions; he heard an earful about how they were not being paid.

Yesterday morning, lawyers from the state attorney general's office came and the workers lodged their complaints.

''They gave us very specific information about where they worked, what they were promised, what they were paid, what they weren't paid,'' said Patricia Smith, the assistant attoney general in charge of the agency's labor bureau, whose offices are around the corner from the hiring site. ''We've talked to the employer, we are investigating and, hopefully, we'll be able to resolve it.''

Officials with Milro Services said yesterday that they were surprised and dismayed to learn of the charges. But they said hiring and paying the day laborers was not the company's responsibility, but that of a supervisor, Lumi Morel, who was acting as a subcontractor.

''I don't like that this is happening, if it is happening,'' said Tom Milici, the vice president of Milro. But, he added, ''that's out of my hands.''

Late yesterday afternoon, Ms. Morel, reached by telephone, said she had been delayed in paying the workers because of paperwork. She said that she owed money to about 80 workers, and that she planned to pay them by today.

Continuing in the same vein, suddenly beyond September 11 we had the crisis of anthrax. Anthrax is a very deadly substance, as we all know. I need not waste the time here to repeat what the Centers for Disease Control and the numerous press conferences over the last 2 weeks have told us about anthrax. We vacated the House of Representatives because of the anthrax possibilities, the scare. There is a Senate building which still remains vacant, the Hart Building, because of the anthrax scare.

What happened when it was discovered in the post office where working people work? What happened when it was clear that there was a danger to workers? We have two deaths, postal workers, two deaths that I consider to be totally unnecessary. If we had acted faster, if information had moved faster, if the people in charge of combating the anthrax problem had moved faster, with more purpose, these two men would not be dead, in my opinion.

I think triage was practiced. The intention was focused on the important people. We have Congressmen, Senators on Capitol Hill, and given the fact that we were not prepared, we have limited people who know how to handle this problem, which is most unfortunate and a little unforgivable because anthrax has been a clearly recognized problem since the Gulf War. They even, at one point, ordered all members of the Army to be vaccinated against anthrax.

If we became worried about anthrax during the Gulf War and we have had a situation where at one point all the members of the Army were ordered to be vaccinated against anthrax, why is there so little expertise in the country when an anthrax outbreak occurs in Washington, so little expertise that we do not have enough to take care of the situation at the post office, at the same time we take care of the situation on the Hill in Senate and House buildings? They did not move fast enough. Information did not flow fast enough.

Our hospital system has been under pressure for the last 20 years and certainly will see no relief because of the ideologues in this Congress who insist that we continue to cut local facilities, hospital facilities unnecessarily. Of course, in the Washington, D.C., area they closed down D.C. General Hospital.

We watched the spectacle of two postmen who went to a hospital and because the hospital was so badly informed, because of their own pressures, they were turned away, and when they went back the next day, they were already dying. Here is a triage setup, and here is a setup which flows out of the inadequacy of our basic health system.

We should have a health system which is not just prepared to combat terrorism, but one that makes certain everybody gets equal and rapid treatment. It did not happen. Joseph P. Curseen is dead as a result. Thomas Lee Morris is dead as a result.

Then we have the spectacle of the D.C. General Hospital being used as a major headquarters for the process of dispensing the antibiotic and giving out information. D.C. General Hospital has been closed. The same economic forces, the same pitch on our health care facilities that has gone on throughout the country has forced the closure of D.C. General Hospital. But because there was no other place, the emergency center had to be set up at the D.C. General Hospital. The working class had to do with a closed hospital, a jerry-built situation to take care of a major problem.

Joseph P. Curseen is dead. Thomas Lee Morris is dead. They were postal workers at the bottom of the heap, and we are not taking care of our working families when we allow that kind of system to take place. When decisions are made, triage decisions, some people are more important than others.

It is important we go forward with a health care system that serves everybody. That health care system would certainly be ready for any kind of bioterrorism in the future, and workers' families would be treated in the same manner as any other families. There would be no priority set for anybody. Everyone would have the same service.

I conclude by saying that working families in the struggle against terrorism are as important as any other component. They may be the most important component in our struggle against terrorism.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an

amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

The message was announced that the Senate insist, upon its amendment to the bill (H.R. 2944) entitled ''An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Ms. LANDRIEU, Mr. DURBIN, Mr. REED, Mr. INOUYE, Mr. DEWINE, Mrs. HUTCHISON, and Mr. STEVENS, to be the conferees on the part of the Senate.

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 Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, November 8.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. ISSA, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, November 8, 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:

4527. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities; Puerto Rico [Region II Docket No. PR6–233a, FRL–7093–9] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4528. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; One-Hour Ozone Attainment Demonstration for Philadelphia—Wilmington—Trenton Ozone Nonattainment Area [MD–074–3085; FRL–7089–1] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4529. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Post-1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstration for the Philadelphia—Wilmington—Trenton Ozone Nonattainment Area [DE–1033; FRL–7089–3] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4530. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution for Volatile Organic Compounds, Solvent Using Processes, Surface Coating Processes, Aerospace Manufacturing and Rework Operations [TX–129–1–7471a; FRL–7091–3] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4531. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides From Stationary Sources in the Houston/Galveston Ozone Nonattainment Area [TX–134–8–7532; FRL–7092–7] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4532. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Lawn Service Equipment Operating Restrictions; and Requirements for Motor Vehicle Idling for the Houston/Galveston (HG) Ozone Nonattainment Area [TX–133–1–7493; FRL–7092–8] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4533. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Houston/Galveston Ozone Nonattainment Area Vehicle Miles Traveled Offset Plan [TX–28–1–7538; FRL–7092–4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4534. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Low Emission Diesel Fuel [TX–134–5–7509; FRL–7091–5] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4535. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 136–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4536. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Norway [Transmittal No. DTC 121–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4537. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 119–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4538. A communication from the President of the United States, transmitting a report on the temporary and permanent U.S. military personnel and U.S. civilians retained as contractors in Colombia involved in supporting Plan Colombia; to the Committee on International Relations.

4539. A letter from the Director, Congressional Budget Office, transmitting notification on the growth of real gross national product during the third quarter of 2001, pursuant to 2 U.S.C. 904(j); (H. Doc. No. 107–144); jointly to the Committees on the Budget and Rules, and ordered to be printed.

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:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 279. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002 (Rept. 107–273). 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. SMITH of New Jersey (for himself, Mr. EVANS, Mr. SIMPSON, Mr. REYES, Mr. STUMP, Mr. FILNER, Mr. BILIRAKIS, Mr. GUTIERREZ, Mr. BUYER, Ms. BROWN of Florida, Mr. MCKEON, Ms. CARSON of Indiana, Mr. BAKER, Mr. RODRIGUEZ, Mr. SIMMONS, Mr. SHOWS, Mr. BROWN of South Carolina, Ms. BERKLEY, Mr. UDALL of New Mexico, Mr. POMEROY, Mr. SANDERS, Ms. LEE, Ms. SLAUGHTER, Mrs. JOHNSON of Connecticut, Mrs. THURMAN, Mr. GRAHAM, Mr. BOEHNER, Mr. PICKERING, Mr. PASCRELL, Mr. HOLDEN, Mr. DOYLE, Mr. EDWARDS, and Mr. ABERCROMBIE):

H.R. 3240. A bill to amend 38, United States Code, to restore certain education benefits of

individuals being ordered to active duty as part of Operation Enduring Freedom; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:

H.R. 3241. A bill to extend the benefits of the weatherization assistance program under part A of title IV of the Energy Conservation and Production Act to Puerto Rico; to the Committee on Energy and Commerce.

By Mr. BLAGOJEVICH:

H.R. 3242. A bill to ensure that the United States is prepared for an attack using biological or chemical weapons; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, the Judiciary, and Science, 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. EDWARDS:

H.R. 3243. A bill to prohibit late-term abortions; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. WATTS of Oklahoma, Mrs. ROUKEMA, Mr. STEARNS, Mrs. MORELLA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. HINCHEY, Mr. SERRANO, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. PALLONE, Mr. CUNNINGHAM, Mr. POMEROY, Mr. JOHNSON of Illinois, Ms. LEE, Ms. MILLENDER-MCDONALD, Mr. DICKS, Mr. PASCRELL, Mr. TOWNS, Mr. REYNOLDS, Mr. SANDLIN, Mrs. THURMAN, Mrs. CAPPS, Mr. MCGOVERN, Mrs. CLAYTON, Mrs. MALONEY of New York, Mr. LOBIONDO, Mr. CALLAHAN, Mr. TIBERI, Mr. VISCLOSKY, Mr. GALLEGLY, Mr. STUMP, Mr. BOUCHER, Mr. SHOWS, Mr. OWENS, Mr. DEFAZIO, Ms. VELAZQUEZ, Mr. GILMAN, Mr. WOLF, Mr. GRUCCI, Mr. ISRAEL, Mr. HAYWORTH, Mr. MASCARA, Mrs. MYRICK, Mr. BALLENGER, Mr. CROWLEY, Mr. MCNULTY, Mr. COSTELLO, Mr. KENNEDY of Rhode Island, Mr. FROST, Ms. ROS-LEHTINEN, Mr. FARR of California, Ms. LOFGREN, Mr. UDALL of Colorado, Mr. CALVERT, Mr. PLATTS, Mr. HONDA, Mr. WALSH, Mr. FILNER, Mr. MEEHAN, Ms. MCKINNEY, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mrs. CAPITO, Mr. JONES of North Carolina, Mr. CANNON, Mr. WYNN, Mr. BALDACCI, Mr. ACEVEDO-VILA, Mr. SIMMONS, Mr. OSBORNE, Mr. GONZALEZ, Ms. KAPTUR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HART, Mr. NADLER, Mr. KING, Mr. KILDEE, Mr. FATTAH, Mr. COBLE, Ms. ESHOO, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, Mr. KIRK, Mr. ISSA, Mr. CLAY, Mr. HILLIARD, Mr. SHAYS, Mrs. MINK of Hawaii, Ms. KILPATRICK, Mr. HOYER, Mr. CONDIT, Mr. RADANOVICH, Mr. BACA, Mr. GREENWOOD, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. HORN, Mr. MENENDEZ, Ms. BERKLEY, Mr. BAIRD, Mr. LIPINSKI, Mrs. BONO, Mr. BERMAN, Ms. PELOSI, Mr. SKEEN, Mr. QUINN, Mr. SWEENEY, Mr. BONIOR, Mr. GEKAS, Mr. TAYLOR of Mississippi, Mr. FOSSELLA, Mr. TERRY, Mr. FALEOMAVAEGA, Mrs. LOWEY, Mr. WAMP, Mr. GIBBONS, Mr. FLETCHER, Mr. RUSH, Mrs. KELLY, Mr. BOEHLERT, Mr. WEINER, Mr. RANGEL, Mr. UDALL of New Mexico, Mr. CARSON of Oklahoma, Mr. KENNEDY of Minnesota, Mr. CAMP, Mr. ROGERS of Kentucky, Ms. SLAUGHTER, Mr. PHELPS, Mr. HOUGHTON, Ms. SCHAKOWSKY, Mr. LAFALCE, Mr. MCHUGH, and Mr. SOUDER):

H.R. 3244. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America and to establish the Victims of September 11th Fund; to the Committee on Financial Services.

By Mr. GOSS:

H.R. 3245. A bill to provide for an additional district judge for the middle district of Florida; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. LEWIS of Georgia, Mr. CARDIN, Mr. TOM DAVIS of Virginia, Mr. BUYER, Mr. BARTON of Texas, Mr. DEAL of Georgia, Mr. BOUCHER, Mr. WHITFIELD, and Mr. COLLINS):

H.R. 3246. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of oral drugs to reduce serum phosphate levels in patients with end-stage renal disease; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILLIARD:

H.R. 3247. A bill to terminate all unilateral United States sanctions against foreign countries or entities, and for other purposes; to the Committee on International Relations.

By Mr. HOLT (for himself, Mr. ANDREWS, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. MENENDEZ, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 3248. A bill to designate the facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the ''Todd Beamer Post Office Building''; to the Committee on Government Reform.

By Mr. STUPAK:

H.R. 3249. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits to be produced in dwelling houses, other connected structures, and certain other premises; to the Committee on Ways and Means.

By Mr. THUNE:

H.R. 3250. A bill to authorize the President to present a gold medal on behalf of Congress to the Sioux Indians who served as Sioux Code Talkers during World War II in recognition of their service to the Nation; to the Committee on Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 3251. A bill to amend title 39, United States Code, to provide, for a limited emergency period, that the payment of a bill, invoice, or statement of account due, if made by mail, shall be considered to have been made on the date as of which the envelope which is used to transmit such payment is postmarked; to the Committee on Government Reform.

By Mr. SAM JOHNSON of Texas (for himself, Mr. MATSUI, and Mr. REGULA):

H.J. Res. 73. A joint resolution providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. ACKERMAN, Mr. GILMAN, Mr. GEPHARDT, Mr. MCDERMOTT, Mr. ROYCE, Ms. PELOSI, Mrs. LOWEY, Mr. KNOLLENBERG, Mr. VISCLOSKY, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. WEXLER, Mr. LEVIN, Mr. DAVIS of Florida, Mrs. MALONEY of New York, Mr. FALEOMAVAEGA, Mr. BERMAN, Ms. LEE, Mr. ABERCROMBIE, Mr. HOLT, Mr. LAMPSON, Mr. HILLIARD, Ms. BERKLEY, Mrs. MCCARTHY of New York, Mr. STEARNS, Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, Mrs. MORELLA, Mr. KILDEE, Mr. DOYLE, Mr. SAXTON, Ms. HOOLEY of Oregon, Mr. MEEKS of New York, Mr. BAIRD, Mr. HORN, Mr. CROWLEY, Mr. KIRK, Mr. CAPUANO, Mr. UDALL of Colorado, Mr. SCHIFF, Mr. MCNULTY, and Mr. PALLONE):

H. Con. Res. 264. Concurrent resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism; to the Committee on International Relations.

By Mr. WYNN:

H. Con. Res. 265. Concurrent resolution expressing appreciation to Turkey for offering to provide special forces in support of Operation Enduring Freedom; to the Committee on International Relations.

By Mr. FROST:

H. Res. 278. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. LAFALCE:

H. Res. 280. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself and Ms. ROS-LEHTINEN):

H. Res. 281. A resolution commending and urging increased support for organizations led by Afghan women that are providing substantial education, health, and relief services during a time of humanitarian crisis in Afghanistan and in Afghan refugee areas in neighboring countries, and for the inclusion of women in any new government established in that nation; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

205. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 109 memorializing the United States Congress that the Commonwealth commends and supports the President of the United States as the Commander-in-Chief of our Armed Services and sends its support, prayers and gratitude to all our military service personnel as they undertake the difficult tasks that may lie ahead; to the Committee on Armed Services.

206. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 107 memorializing the United States Congress to commemorate every September 11 as a day of mourning and remembrance; jointly to the Committees on International Relations and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. UPTON.

H.R. 162: Mr. GUTIERREZ and Mr. FALEOMAVAEGA.
H.R. 633: Mr. UDALL of New Mexico.
H.R. 883: Mr. HAYWORTH, Mr. REYNOLDS, Mr. MCHUGH, Mr. STENHOLM, and Mr. KERNS.
H.R. 902: Mr. MOLLOHAN.
H.R. 959: Mrs. BONO.
H.R. 981: Mr. PENCE.
H.R. 1155: Mr. HANSEN.
H.R. 1187: Mr. LANGEVIN and Mr. SHERMAN.
H.R. 1194: Mr. PETERSON of Minnesota.
H.R. 1198: Mr. MCHUGH.
H.R. 1434: Mr. RAMSTAD.
H.R. 1556: Mr. MORAN of Kansas.
H.R. 1733: Mr. CAPUANO and Mr. ABERCROMBIE.
H.R. 1798: Mr. CAPUANO.
H.R. 1928: Mr. ABERCROMBIE.
H.R. 1948: Mr. PAYNE.
H.R. 2099: Mr. DICKS, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. WU, and Ms. HOOLEY of Oregon.
H.R. 2163: Mr. MANZULLO.
H.R. 2166: Mr. SOLIS.
H.R. 2219: Ms. PRYCE of Ohio.
H.R. 2220: Mr. GEORGE MILLER of California.
H.R. 2375: Mr. BERMAN.
H.R. 2377: Mr. DEUTSCH.
H.R. 2457: Mr. MCINTYRE.
H.R. 2484: Mr. GILMAN, Mr. FRANK, Mr. ABERCROMBIE, Ms. KAPTUR, Mr. LARSON of Connecticut, Mr. PRICE of North Carolina, Mr. WATT of North Carolina, Mr. WYNN, and Mr. FLETCHER.
H.R. 2527: Mr. KUCINICH, Mr. LAHOOD, and Mr. HINCHEY.
H.R. 2546: Mr. FERGUSON.
H.R. 2555: Mr. HONDA and Mrs. MINK of Hawaii.
H.R. 2610: Mr. DUNCAN, Mr. ANDREWS, Mr. PICKERING, and Mr. PAYNE.
H.R. 2638: Mr. DOYLE.
H.R. 2669: Mr. UDALL of New Mexico.
H.R. 2709: Ms. PRYCE of Ohio.
H.R. 2722: Mr. SCHIFF, Mr. DOYLE, Mr. FILNER, Ms. MILLENDER-MCDONALD, Mr. WATT of North Carolina, Mr. CLEMENT, Mr. SANDERS, Mr. KILDEE, and Mr. LIPINSKI.
H.R. 2777: Mr. STARK, Ms. LOFGREN, Mr. BENTSEN, and Ms. HARMAN.
H.R. 2794: Mr. HALL of Texas.
H.R. 2887: Mr. CAPUANO.
H.R. 2897: Mr. WU.
H.R. 2946: Mr. BONIOR.
H.R. 2949: Mrs. CAPPS, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mr. DAVIS of Florida, Mr. SCHIFF, Ms. SANCHEZ, Mrs. MALONEY of New York, Mr. LEWIS of Georgia, Ms. MCCOLLUM, Ms. ESHOO, Mr. WU, Mrs. DAVIS of California, Mr. CARSON of Oklahoma, Mr. WEINER, Mr. BAIRD, Mr. HOUGHTON, Mr. BROWN of Ohio, Mr. DOGGETT, Mr. STICKLAND, Mr. HINOJOSA, Mr. EVANS, Ms. WATERS, Mr. INSLEE, Mrs. CLAYTON, Mr. PHELPS, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. OBERSTAR, Mr. PASTOR, Mr. NADLER, Mr. WATT of North Carolina, Mr. GARY G. MILLER of California, Mr. ROTHMAN, Mr. CONDIT, Mr. BONIOR, Mr. OSE, Mr. ENGLE, Mr. UDALL of New Mexico, Mrs. LOWEY, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. DEUTSCH, Ms. DEGETTE, Mr. SHERMAN, Mr. ETHERIDGE, Mr. SPRATT, Mr. EDWARDS, Mr. TAYLOR of Mississippi, Ms. RIVERS, Mr. LUTHER, Mr. KIND, Mr. SMITH of Washington, Mr. LARSEN of Washington, Ms. VELAZQUEZ, Ms. HARMAN, Mr. OWENS, Ms. MCKINNEY, Mr. DELAHUNT, Mrs. TAUSCHER, Mr. FRANK, Mrs. JOHNSON of Connecticut, Mr. ISSA, Mr. CALLAHAN, Mrs. CUBIN, Mr. HOBSON, Ms. PELOSI, and Mr. KENNEDY of Rhode Island.
H.R. 2980: Mr. ENGLISH and Mr. CLEMENT.
H.R. 3007: Mr. MATHESON, Mr. TIERNEY, and Mr. SHOWS.
H.R. 3014: Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Ms. BALDWIN, and Mr. BERRY.
H.R. 3038: Mr. SHUSTER and Mr. PITTS.
H.R. 3077: Mr. TANNER and Mr. GREEN of Wisconsin.
H.R. 3088: Mr. CASTLE and Mr. SWEENEY.
H.R. 3109: Mr. LOBIONDO and Mrs. MCCARTHY of New York.
H.R. 3143: Mr. GILMAN and Mr. MCHUGH.
H.R. 3209: Mr. HEFLEY.
H.R. 3212: Mr. NADLER.
H.R. 3213: Ms. VELAZQUEZ and Mr. GONZALEZ.
H.R. 3221: Mr. SESSIONS, Mr. LIPINSKI, and Mr. DEAL of Georgia.
H.R. 3230: Mr. DEMINT.
H.R. 3238: Ms. WOOLSEY.
H.J. Res. 40: Mr. GEPHARDT.
H.J. Res. 66: Mr. SCHAFFER.
H. Con. Res. 232: Mr. BACA and Mr. SCHROCK.
H. Con. Res. 240: Mr. GEORGE MILLER of California.
H. Con. Res. 250: Mr. DAVIS of Florida, Mr. SABO, Mr. KIND, Mr. DUNCAN, Mrs. MORELLA, Mr. LANGEVIN, Mr. BACA, Mr. FALEOMAVAEGA, and Mr. KUCINICH.
H. Con. Res. 260: Mr. MEEKS of New York, Mr. OWENS, Mr. PAYNE, Mr. HILLIARD, Ms. MCKINNEY, Mr. RUSH, Mr. DAVIS of Illinois, Ms. KAPTUR, and Ms. BROWN of Florida.
H. Res. 235: Mr. DIAZ-BALART.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2149: Mr. DICKS.
H.R. 2180: Mr. HILLIARD.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, NOVEMBER 7, 2001 No. 153

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BILL NELSON, a Senator from the State of Florida.

PRAYER

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

Dear God, You, Yourself, are the answer to our prayers. So often we come to You with our shopping list of requests. Prayer becomes a ''gimmie'' game rather than a grace gift. Help us to realize that whatever You give or withhold from us in prayer is to draw us into deeper intimacy with You. When we put the primary emphasis on a relationship with You, experiencing Your presence and receiving Your power, life becomes a privilege. It loses its strain and stress. Added to that, You provide the spiritual gifts we need—wisdom and discernment, emotional strength and stability, and physical stamina and endurance. Grant the Senators a special measure of Your inspiration today as they listen to You. Speak to them before they speak to the Senate and to the Nation. May debate not divide but develop deeper understanding. Now, when the world looks to America for leadership, may patriotism unite this Senate. Grant the Senators and to all of us a renewed dependence on You that makes possible greatness in leadership. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL NELSON 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, November 7, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL NELSON, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will resume consideration of the District of Columbia Appropriations Act immediately. Senator ALLEN will offer an amendment regarding needle exchange programs. He has agreed to have 60 minutes for debate prior to the vote in relation to the amendment. That vote will occur a little after 11 o'clock. Following the vote in relation to the Allen amendment, Senator HUTCHISON of Texas will offer an amendment regarding attorney's fees, with 60 minutes for debate on that amendment. Following 30 minutes of debate on the Hutchison amendment, it will be laid aside for a period of morning business until 2:30 p.m. Senators will be permitted to speak during morning business time for up to 10 minutes each. This period of morning business is for a number of reasons but mainly to accommodate the Senators-only briefing with Secretary of Defense Rumsfeld.

At 2:30 p.m., the Senate will resume consideration of the Hutchison amendment, with 30 minutes of debate prior to the vote in relation to the amendment, at approximately 3 p.m.

The majority leader announced last night in closing that he wanted to complete the DC appropriations bill today. Everyone should understand we are going to work very hard until we finish this bill tonight. That is the intention of the majority leader. Other than these two amendments, I am not sure how many more there will be. Hopefully, it can be wrapped up quickly. There are a number of other important issues that are waiting to be completed before we adjourn for the year.

RESERVATION OF LEADER TIME

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2944, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said district for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized to offer an amendment, on which there shall be 60 minutes of debate.

Mr. REID. Mr. President, I ask that we not go to the amendment for just a few minutes. Senator LANDRIEU is in the building and will be here momentarily. I think she should be present. I ask unanimous consent the Senator from New York be recognized for 5 minutes as in morning business.

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

Printed on recycled paper.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York.

PUBLIC SAFETY INFRASTRUCTURE

Mrs. CLINTON. Mr. President, I rise today to bring to our attention two distinct problems facing our States and particularly our communities in New York as a result of the attacks on September 11. I have just come from a meeting with a number of mayors from cities all over the country, including mayors who joined us by conference phone, Democrats, Republicans, large cities, medium- and small-sized cities. They all have said with a single voice that the impact on our public safety infrastructure of the attacks is such that they are bleeding dollars. They are paying overtime constantly to our police officers, our firefighters, our first responders. They do not have the funds to provide the protection and the quick response our citizens deserve and expect.

I can speak specifically about New York. We have an economic situation where we face a $10 billion shortfall in State revenues over the next 18 months. In addition, our New York State comptroller, Carl McCall, has identified $940 million in potential State and local government costs due to the current congruence of events.

This means that city governments, county governments, far away from Ground Zero, are faced with hundreds of calls about potential biological or chemical materials, particularly anthrax, to which they are responding as we expect them to. They are faced with threats coming in—both credible and, frankly, not, but we have to follow each one up—potential threats to our infrastructure, our powerplants, our bridges, our ports, our airports.

As a result, we have a tremendous pressure buildup on our local governments. As I heard today, it is something that is being faced by governments across our country. That is why I strongly support the plan with which Senators BYRD and REID are coming forward, to provide additional funding for public safety needs. I am calling on our colleagues and the Federal Government to create a public safety block grant program to help communities plan, strictly for our emergencies, and to be ready no matter what happens in their communities.

Why is a public safety block grant so necessary?

First, September 11 changed everything. Anybody who wants to pretend it didn't is sending a false message to the people we represent. Our cities and our counties are on the front lines in the war against terrorism. When a threat is called in to our local fire department or our local mayor's office, they cannot wait for some kind of Federal response. They have to send out those first responders. They are on a heightened state of alert as they have been told by our President, by Governor Ridge, and by Attorney General Ashcroft. A public safety block grant would help our communities provide these additional resources for police, fire, ambulance, emergency, airports, waterways, public transit infrastructure, chemical, and nuclear plants.

I think we should reinvigorate the concept of civil defense, using more volunteers to supplement our first line responders. Some of our colleagues, including Senators MCCAIN, BAYH, and LIEBERMAN, have recently spoken out about the importance of encouraging Americans to become involved in civil defense. I believe a public safety block grant could use funds to further that idea and help us prepare better and involve so many of the citizens who want to participate in protecting our homeland front. If we are at war, which we are told we are, which we believe we are—we are fighting two wars. We are fighting a war abroad in Afghanistan against the terrorist networks, and we are fighting a war right here at home, and we need to be prepared on both fronts.

The eligibility criteria would be based on several factors. Certainly, communities would have to be ready to use those funds for post-September 11 needs, not because they didn't budget well before the date of the attacks but because of the additional burdens they now face.

I believe medium- and larger-sized cities and counties should receive direct assistance. Smaller communities could go through the State, based on the CDBG program. I hope communities would have to submit a plan explaining how they would use the funds, but that they would be given broad discretion because they are best able to defend their own communities. They should be given that opportunity.

I think we need this legislation now because our homeland defense will only be as strong as the weakest link at the State and local level. We need our citizens more involved in civil defense to supplement those of our people on the front line in the uniformed services. I think we recognize this now is an absolute necessity. I certainly support the efforts of Senator BYRD and Senator REID, combined with Senator BAUCUS, to have a homeland recovery and security package, but I do not think it will work unless we provide funds directly to our cities and counties, unless we recognize that they have to be the front line defense in the war against terrorism here at home.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order,the Senator from Virginia is recognized to offer an amendment on which there shall be 60 minutes of debate.

Ms. LANDRIEU. Will the Senator yield for just 1 minute for opening remarks from the manager of the bill?

Mr. ALLEN. Certainly.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Virginia for yielding.

Let me quickly support my colleague from New York in her remarks about how important it is for us, as we fashion homeland defense, to be cognizant, as Mayor Giuliani beautifully showed us, so that the mayors and local officials are really on the front line. Our Federal Government needs to recognize the great role they have played and can play. Our budget should reflect the principle of getting those resources down to the lower level. I thank the Senator from New York for her very instructive remarks to us this morning.

Let me, as I begin again this morning on the DC bill, very briefly—within 1 minute—just hit the highlights of the bill before we turn to the three or four amendments we may be considering today, with that of Senator ALLEN being the first one up for us to consider.

First, there is great consensus in this underlying bill. Again, I thank my colleague from Ohio, Senator DEWINE, for his excellent work. We thank Mr. BYRD, the Senator from West Virginia, and the Senator from Alaska, Mr. STEVENS, for helping us get this bill to the floor, working across party lines and in a very dedicated way to bring a good bill to this floor.

The five points in this bill are:

No. 1, this is the first bill over $7 billion that comes to the floor in 5 years without the Control Board being in effect. So there is great responsibility that we have to make sure this and future budgets reflect the fiscal discipline that is now a part—and hopefully will be even a stronger part—of the District's future. The budget is not only in balance but the District is in a surplus, having swung $1 billion from a deficit now to a surplus. We would like to keep it that way.

There are going to be great challenges ahead, but Senator DEWINE and I are committed to fiscal discipline, transparency, accountability, and excellence in management for the District.

No. 2, there is an underlying principle—we will debate some of that this morning—about local decisionmaking. We believe generally local governments should be allowed to spend their money and local funds in the ways they are directed. There is some debate about that issue. That debate will take place this morning.

No. 3, there is a significant investment in child welfare. I want to say on behalf of Senator DEWINE and myself and many of the Members who helped, we are investing $40 million in new moneys to set up a better child welfare system in the District. Too many children have died. There are too many families torn asunder. There are too many children without parents, too many parents without children who

cannot be found. This investment will help the courts work better and help us to put our money where our mouth is and invest in kids.

No. 4, there is a $16 million increase for security in the District. After September 11, it is obvious the District itself is a target, hosting the Capitol of these great United States. So we have recognized that.

Finally, there is an investment in the environment and in education.

AMENDMENT NO. 2109

Ms. LANDRIEU. I send a managers' amendment to the desk and ask unanimous consent it be approved. This is strictly a technical amendment. Any controversial issues have been removed; they are not included. It has been cleared on both sides.

I send the amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. DEWINE, proposes an amendment numbered 2109.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

On page 6, line 25, insert the following after ''inserting ''1,100''.'':

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking ''in excess of $250,000''; and

(2) by striking ''and approved by'' and all that follows and inserting a period.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

On page 12, line 7, after ''Agency,'' insert the following: ''the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region''.

Page 12, line 7, after ''and'' and before ''state'' insert the following: ''the respective''.

Page 12, line 8, after ''emergency'' and before ''plan'' insert: ''operations''.

Page 13, line 14, strike ''$500,000'' and insert: ''$250,000''.

Page 13, line 15, strike ''McKinley Technical High School'' and insert the following: ''Southeastern University''.

Page 13, line 16, strike ''Southeastern University'' and insert the following: ''McKinley Technical High School.''.

Page 13, line 14, insert after ''students;'': ''$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools;''.

Page 16, line 3, strike ''U.S. Soccer Foundation, to be used'' and insert: ''Washington, D.C. Sports and Entertainment Commission which in coordination with the U.S. Soccer Foundation, shall use the funds''.

Page 17, line 18, insert after ''families'' the following: ''and children without parents, due to the September 11, 2001 terrorist attacks on the District of Columbia,''.

Page 18, line 8, after ''*provided*,'' and before ''That'' insert the following: ''That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2001: *Provided*,''.

Page 34, line 4, District of Columbia Funds—Public Works, insert after ''available'': ''*Provided*, That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.''.

Page 37, line 4, insert the following after ''service'': ''Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the ''District of Columbia Emergency Assistance Act of 2001'': *Provided*, That the District of Columbia shall use local funds for any payments under this heading: *Provided further*, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.''.

Page 63, line 8, after ''expended.'' insert the following new subsection:

''(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.''.

Page 68, line 6, insert the following as a new General Provision:

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001 (D.C. Act 14–106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2109) was agreed to.

Ms. LANDRIEU. I move to reconsider the vote, please, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. At this time the Senator from Virginia should be recognized, according to the unanimous consent agreement.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

AMENDMENT NO. 2107

Mr. ALLEN. Mr. President I call up amendment No. 2107.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN] proposes an amendment numbered 2107.

Mr. ALLEN. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to prohibit the use of local funds to carry out needle exchange programs in the District of Columbia)

On page 57, strike beginning with line 24 through page 58, line 7, and insert the following:

SEC. 127. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

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

Mr. ALLEN. Mr. President, I rise today to ask my colleagues in the Senate to take a stand, a strong stand, against illegal drug use by rejecting a provision in the District of Columbia appropriations bill that would allow the use of taxpayer funds for a needle exchange program.

My amendment mirrors the section of the House bill that addresses the needle exchange programs and would prohibit both the use of Federal and locally generated funds for these needle exchange programs. I think it is wrong and it is a misguided priority for the District of Columbia, with all their priorities and pressing concerns in the District—whether they be in improving their public schools or improving public safety—to be wasting money. In fact, I don't think they ought to waste a penny in providing drug users with sterile needles or syringes.

As you know, Mr. President, the Constitution provides the Congress the authority to exercise exclusive jurisdiction in all cases dealing with the District of Columbia. We have oversight responsibilities. The Federal District of Columbia is properly and constitutionally subject to more oversight from the Congress than would be any of the 50 States. This is evidenced by the fact that both the House and Senate have authorizing subcommittees specifically addressing the District of Columbia. Thus, we, as Members of the Senate, have not only a right but also a constitutional oversight responsibility to stop this legislation which would obviously be detrimental to the public good.

That is the bottom line here. When there is something that is clearly detrimental to the public good in the District of Columbia, we have an oversight responsibility. While the vast majority of matters have to do with local jurisdiction—schools and traffic signals—various other issues, management is best at that local level—although we would like to empower them in some cases to do more—but insofar as the needle exchange network is concerned, these needle exchange networks are bad for the communities in which they are located.

In November of 1995, the Manhattan Lower East Side Community Board passed a resolution to terminate their needle exchange program. You may wonder why they stopped it. They said:

The community has been inundated with drug dealers. Lawful businesses are being abandoned, and much needed law enforcement is being withheld by the police.

Why would we want that to happen in our Nation's Capital? The U.S. Senate could through this appropriations bill,

if this amendment is not adopted and the conference committee leaves it in, allow the District of Columbia, our Nation's beloved capital, to use taxpayer funds to buy clean needles for drug addicts. However, prior experience with these needle exchange programs not only fails to demonstrate positive results among drug addicts, but it may actually result in negative results. That is right, negative results.

Deaths resulting from drug overdoses have increased five times since 1988. According to a White House report, in 1997 15,973 people died from drug-induced causes. That is 1,130 more people than in 1996. The highest death rate from illegal use was among African Americans at 8.3 deaths per 100,000 people.

Additionally, according to Alcoholism and Drug Abuse Weekly, the number of American teenagers using heroin has doubled in most recent years. Indeed, when one thinks of heroin, you think of heroin being used by folks in their late 20s and 30s. The biggest increase in the use of heroin is among teenagers. In fact, the average age of heroin users nationally is now lower among teenagers.

That is very frightening.

An AIDS Journal study indicated that Vancouver, the site of one of these needle exchange programs, now has the highest rate of heroin deaths in North America.

It seems to me that giving a drug addict a clean needle is like giving an alcoholic a clean flask. It just doesn't make any sense.

Some would claim that needle exchange programs prevent the spread of AIDS amongst intravenous drug users and are, therefore, important in addressing the AIDS problem.

The Clinton administration attempted to lift the ongoing ban on Federal funds for needle exchange programs as a solution to reducing the rate of HIV infection among intravenous or IV drug users without increasing the use of drugs such as heroin. While clean needles do not contribute to the spread of HIV, there is scant evidence, scientific or anecdotal, that needle exchanges protect users.

A Montreal study published in the American Journal of Epidemiology in 1997 showed that addicts who used needle exchange programs were twice as likely to become infected with HIV than those who did not.

The New York Times magazine reported that one New York City program gave a single individual 60 syringes, a pamphlet with instructions on using them, and a identification card that allows them to legally possess drug paraphernalia. Indeed, drug addicts use these programs not only for fresh paraphernalia but also to network among other drug addicts for fresh supplies of the drug itself.

It may be more accurate to call the drug needle exchange programs what they are: drug exchange networks.

We are at a time in history when more Americans are ruining or losing their lives to illegal drug use. When the highest death rate from illegal drug use occurs in African American communities, and when heroin and cocaine are at some of their lowest prices in history, I maintain that we should not vote to encourage the government to give away the tools that enable people to promote drug use and, therefore, harm themselves. Indeed, it is not just harming themselves. Drug use is the key component in crime.

Ask any prosecutor, law enforcement officer, or, in fact, any judge who deals with criminal cases, and you will find that the vast majority of criminal cases are related to drug use. Someone may be under the influence of drugs when they assault or rape someone, and when they are breaking and entering, armed robberies, or other thefts and stealing of property to pay for that addiction. You will find, I maintain, that the vast majority of crimes are drug-related one way or the other.

I believe that in a time when all of these negative trends seem to be on the rise that the endorsement or condoning of a needle exchange network by the U.S. Senate sends the wrong message about our Government's commitment to fighting drugs and, thus, undermines our efforts to prevent drug use and eliminate the illegal drug trade.

According to former President Clinton's drug czar, General Barry McCaffery:

> The problem is not dirty needles. The problem is heroin addiction. The focus should be on bringing help to the suffering population, not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.

We have a legal responsibility to keep these harmful networks from becoming a reality in the District of Columbia. Allowing it in the District of Columbia would send a very poor message to those ravaged by drug addiction—that AIDS is a terrible disease that can be maintained, yet it is OK to die from the effects of drug addiction.

Additionally, the Government would be sending a weak message to those who would want to make a profit from illegal drug trade: Drugs are illegal, yet the United States Government condones needle exchange networks which issue identification cards that entitle users to carry drug paraphernalia without interference from the law.

Finally, it would send a dangerous message to our youth. It seems to me that we all know that drugs are harmful. We don't want to send a message to our youngsters that the Federal Government supports providing needles and syringes for drug delivery and brochures explaining the most efficient means of injection.

It is imperative that the Senate stand strong against illegal drug use. We must not allow Federal funds to go toward programs supplying individuals already struggling with addiction with drug paraphernalia. We must not directly or indirectly endorse needle exchange networks.

I ask my fellow Senators to join me in this effort and not give up on this war on drugs as we take on another war—the war on terrorism. We owe it to our brave law enforcement officers who have been fighting this war on drugs, with many of them risking their lives by infiltrating some of these drug networks, chasing drug dealers, paying informants, doing undercover work, and surveillance. Our law enforcement officers have been fighting this war on drugs, and now they are fighting daily battles on many other fronts in the war on terrorism.

We also owe it to those struggling with drugs not to turn our Government into an enabler.

Finally, we owe it to our children to fight to ensure that they grow up and live in a world as free from illegal drugs as is possible.

I respectfully ask my colleagues to support my amendment, which sends all the right messages, all the proper messages, not just for our District of Columbia, which is in a time of crisis; but it sends the right message for all of America, and actually the right message for all of the world which is now watching our Nation's Capital.

Once again, I ask my colleagues to stand up for what is right in our Nation's Capital, for all the people of America, and those who are watching us.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank you for the recognition.

At this time I am prepared to yield a few moments, 5 minutes, to the Senator from Maryland for morning business.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much.

Mr. President, I ask unanimous consent I be allowed to speak for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized.

(The remarks of Ms. MIKULSKI are printed in today's RECORD under "Morning Business.")

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for being so gracious.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. LANDRIEU. I yield, under the unanimous consent agreement, to Senator DURBIN for a response to the Allen amendment.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that under the unanimous consent agreement there were 30 minutes allocated to each side.

The ACTING PRESIDENT pro tempore. Yes, and there are approximately 18 minutes remaining on each side.

Mr. DURBIN. Thank you very much, Mr. President.

Ms. LANDRIEU. How much time does the Senator need? Because there are two other Senators who would like to speak.

Mr. DURBIN. If I could ask for 15 minutes.

Ms. LANDRIEU. How about 12 minutes?

Mr. DURBIN. I will take 12.

Ms. LANDRIEU. I thank the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

Unfortunately, because my time has been reduced, I am going to have to reduce the time I was going to use to praise the chair of the subcommittee for her work on this bill. But I do want to make a point of saying this: I have served on this subcommittee. This is not an easy assignment. I congratulate Senators LANDRIEU and DEWINE for bringing forth an excellent bill. It is a bill which is a challenge every single year.

Why is this bill a challenge? Because every Member of the Congress who ever wanted to be mayor of a town gets the chance to be ''mayor for a day'' on the DC appropriations bill. Senators from some of the largest States in the Nation can't wait to make decisions that are ordinarily made by mayors and members of city councils. They get to be ''aldermen for a day.'' They get to rule a city for a day. It is such a tempting opportunity. And the fact that we put only 10 percent of the money, through Congress, into the District of Columbia does not hold them back. They don't want to merely control the money that Congress puts in the District of Columbia, they want to control all the money in the District of Columbia. You would think they were having a major election here and they were elected mayor of the District of Columbia because they want to make all the decision.

Frankly, that is wrong. It is wrong and irresponsible. If you believe in home rule, if you believe in the appropriate delegation of authority to the level closest to the voters, why in the world would a Senator from any State in the United States want to impose his or her judgment on this city, our Nation's Capital? And they do, year in and year out.

I thank the Senator from Louisiana for really fighting back the temptation to put in all these riders and all these ideas, all these ordinances that Members of Congress want to put on the District of Columbia. I say thank you to the Senator from Louisiana.

But the proposal we have before us today is one of the worst. It is a proposal where we say to the District of Columbia: You cannot use your money, your taxpayers' dollars, on a public health program that you endorsed to deal with a major public health crisis in the District of Columbia.

With his amendment, the Senator from Virginia has suggested that the District of Columbia—it is more than a suggestion—would be unable to spend its own money on a needle exchange program. What does the Washington Post think of that suggestion? They have asked this question, an important one: Has Congress nothing better to do at this point than to play mayor and city council to the District of Columbia? They go through the proposals which we are going to consider here, proposals relative to needle exchange and domestic partnership. Time and again what you find is they are proposals which don't stand up.

The current DC appropriations bill would allow the District to finance the needle exchange program only through its own funds. There would be no Federal funds involved. That has been the rule for years. What Senator ALLEN says in his amendment is, no, you can't even use your own funds for that purpose.

Why should we keep our hands off this decision? Let me tell the Senate about this beautiful Nation's Capital in which I have had the privilege of being a student and a Congressman and a Senator for so many years of my life. This beautiful city has massive problems. One of the biggest problems is a public health problem we cannot overstate. The AIDS rate, the rate of infection of AIDS in Washington, DC, is the highest in the Nation. It is nine times the national average. For us to say we are going to impose our political opinion on how to deal with the AIDS crisis in the worst suffering city in America is just wrong.

Individuals become infected in the District of Columbia with AIDS and HIV primarily through the sharing of contaminated needles for intravenous drug usage. More than a third of the AIDS cases nationwide are related to injection drug use. These statistics are most dramatic among women, where three out of four women diagnosed with AIDS injected drugs themselves or became infected through a partner who was an injection drug user.

I refer to this statistic about the District of Columbia: Over half of the children born with HIV have a parent engaged in substance abuse. Our vote this morning will decide whether or not we take away the authority of the District of Columbia to deal with a public health crisis that is the worst in the Nation. We are imposing our political view on the best medical judgment in America of how to deal with an epidemic. We wouldn't accept that if the epidemic related to bioterrorism. We wouldn't let the Governors and mayors make medical decisions. We would stand up for what is right scientifically and medically.

Both the District of Columbia mayor, Anthony Williams, and the police chief support the use of local funds to finance needle exchange programs in Washington, DC. The arguments that these programs are creating and fomenting crime, encouraging drug use, fall flat on their face. Last year in this appropriations bill we said we want the D.C. government to report to us if there is a higher incidence of crime around areas with needle exchange programs. It came back consistently and said no.

I say to the Senator from Virginia, they said no. The people, the cops on the beat, those who were asked to report to Congress said no, there was not an increase in crime or drug usage around these programs.

Let's talk about the scientific community for a moment. In addition to strong support from political officials, the potential for needle exchange programs to halt the spread of HIV/AIDS and encourage substance abusers to enter treatment is scientifically proven. The Surgeon General of the United States, David Satcher, stated:

> There is conclusive scientific evidence that syringe exchange programs as part of a comprehensive HIV prevention strategy are an effective public health intervention that reduces the transmission of HIV and does not encourage the illegal use of drugs.

This is the Surgeon General of the United States. He is not an elected official. He has never put his name on a ballot that I know of, but he has spent his lifetime in public health and medicine. He says the amendment offered by the Senator from Virginia is just plain wrong.

If that amendment prevails, we will increase the likelihood of HIV and AIDS in the District of Columbia; we will increase the likelihood of more drug usage. How can we in good conscience consider such a measure? How can we turn our back on the overwhelming scientific and medical evidence against the Allen amendment? To ignore that is to ignore any warning we receive.

Do my colleagues recall during the Reagan administration President Reagan faced the onset of the AIDS epidemic and thank goodness Dr. Koop, his Surgeon General, had the courage to stand up and say: Don't politicize an epidemic. We will deal with it in honest medical terms. Thank goodness Dr. Koop said that and sent notices out to every home in America so they understood the seriousness of this public health challenge. It would have been so easy for this to be politicized. It would have been so easy for someone to take advantage of it. President Reagan and Dr. Koop wouldn't allow that.

Dr. Koop supports needle exchange programs—Dr. Koop, the former Surgeon General under a Republican President.

The Institute of Medicine in Washington, DC, said access to sterile syringes is one of the four unrealized opportunities in HIV prevention. The National Research Council and the Institute of Medicine indicated that needle exchange programs have the potential to reduce risk behaviors associated with HIV by 80 percent and HIV transmission by 30 percent.

When I start to list the organizations that oppose the Allen amendment, that

say it is just plain wrong scientifically and medically, we will have some understanding of why this is the wrong thing to vote for.

First, those opposing the Allen amendment: The American Medical Association, the American Academy of Pediatrics, the American Foundation for AIDS Research, the American Nurses Association, the American Pharmaceutical Association, the American Public Health Association. The list goes on and on and on. Every major credible public health organization that has been asked to comment on needle exchange programs has concluded they are an effective way to fight drug usage and the spread of HIV and AIDS.

Let me draw the attention of the Senate to this chart. This is a map of the United States showing the States that are currently involved with needle exchange programs. Keep in mind, all of these 31 States have decided this is a good way to fight drug usage and HIV/AIDS. Are we passing a law banning States around the country such as Maryland from having a needle exchange program, or Illinois? No. Only the District of Columbia, where Senators and Congressmen get to play mayor for a day. That is unfair. Look at these States all across America: Florida, Georgia, North Carolina, Tennessee, Louisiana, Texas, the President's home State, all with needle exchange programs.

If this is such a scourge on America, as the Senator from Virginia suggests, why hasn't he offered an amendment to ban these programs nationwide? Because, frankly, it is not Congress's business to do so. Secondly, it is just plain wrong from a public health point of view.

We know in these States that these programs bring people who are currently addicted into the presence of those who will give them the clean and safe needles, but also much more. They will connect up with them to try to help them end their drug usage. People living and lurking in the shadows and alleys of America as IV drug users using contaminated needles are not going to end their addiction, they are going to unfortunately continue it. They are going to give birth to children who will also suffer from HIV and AIDS as a result of it.

Ninety-five percent of the programs refer clients to substance abuse treatment and counseling programs—95 percent of those needle exchange programs do make the referrals. You are going to cut off this opportunity to reach out to a drug addict and say, please, we know that you are addicted, but here is your chance to shake this addiction, to change your life. Why would we walk away from that? Why in the Nation's Capital would we walk away from it, where the HIV and AIDS infection is the worst in America?

Over half of the people who come to these needle exchange programs realize they have an opportunity for voluntary HIV testing on the site, and more than a quarter are screened for hepatitis B and C. All seven of the needle exchange programs in my home State of Illinois offer referrals to treatment information about HIV prevention.

I have voted for some of the toughest penalties in the law when it comes to drug usage. I have joined with those who say we have to make it clear that this is wrong; it not only kills you, but it threatens America in so many ways. I think these harsh punishments have worked in some cases; they have not worked in others. There are some people for whom even the harshest punishment in the world is not enough. They need a helping hand, someone who will reach out to them and say, please, test yourself for HIV, consider this program for rehab.

The amendment offered by the Senator from Virginia will stop the Nation's Capital, a city that is rocked with the HIV/AIDS epidemic, from fighting it. This amendment turns its back on the scientific and medical evidence which we gather across America in terms of how these programs help us to fight drugs, how they help us to fight crime, fight dependency, and fight addiction, why 31 different States, including the State of Utah and the State of Louisiana, have similar programs.

The ACTING PRESIDENT pro tempore. The Senator's 12 minutes have expired.

Mr. DURBIN. I ask for 2 additional minutes.

Ms. LANDRIEU. I yield 2 additional minutes to the Senator.

Mr. DURBIN. The Senator from Virginia said at one point that this is a program that harms its participants. I say to the Senator that the American Medical Association disagrees with him. The American Public Health Association disagrees with him. Law enforcement in the District of Columbia disagrees with him, and the Surgeon General of the United States disagrees with him as well.

When we consider what we are up against, the Senator says we have to make sure we send the right message. The fact that we can come to the floor and make a political judgment to take away one of the tools and weapons to fight for good public health and to fight HIV/AIDS is the wrong message. What are we going to do next? Are we going to decide that Congress is going to make decisions about the threat of anthrax and not the public health community, that it is a political decision not a medical decision? I hope not.

Whether we are fighting AIDS or anthrax, whether we are fighting drug addiction or other problems facing us in America on the medical scene, for goodness sakes, let us have the humility as Members of the Senate and the House to defer to the experts in the field. Let us not be swept away with the thought that by passing this amendment we are stating something that is politically strong.

Let me close with this statement from the Surgeon General because this says it all:

> In summary, the new studies contribute substantially to the strength of the data showing the following effects of effective syringe exchange programs: A decrease in new HIV sero conversions; an increase in the numbers of injection drug users referred to and retained in substance abuse treatment and well-documented opportunities for multiple prevention services and referral and entry into medical care. The data indicate that the presence of a syringe exchange program does not increase the use of illegal drugs among participants in the syringe exchange programs.

That is the Surgeon General speaking on the basis of facts and real statistics. I beg the Senate not to play mayor and council for a day at the expense of an HIV/AIDS epidemic in the Nation's Capital. Stand with the AMA and the Surgeon General for the sound and prudent medical judgment to let those programs continue in the District of Columbia using their own funds.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. I ask that the time I consume not be charged against either of the managers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AVIATION SECURITY ACT

Mr. REID. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1447).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

> *Resolved*, That the House insist upon its amendment to the bill (S. 1447) entitled ''An Act to improve aviation security, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.
>
> *Ordered*, That Mr. Young of Alaska, Mr. Petri, Mr. Duncan, Mr. Mica, Mr. Ehlers, Mr. Oberstar, Mr. Lipinski, and Mr. DeFazio, be the managers of the conference on the part of the House.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Chair appointed Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. WYDEN, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, and Ms. SNOWE, conferees on the part of the Senate.

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 2107

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. The Senator from Louisiana, the manager of this bill, needs 4 extra minutes. I ask unanimous consent that she be given 4 extra minutes and that Senator DEWINE be given 4 extra minutes in relation to this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I yield 2 minutes to the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I rise to voice my very strong support for the District of Columbia's efforts to cut HIV/AIDS transmission through its needle exchange program and strongly oppose the Allen amendment. First, I compliment the leadership of the chairwoman, the distinguished Senator from Louisiana, for her efforts in making sure that democracy works in the District of Columbia, that we leave to the local folks home rule regarding those matters we leave to home rule all across this country. I can only argue that the District of Columbia should be able to use its own funds as it sees fit, the same as do other localities in the country.

Let me start with the bottom line on the fundamental issue. Needle exchange programs work and they save lives. Facts speak for themselves. The Senator from Illinois was very articulate in bringing out a lot of them. I will go over a little more of that. There are over 130 needle exchange programs operating in the Nation, in 80 cities and 31 States. They work. These programs, like the District of Columbia's programs, are supported at the local level by people who want to attack this scourge of drug addiction and HIV/AIDS in our communities. They are supported by States and a huge amount of private funds in the country. Again, the simple reason is that they work.

Countless government and private scientific studies have proved the effectiveness of the needle exchange programs. They limit the spread of HIV/AIDS. Fact. They do that without any sense or any kind of objective evidence that they do anything to spread drug use. The Centers for Disease Control, the University of California, and the U.S. General Accounting Office, among a whole host of others, have shown that these programs substantially reduce the transmission of HIV/AIDS without encouraging drug use.

I want to give an example. Beth Israel Medical Center in New York studied needle exchange programs in the city and found that the program reduced infections by two-thirds—a very substantial program. The study found that injection drug use did not increase at all in the city at the same time. Similarly, a 1997 study by the National Institutes of Health concluded that needle exchange programs reduced HIV by at least 30 percent and reduced risk behaviors among drug injecting drug users.

In fact, needle exchange programs serve as an effective link to drug treatment programs. So you get a double-edged benefit; not only do you limit the spread of HIV/AIDS, but you introduce people to drug treatment programs.

According to the recent CDC Morbidity and Mortality Weekly Report, 95 percent of needle exchange programs refer clients to substance abuse treatment. Last year, the Surgeon General found that needle exchange not only reduces HIV transmission but many may also reduce injection drug use for these people who are in the programs. Reference to drug treatment programs is a good thing. That is how we reduce this scourge in our country.

Mr. President, the District of Columbia and communities nationwide are facing a two-pronged public health crisis of injection drug use and a persistent and growing HIV/AIDS epidemic. As many as half of all HIV infections are caused by the sharing of HIV-contaminated injection tools.

I conclude by saying this is an important program that needs the Senate support. We can do a lot to make a big difference in our communities.

I thank the Chair.

Mr. KENNEDY. Mr. President, more than 40,000 people a year become infected with HIV, the virus that causes AIDS. Half of all new HIV infections in the United States occur among drug users.

In addition, approximately 4 million Americans have been infected with the hepatitis C virus. Injection drug use is responsible for at least 60 percent of those infections.

Numerous authorities, including the National Academy of Sciences, the Surgeon General, the Centers for Disease Control and Prevention, the American Medical Association, the Academy of Pediatrics, and the American Public Health Association have concluded that needle-exchange programs reduce the transmission of HIV and hepatitis C without encouraging the illegal use of drugs.

It is indefensible for Congress to tell the citizens of the District of Columbia that they cannot spend their own money on programs that stop the spread of fatal, infectious diseases. It is irresponsible for members of Congress to oppose a locally funded program on the ground that it encourages illegal drug use, when every major health organization in the United States says that the opposite is true.

People's lives are at stake. I urge my colleagues to oppose the Allen amendment.

Mrs. CARNAHAN. Mr. President, the Senate is currently considering the fiscal year 2002 District of Columbia Appropriations bill. I would like to recognize Senators LANDRIEU and DEWINE for their strong leadership in moving this important bill through committee.

The District of Columbia shares a unique relationship with the Federal Government. It is the only locality in the country whose budget intersects so directly with Congress. Congress is charged with approving both the Federal and local budget for the District. Consequently, the city cannot move forward with its own new budget until the Congress finishes its work and approves the bill. I encourage the Senate to approve this bill as quickly as possible.

Several amendments may be offered to this bill that impose Federal restrictions on how the District of Columbia spends the money that it collects in local taxes. The District of Columbia is fortunate to have such an able leader in Mayor Anthony Williams. This past year, the mayor, along with the city council, have put together a budget for the city that reflects its own priorities that meet local needs. I do not intend to support amendments to this bill that impose restrictions on how the District spends it money.

I would not want Congress telling St. Louis or Kansas City how to spend their local tax dollars. The same standard should be applied to the District of Columbia. The District of Columbia is our Nation's Capital and an international symbol of democracy. The Congress should honor the unique status of this city by allowing the District to make its own decisions on how taxes raised from its own citizens should be spent.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. LANDRIEU. I yield time to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I strongly support Chairman LANDRIEU's intention in the District of Columbia fiscal year 2002 appropriations bill to allow the city to use its own funds to support a needle exchange program in the city, and I oppose Senator ALLEN's amendment to restrict the use of those funds. The current ban on the use of Federal funds for this program remains intact in the legislation before us.

This issue truly is about the ability of an independent jurisdiction to use its locally raised revenue to support a program that its elected officials have deemed appropriate.

In my own State of Rhode Island, for example, a needle exchange program

called ENCORE has existed in the city of Providence since 1995, supported by local funds. This has been, and continues to be, a very successful program. Many of the other programs in the 34 States that currently have either state-funded or city-funded needle exchange programs also have been successful in decreasing the spread of HIV/AIDS.

There are currently well over 100 different needle exchange programs around the country working to effect this positive change.

The ENCORE program in Rhode Island has enrolled over 1,500 clients and provides education, counseling, access to sterile syringes, and referrals to substance abuse treatment programs. Followup studies and date continue to show that participants in this program have substantially reduced their risk behaviors.

However, the HIV/AIDS epidemic continues to be very serious in my State, particularly as individuals with the disease are able to live longer and therefore constitute a greater percentage of the State population. That is why the State of Rhode Island continues to look for new methods to deal with the spread of this disease, and why programs like ENCORE are so important.

The Surgeon General echoed this report in one of his own studies in March 2000, stating that ''there is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs.'' That has been the case in my own State, and that will be the case if we allow the District of Columbia to take a similar approach with its own funds.

The District of Columbia has the highest rate of HIV and AIDS in the country, and therefore desperately needs the ability to tackle this problem in its own way. Unfortunately, the city has been prevented from using its own locally raised revenue to deal with this issue since 1999 in this appropriations bill.

In addition, in last year's D.C. appropriations bill, even private funds were prevented from being used to support a program.

Today we have an opportunity in the bill before us to change this attitude and allow the city to enact a targeted and aggressive program to attempt to eradicate this deadly disease from a vulnerable population.

Several important public health organizations support this move, including the American Medical Association, the American Nurses Association, the American Public Health Association, the American Academy of Pediatrics, and the U.S. Conference of Mayors, as well D.C. Mayor Anthony Williams and D.C. Police Chief Charles Ramsey. It is imperative that we add our support to this effort as well.

To reiterate, I commend the leadership of Senator LANDRIEU from Louisiana. Her position and the position of the committee is that the District of Columbia should be allowed to spend its own money on a needle exchange program. This is a program that has been embraced in 34 States and over 100 cities. One of those cities is Providence, RI. Providence has Operation ENCORE in which they provide a needle exchange together with education, counseling, and drug rehabilitation referrals. The program works.

I come today with facts, with success, to argue that the District of Columbia should be allowed to use its own money to replicate successful programs in other urban areas. They have a huge problem with AIDS in their community. This is a sensible, proven way to help people avoid the scourge of infection with AIDS, and we should support it, not try to deny them this opportunity.

It is no surprise, based on the experience of Providence, which is, at this point, enrolling over 1,500 individuals successfully, that this program has been heralded by the Surgeon General as a great success. In his words, in March of 2000:

> There is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs.

''Conclusive scientific evidence,'' and today we are here to try to refute conclusive scientific evidence, which is at the heart of the proposal to strike this provision, and also to override the judgment of local authorities which is commonplace throughout this country in the over 100 municipalities that are running a program such as this.

If we want to rely upon science and also on the authority of localities to use their local funds as they wish, we have to reject this Allen amendment and we have to support the position of the committee.

This position that drug programs featuring needle exchanges are effective is supported by a host of organizations: The American Medical Association, the American Nurses Association, the American Public Health Association, the American Academy of Pediatrics, and the U.S. Conference of Mayors. It is clearly supported by the mayor of the District of Columbia, Mayor Williams, and the police chief.

Those with the most interest in this program, with the most at risk, the most at stake, are asking us to give them the chance to use their resources to provide for a needle exchange program to reduce the transmission of AIDS and, as the Surgeon General pointed out, in no way will this encourage the illegal use of drugs. I cannot think of a more sensible position to support.

I urge my colleagues to reject the Allen amendment and support Chairman LANDRIEU'S position.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, our side rests its case. I believe our speakers have concluded. Senator DURBIN and I have some closing remarks, and I have some things to submit for the RECORD. I understand the Senator from Virginia may have some time remaining on his side. I understand from the leader he would like to get to this vote as soon as possible. I inquire of the Senator from Virginia what his intentions are and how much time he intends to use.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. Mr. President, I say to the Senator from Louisiana, I have a few minutes, no more than 3 or 4, maybe 5 at most, of concluding remarks. The others on our side who wanted to speak are elsewhere, and the vote will get them back here.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senator from Virginia have 5 minutes and that we have 2 minutes for closing remarks, and then we will be ready to vote.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I certainly have no objection to the request. We have a number of Senators who have inquired as to when the vote will occur. I wonder if the two Senators can agree we can have the vote at 11:15 a.m.

Mr. ALLEN. Agreed.

Ms. LANDRIEU. Agreed.

Mr. REID. I pose that, Mr. President, as a unanimous consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana had requested in her unanimous consent request that the Senator from Virginia have 5 minutes and that she have 2 minutes.

Mr. REID. There will be time left over. That sounds great to me.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. I thank the Chair.

Mr. President, in conclusion, as Senators are getting ready to vote on this amendment, my amendment actually keeps the policies the way they have been in prior administrations. I cited General McCaffrey who was the drug czar under President Clinton. General McCaffrey stated the problem is not clean needles, the problem is drug addiction.

One thing that has arisen a great deal in this debate is not the message we are sending, although I think it is the wrong message if we actually say we are going to use taxpayer funds in the District of Columbia to give drug users, drug addicts, clean needles and syringes. The evidence is clearly mixed on it. We can get evidence, I suppose, from those who are drug addicts. I would not consider them the most

credible witnesses under any cross-examination. Indeed both sides cite studies. Whether it is a study in New York or Vancouver or various other studies, these needle exchange networks only create networks for drug users to exchange information and drugs and have no positive impact whatsoever on drug use nor do they have an impact on stopping HIV transmission.

Of course, I do think AIDS and HIV ought to be addressed, but, as General McCaffrey states, the way of doing it is not to encourage and facilitate drug delivery devices that are cleaner than one would ordinarily use.

The main argument, though, is a jurisdictional one. I have the same general sentiments as the Senator from Illinois when we are talking about local control. I really do not like it. Notice Virginia, of course, is not one of the States that allows needle exchange. I am one who generally, as a matter of philosophy, trust the people in the States. I believe the 10th amendment is very important as a part of our Bill of Rights granting to the people in the States those rights that are not specifically granted to the Federal Government. But this is an issue that has to do with the District of Columbia.

The District of Columbia is under the purview and oversight of the Congress because it is the seat of Government. The part of the District of Columbia that remains is that which was ceded for the seat of Government by the State of Maryland. Virginia also granted some land, which is now Arlington County. It was not necessary, and it was retro-ceded to Virginia.

Just to show how Congress recognizes its special role in oversight as far as the District is concerned, both the House and the Senate have authorizing subcommittees specifically to address the needs of the District. There is no Chicago committee or Kansas City committee or Oklahoma City committee or Los Angeles committee in the House nor a subcommittee on them.

To argue this is a States rights issue or 10th amendment issue negates and clouds the reality that we have a responsibility in the Senate to have oversight over the laws and the activities, the safety and the conduct in the District of Columbia.

It is my view that it would be the wise and prudent course of conduct to not have the Senate in any way condone granting free needles, or free syringes to those who are engaged in and, in fact, are illegal drug addicts. I hope my colleagues in the Senate will stand for that principle for the District of Columbia, which is looked upon as not only our Nation's Capital but also the home of our legislative body, and of freedom of our representative democracy by people all over the world.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER (Mr. REED). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Illinois for his usual force and clarity in outlining many good arguments supporting the tabling of the Allen amendment.

I ask unanimous consent to have printed in the RECORD letters from the American Public Health Association, the District of Columbia Housing Authority, the nonprofit organization called Prevention Works, as well as the Whitman-Walker Clinic, Inc.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA
HOUSING AUTHORITY,
Washington, DC, June 5, 2001.

Hon. TED STEVENS,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, DC.

Hon. C.W. BILL YOUNG,
Chairman, House Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMEN YOUNG AND STEVENS: As required by Section 150(b) of the District of Columbia Appropriations Act for Fiscal Year 2001 (Public Law 106–522), the District of Columbia Housing Authority Police Department (DCHAPD) submits to the House and Senate Committees on Appropriations its report on illegal drug activity at or near any public housing site where a needle exchange program is conducted.

During the reporting period from January 1, 2001, to May 31, 2001, Prevention Works was the only organization administering a needle exchange program near a public housing development. Distribution locations were at 15th and Ives Streets, SE, which is near Hopkins Apartments located at 1430 L Street, SE; Central and Southern Avenues SE, which is near East Capitol Dwellings located at 5725 East Capitol Street, SE; and 21st and H Streets NE, which is near Langston Terrace located at 21st and Benning Road, NE. During this period, there were no needle exchange distribution sites in operation directly on public housing properties.

During the reporting period, we monitored each of the areas where the needle exchange van operated near a public housing site so as not to impact the behavior of needle exchange clients. Based on our observations, the maximum amount of time that the van remained at any one site was approximately 90 minutes. The activity in and around the van did not cause any disturbances. People visiting the van were there long enough to receive their supplies and usually left the area immediately. There was also no evidence that the presence of the needle exchange van led to increased crime. It should be understood that the needle exchange ''sites'' are not permanent sites, but rather stops on a weekly schedule of van routes. It should also be noted that in addition to the exchange of needles, the Prevention Works van provides free food and coffee to anyone approaching the van. During the reporting period, we received no resident complaints or concerns regarding the operation of the needle exchange program near the three public housing developments.

The DCHAPD will continue to monitor all disbursement sites located near our public housing developments and report accordingly. If you have need for further information, please feel free to call DCHAPD, Chief Madison Jenkins, Jr., at (202) 535–2588.

Sincerely,

MICHAEL KELLY,
Executive Director.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, September 25, 2001.

Hon. ROBERT BYRD,
Chairman, Senate Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN BYRD: The American Public Health Association (APHA), consisting of more than 50,000 public health professionals dedicated to advancing the nation's health, strongly urges you to oppose any amendment to the FY 02 District of Columbia Appropriations bill that would place further restrictions on the District's needle exchange programs. While APHA opposes any provision to ban the use of federal, local or private money to fund needle exchange programs, we are encouraged that the House Appropriations Committee did not include last year's extraordinarily burdensome restrictions on the operation of needle exchange programs in the District. We urge your Committee to follow the House Committee's lead and at a minimum, oppose last year's operational restrictions.

Since 1994, APHA has advocated for the development, implementation, evaluation, and funding of needle exchange programs to help prevent HIV infection. All APHA public policy is passed by the Association Governing Council and is required to meet strict scientific criteria. APHA policy on needle exchange is no different—an enormous body of published research, including more than seven federally sponsored reports, demonstrates that needle exchange programs reduce the spread of HIV while not increasing drug use by program participants or others in the community where the program is conducted. These findings are also reflected in a March 2000 report released by Surgeon General David Satcher reviewing all of the scientific research on needle exchange programs completed since 1998.

The current epidemiology of HIV/AIDS is clear—women and children are affected disproportionately by heterosexual HIV infection associated either directly or indirectly with transmission from injectable drug users. These new cases of HIV/AIDS that are linked to injectable drug use largely can be prevented through the provision of sterile needles to drug users coupled with other public health tools including health education and condom distribution.

Needle exchange programs increase the contact that health professionals have with injectable drug users, thereby increasing opportunities to conduct health education and disease prevention activities, including drug treatment and counseling. The efficacy of these programs is proven—placing further restrictions on funding and operations threaten the District's efforts to reach those individuals most at risk of HIV infection. Public health and saving lives must take precedence over politics. Your opposition to any further restrictions on these important public health programs is critical.

Thank you for your consideration of our views and your attention to this critical public health matter.

Sincerely,

MOHAMMAD N. AKHTER, MD, MPH,
Executive Director.

WHITMAN-WALKER CLINIC INC,
Washington, DC, September 3, 2001.

Hon. MARY L. LANDRIEU,
Chair, Committee on Appropriations, Subcommittee on the District of Columbia, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: As Executive Director of the Whitman-Walker Clinic, the largest HIV/AIDS service provider in the Washington, D.C. metropolitan area, I again urge you not to include language in this year's DC Appropriations bill that would restrict the District's ability to prevent the spread of HIV/AIDS.

In previous years, the Congress has added a series of overly restrictive prohibitions on the District's AIDS prevention needle exchange program. This year, under your leadership, we hope that you will respect the decisions and policies of the District's elected officials and not include such provisions in the bill. Further, we ask that you oppose any efforts to add such restrictions by others during consideration of the D.C. appropriations bill.

Sadly, the District of Columbia has one of the highest rates of HIV/AIDS in the nation. As of December 31, 2000, more than 13,000 people had been diagnosed with AIDS, and more than 6,600 people were living with AIDS in the District. Approximately, one-third of all AIDS cases in the District are attributed to intravenous drug use. It is estimated that 1 in 20 adults is HIV positive.

The spread of HIV can be prevented, and one scientifically proven way to do so is through needle exchange programs. According to the Centers for Disease Control and Prevention, the number of these programs is increasing, with 131 needle exchange programs across the country in at least 81 cities and 31 states, plus the District of Columbia. Four of these programs are conducted in the State of Michigan, with two in Detroit, one in Grand Rapids, and one in Kalamazoo. Almost 40 percent of all needle exchange programs receive public funding. The good news is that recent data presented at the 2001 National HIV Prevention Conference shows that programs are having an affect in decreasing new transmissions. Moreover, exhaustive scientific studies have all concluded that needle exchange programs reduce HIV infection and do not increase drug use.

Needle exchange programs are supported by the American Medical Association, the National Academy of Sciences, the American Academy of Pediatrics, the American Bar Association, and the U.S. Conference of Mayors, among others. Even the recent United Nations Declaration of Commitment on HIV/AIDS, signed by the United States, supports ''access to sterile injecting equipment'' as one way of preventing the spread of AIDS.

We have been heartened by your comments that you do not support riders to the D.C. Appropriations Bill. We are also pleased that, in transmitting the District's budget to the Congress, the Bush Administration deleted section 150, which placed unduly restrictive limitations on the operation of the needle exchange program. We hope you will follow the lead of the Bush Administration, and also delete these provisions from last year's bill, and further, enable the District government to fund the program as other cities are allowed to do.

While the news of late has focused on the international AIDS crisis, we have a crisis of our own in the District, which particularly affects African Americans. District leaders and health officials are doing their best to deal with the HIV crisis at home. I know you care about the health of the District's people, and trust that you will demonstrate it when you consider the District's appropriations bill, and the District life-saving needle exchange program.

Thank you for your continued support for the District of Columbia. As you consider this issue, if you have any questions or comments, please feel free to call me at 202/797–3511.

Sincerely,

A. CORNELIUS BAKER,
Executive Director.

PREVENTION WORKS,
Washington, DC, July 23, 2001.

Hon. MARY LANDRIEU,
Chair, Committee on Appropriations, Subcommittee on the District of Columbia, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: I am writing as the Executive Director of Prevention Works, the needle exchange program in the District of Columbia. Our mission is to curb the spread of HIV, hepatitis, and other bloodborne diseases among drug users, their sexual partners, and newborn children. The District has an AIDS rate over 10 times the national average. According to Health Department statistics, 36% of people living with AIDS here have been injection drug users. In addition, almost a third (31%) of the cases attributed to heterosexual contact involved sex with a drug injector. Our outreach and education are crucial to the health of our entire community.

Elected officials in the District are aware of the AIDS pandemic here and its connection to drug use. That is why they funded the needle exchange program from 1996 to 1998. Since October 1998 Congress has prohibited the District from using logically raised public funds to support needle exchange. This lack of public funding has had dramatic effects on our program and on our community, as has this year's Congressionally-mandated relocation of all exchange sites to a limited area of the city.

Program Instability: Prevention Works cannot guarantee the same level of services each month because of insecure private funding.

Service Reliability Impaired: Having to move our exchange sites has resulted in a diminished client base because clients can not find the program. The change appears arbitrary to clients, and because sites no longer conform to patterns of high drug activity, many clients have been lost and may never reaccess services.

Program Services and Refferals Compromised: Having to monitor Congressional activity and pursue smaller and more numerous private funding streams means that valuable program resources are directed to these administrative activities. Resources for monitoring and improving services are lost and the quality of linkages with drug treatment and other services are compromised. Organizations that are allowed to get larger and more predictable public funding do not face this challenge.

Obstacle to Collaboration: Prevention Works may be a client's first or only contact with the comprehensive network of service providers in the District. However, our clients' access to substance abuse treatment and the rest of the public health infrastructure is hindered because community-based organizations and government agencies are hesitant to work with Prevention Works because of understandable fears of repercussions on their own public funding.

Participants Concerns: Increased restrictions affect program consumers and increase the general stigma associated with needle exchange. This increased stigma drives clients further underground rendering this population even more difficult to reach. Increased restrictions do not result in less drug use, but they do lessen trust among a predominantly African American population that has been historically alienated from the public health establishment.

Community Health Needs Ignored: Reducing HIV and other health risks among people who inject drugs is a national priority as defined in Healthy People 2010. Currently prohibited by Congress from funding Prevention Works—the only program with an established presence among this marginalized and hidden population—the District has no chance of effectively achieving these federally defined objectives. In addition, because of new performance-based funding guidelines, the ban on local funding for needle exchange places future District funding in even more jeopardy.

The federally imposed restrictions on needle exchange do not improve the health of any District resident. They merely limit effective outreach and prevention of deadly disease among the city's most vulnerable residents.

Sincerely,

PAOLA BARAHONA, MPH,
Executive Director.

Ms. LANDRIEU. Again, I ask the Senator from Illinois for any closing remarks he might add.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute and 10 seconds.

Mr. DURBIN. I thank all those who have joined me on this side, including the Senator from Rhode Island and the Senator from New Jersey.

The District of Columbia is facing the worst HIV/AIDS epidemic in America, nine times worse than the national average. The medical community and the law enforcement community of this city have asked us to give them the tools and weapons to fight this epidemic.

The needle exchange program has proven successful in fighting this epidemic. That is why we have to defeat the Allen amendment. To do otherwise is to ignore the American Medical Association and every major public health group that has told us that needle exchange programs work. To reject the medical and scientific evidence and to take away this weapon against the war on drugs and the war on HIV and AIDS is wrong.

We appropriate less than 10 percent of the funds the district will spend out of Congress. The rest is their own money, and they are only asking to spend their own money as 34 other States do for programs that they think are important to protect their citizens.

The Senator from Virginia may not be surprised to find some Virginia license plates at the needle exchange program in DC. We need to keep this program in place.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. LANDRIEU. Mr. President, I move the Allen amendment be tabled, and 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 Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that Senator NICKLES also be added as a cosponsor to this amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that even though we are probably a minute or so early, the vote begin now.

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

All time has expired. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—53

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Ensign	Murray
Boxer	Feingold	Nelson (FL)
Breaux	Feinstein	Reed
Cantwell	Graham	Reid
Carnahan	Harkin	Rockefeller
Carper	Hollings	Sarbanes
Chafee	Inouye	Schumer
Cleland	Jeffords	Smith (OR)
Clinton	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Landrieu	Wyden
Dayton	Leahy	

NAYS—47

Allard	Frist	Murkowski
Allen	Gramm	Nelson (NE)
Bennett	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Snowe
Cochran	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McCain	Voinovich
Enzi	McConnell	Warner
Fitzgerald	Miller	

The motion was agreed to.

Ms. LANDRIEU. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized to offer an amendment on which there shall be 60 minutes equally divided, 30 minutes of which are to be used at this time.

Ms. LANDRIEU. Mr. President, if the Senator from Texas will yield for just a moment as she prepares to speak on her amendment, as you know, we have had a lot of consensus in this underlying bill. We have worked very hard through many stages of our committee to bring consensus on some of these issues. There is one issue that is going to require some debate and discussion. I hope between what Senator HUTCHISON can bring to this debate and Senator DURBIN, we might be able to come to some joint resolution. It is unclear at this point if that will happen. This debate is going to move forward.

I have to say with all due respect to both Senators, with whom I have visited at length about this issue—so has Senator DEWINE—both have genuine concerns for the schoolchildren of the District and the well-being of the school districts. They are both very passionate about these particular views. We were unable to come to a resolution. So this debate will ensue.

I would like to speak about a couple of things which are of concern to me as manager of this bill and as the appropriations chair for the committee.

It is very disconcerting that we cannot get the kind of information from the District, or the CFO, or the school board, or any other financial entity to give us the details of outstanding judgments—how much they are, how many there are, and that kind of information. We are not able to verify some of the information that was sent to us, which itself is a problem to me not only as manager of the bill but as chair of this committee.

I hope we will be respectful of that issue as we debate whether it is appropriate to have caps for attorneys representing children and families with special needs—whether or not it is appropriate to have caps based on the data. But if people are looking to us or to the staff for some specifics, we have tried our best. It is a real problem, when we don't have this information, to be able to explain to people for the benefit of debate how much the judgments are that are outstanding, how many there are, what moneys we may be saving, what moneys we may be spending, and what the interest rates are. It would be very pertinent in trying to resolve this issue.

I say to the Senator from Texas and to the Senator from Illinois that we cannot really trust the documents we have. We will just do the best we can.

I appreciate the Senators feeling so strongly about their respective positions and hope the outcome will be something that will serve the children of the District, their parents, the school system, and the taxpayers in the fairest manner possible.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

AMENDMENT NO. 2110

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. SESSIONS, proposes an amendment numbered 2110.

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

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

The amendment is as follows:

Under ''General Provisions'' insert the following new section:

SEC. . (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) If—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. §1415, 42 U.S.C. §1988, 29 U.S.C. §794a, or any other law, none of the funds appropriated under this Act, or in appropriations acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorney's fees by prior appropriations acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. §1400 et seq.).

Mrs. HUTCHISON. Mr. President, Senator SESSIONS and I are offering this amendment for one simple reason: We want to improve the quality of education for the District of Columbia. Our amendment will preserve an estimated $44 million for special education funding in the District.

The amendment will continue a provision contained in the last three DC appropriations bills that cap the allowable fees an attorney may charge for a child's special education placement in the District of Columbia. We raise the cap in the present law from $125 an hour to $150 per hour, and a per-case limit from $2,500 to $3,000.

Our amendment also continues a provision contained in last year's bill that allows the District of Columbia, acting through the mayor and school superintendent, to waive those caps if they believe it is in the best interest of the D.C. students to do so.

I also point out that our amendment will prevent an estimated $32 million in retroactive attorney's fees from being awarded, as has been threatened by the D.C. Circuit Court. That court has ruled that should this fee cap be lifted, they will go back and actually undo the will of Congress by awarding all the billed attorney fees in excess of the caps during the last 3 years.

Our amendment is supported by the school board and the superintendent of

schools in the District. And the mayor has told me he also has supported this. They support it because it allows them to put the dollars in education for the children. They are trying to use the money for the education programs. In fact, they have put the money they have saved since the caps were put in place, that would have gone to attorney's fees, into the special needs programs, and they have increased the number of children who now can be taken into the programs.

Why is our amendment necessary? In fiscal year 1998, the District of Columbia spent $14 million solely to pay attorneys who challenged the District's placement of special education children. The next year, in fiscal year 1999, the District spent $3.5 million in attorney's fees. This meant that the District had approximately $10 million in additional funds for the education of these children. The District allocated all this money saved to improving the quality of their special education programs.

And those programs have continued. Over the next 3 years, D.C. allocated $32 million in funds that would otherwise have gone to pay attorneys to improving special education programs for disabled and special needs children.

This effort has significantly improved the availability and quality of special education. They have also been able to reduce the backlog of initial assessments of special education children from 1,805, before the imposition of the cap, to 143 as of March of this year.

Now they are hiring new special education teachers, purchasing new assistive medical devices, and providing new training and education for existing special education teachers.

So what we are trying to do with this amendment is make sure the education dollars, which are so crucial for the District to improve the quality of education and the quality of special education, stay in the education budget rather than going to pay lawyer's fees.

I ask unanimous consent that a letter the president of the school board and the superintendent of D.C. schools have written in support of our amendment be printed in the RECORD.

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

DISTRICT OF COLUMBIA
BOARD OF EDUCATION,
Washington, DC, October 26, 2001.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Russell Senate Building, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the District of Columbia Board of Education and the DC Public Schools, we are writing to strongly urge you to include language in the FY 2002 appropriations bill for the District of Columbia that provides a cap on the amount of funds expended for special education attorney fees. Specifically, we are requesting language comparable to that contained in the District of Columbia Appropriations Act of 2001, P.L. 106–522.

It is our determination that the exclusion of such language could result in an additional cost of at least $44 million to the District of Columbia Public Schools in FY 2002 (including approximately $32 million in fees subject to the cap in FY 1999 through FY 2001 that could now be billed, plus at least $12 million in new fees no longer subject to the cap). It is our collective opinion that the result of such an expenditure will seriously and adversely affect our ability to provide educational materials, textbooks, and operational support to the students, teachers, and staff of the DC schools. This will, as a consequence, further jeopardize the opportunity of our children to receive a quality education.

We are grateful for your past support of our efforts to improve the quality of education provided to the children of our City and we look forward to working with you to continue to build upon our growing accomplishments. Your support of this request will be a significant step toward further realization of our mutual goals for education.

Thank you in advance for your consideration of this matter. Should you have any questions or require additional information, please do not hesitate to contact us.

Respectfully,

Ms. PEGGY COOPER CAFRITZ,
President.
Dr. PAUL L. VANCE,
Superintendent.

Mrs. HUTCHISON. I would like to read briefly from that letter:

It is our determination that the exclusion of [the cap] could result in an additional cost of at least $44 million to the District of Columbia Public Schools in FY 2002. . . . It is our collective opinion that the result of such an expenditure will seriously and adversely affect our ability to provide education materials, textbooks, and operational support to the students, teachers, and staff of the DC schools. This will, as a consequence, further jeopardize the opportunity of our children to receive a quality education.

I urge my colleagues to vote for this amendment. It is a reasonable cap. We are not trying to starve lawyers. We want legitimate lawyers to be able to earn a living. But $150 an hour is quite a legitimate amount to spend. I think if anyone has the legitimate interests of the school district at heart, they will listen to the superintendent of schools and the president of the school board to let them do what they believe they need to do to improve the education in the schools. And they do not want to spend this money on lawyer's fees.

They are doing the best they can. There are no complaints—or maybe there are complaints; I guess there are complaints against every school district, but there are no complaints that they are not making every effort to increase the quality of and the number of children they can serve in these special needs classes.

Madam President, I now would like to reserve the remainder of my time. I ask that either Senator DURBIN or Senator SESSIONS be allowed to speak. Senator SESSIONS is my cosponsor. I do not know if Senator DURBIN wishes to speak first.

The PRESIDING OFFICER (Mrs. CARNAHAN). Who yields time?

Ms. LANDRIEU. Madam President, I yield time, as stated in the unanimous consent agreement, to the Senator from Illinois for a response to this amendment. Then probably, after the Senator from Illinois speaks, the Senator from Alabama would like to speak. And then Senator MURRAY could be recognized in morning business.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the chair of the subcommittee for yielding to me.

Madam President, several years ago Congress decided to pass a law which was revolutionary. It said that in the United States of America, if you had a child who needed special educational assistance, we were going to try to help that child. It really was a commitment that had never been made before.

I can recall, as a child growing up in my small hometown, that it was rare to see kids with learning disabilities and physical disabilities in my classroom. I do not know where those kids were. They were certainly here on Earth, but they were not in the classroom.

So Congress said: We are going to change that. We are going to open the doors of education in the schools across America to children with special needs—kids who are disabled, mentally and physically, kids who have learning disabilities. We are going to give them a chance.

That bill passed with an overwhelming, bipartisan vote because it sounded so right and so American for us to stand up and say: That is why America will be different.

We knew, when we passed that bill, it would not be easy because many of these children really need special attention. I have seen it in classrooms across Illinois and people have seen it across the Nation. But the success stories are so gratifying, that children, who would have been tossed in the trash heap just a few years ago, are given a chance. With special education and special assistance, they can become productive citizens in America and have a good, wholesome, and happy life.

Democrats and Republicans said: This is a good thing for us to do. But what are we going to do about school districts that turn these kids down, that will not give them the chance to go into the schools, where the parents are distraught, where they have no place to turn? What are we going to do in that situation?

The law said, if it comes to that, if the school district will not accept the child who needs special education, there may have to be a hearing. Of course, hearings involve attorneys. An attorney would have to stand up for that child and that child's family and try to give that child the chance the parents want.

Who will pay for that attorney, because some of these kids are from the poorest families in America. They are not all rich families and rich kids. The law said, when it comes to that issue, the court will decide. If the attorney representing that disabled child—a child with a learning problem—prevails

in the lawsuit, the court can award attorney fees to the attorney who represented the child, and the school district that resisted bringing the child in for special education will have to pay the attorney fees.

I have just stated the law in America. Through her amendment, the Senator from Texas wants to change what I have just described in one city—the District of Columbia—to say that in this, the Nation's Capital, we will not play by the same rules that Texas, Louisiana, Ohio, and every other State, including Alabama, plays by. No. In the District of Columbia we are going to do it differently. We are going to say, in the District of Columbia, no matter how complicated the case, no matter how many problems that child might have, no matter how many hearings might be necessary, no matter how much effort is put up by the school board to stop this child from coming into special education, no matter how much is involved in it, no attorney is paid more than $3,000, period—none, not a penny.

That $3,000 limit does not apply in Texas, does not apply in Illinois, Washington State, Alabama, or any other State. The Senator from Texas would have us apply that here in the District of Columbia.

So when you put a limit on the attorney's fees in complicated and difficult cases, how easy is it for a person, a family, a mother and a father, to find an attorney to represent their son or daughter? It becomes increasingly difficult.

What the Hutchison amendment does is to close the courthouse door, close the opportunity for administrative hearings for children who are seeking special education in the District of Columbia.

Need I remind my colleagues, the District of Columbia is one of the poorest cities in America. There are children in this city who, through no fault of their own, came to the Earth in the usual way—as Harry Chapin used to sing in a song—who came to the Earth in the usual way with a lot of problems, disabilities. These kids, through no fault of their own, will find the schoolhouse door is closed to them because of the Hutchison amendment.

She has said these kids cannot have the same legal representation as children all across America who are asking for an opportunity for special education. Her war is against trial lawyers. I used to be one. I plead guilty as charged, Your Honor. But I can tell you, to say that no lawyer will spend more than 20 hours on any case involving special education is just terrible. It is terrible when you consider the outcome. The losers here won't be the trial lawyers. They will find other work. The losers be will be the children and their families who do not want to give up hope for these kids.

Senator HUTCHISON says it is a matter of dollars and cents: Either give it to the trial lawyers or give it to the school district. Certainly, the schools of D.C. and schools across America need more money. But does this meet the test of fairness and justice? Does it meet the test of those who proudly voted for the IDEA legislation and said they really cared about special education? It does not meet that test.

Let me tell you something else that is unintended perhaps but has to be said: When Senator HUTCHISON limits the amount the District of Columbia can pay to any lawyer representing any child, no matter how complicated the case, to $3,000, do you know what the D.C. courts have said? They have said: We reject that. We are going to award to these attorneys the fees to which they are reasonably entitled. We understand the D.C. appropriations bill passed by Congress may limit how much Congress can pay out to those lawyers, but that is not going to limit our right under the IDEA bill to award these attorney's fees.

So what has happened?

Let's assume in a case that an attorney works long and hard for many years on a special education case and the court says, you are entitled to $10,000 in attorney's fees. The Hutchison amendment says, no, D.C. can only pay $3,000. What happens to the difference; what happens to the $7,000? The $7,000 is still an obligation of the District of Columbia. Senator HUTCHISON is not doing the District any favor.

What is happening is all of these awards in court above the Hutchison payment level continue to build up in the District of Columbia, and interest is running on them. This mountain of debt for the District of Columbia is going to be there whether Senator HUTCHISON or Senator DURBIN like it or not. It is a reality. In every city and school district across America, they face their legal obligation—in Texas, Louisiana, Alabama, and in Illinois. But Senator HUTCHISON would say we won't face that legal obligation when it comes to the District of Columbia.

The root problem is the weakness and poor performance of the D.C. public school system. They come racing to us now and say, we don't want the attorneys who want children to come in as special education children to be paid what they are entitled to be paid by the court.

Litigation is merely a symptom of a larger problem. Fifteen percent of the kids in the D.C. public school system are special needs children, 10,500 children. The appropriate way to reduce the burden of litigation on the D.C. public school system is for the system to comply with the law and provide the services and education that children with special needs deserve in every State in the Union, and every school district in America plays by those rules. But not under the Hutchison amendment. She has said there will be one exception: the District of Columbia, one of the poorest cities in America with children suffering from learning disabilities. That system, those children, those families will not have the same legal representation as kids across America.

Singling out the District of Columbia is just plain wrong. This isn't a war against trial lawyers. This is a war against poor children who need a helping hand. That is just not fair.

I asked before in the earlier debate, why is it when this appropriations bill comes to the floor, every Member of the Senate and House wants to turn into a mayor or a member of the city council? Time and again we defer these judgments to the city council and mayor. In Springfield, IL, and Chicago, IL, we say: It is your call. When it comes to the District of Columbia, no, we want to superimpose our decision, our judgment. It is not fair for the District of Columbia public school system to be standing here begging to be treated as a home rule unit and then say to Congress: Make sure you carve out a little exception for D.C. when it comes to special education students. They want to have it both ways.

The mayor, whom I respect very much, has talked out of both sides of his mouth on this issue. I don't know where he stands on this issue. I can't follow it. I really respect this man. But eight members of the D.C. city council have written a letter, a compelling letter. I ask unanimous consent that the letter from the D.C. council of September 24 be printed in the RECORD.

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

COUNCIL OF THE
DISTRICT OF COLUMBIA,
Washington, DC, September 24, 2001.

Re: special education attorney fees.

Hon. MARY LANDRIEU,
Chairwoman, Subcommittee on the District of Columbia, Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: As the Congress considers the District's appropriation for fiscal year 2002 we understand that the House has dropped any provision limiting attorney fees in special education cases. We hope and urge that the Senate agree.

As you know, the federal Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) mandates special education for children with learning disabilities, and provides that where a child must go to court to effect his or her right that child (if he wins) is entitled to have his attorney's fees paid by the government. That the District has been singled out for the last three years with a limit on the fees has been a matter of great controversy.

The position of the Council and Mayor is quite clear: we adopted a proposed budget that contains no cap on attorneys fees. Our objections to a fee cap include:

A cap makes it more difficult for children to obtain special education to which they are entitled. It is a simple fact: a cap on fees reduces the number of attorneys willing to take such cases and, therefore, reduces access to counsel.

A cap discriminates against low income children. Affluent families can afford legal representation; the cap affects them but they still have an economic ability to help their children.

The effect of the cap is to treat the children of the District of Columbia differently—and less favorably—than any other child in any other state in the nation. District children have fewer rights with the cap.

The way to improve special education in the District of Columbia must be programmatic—improve the programs rather than limit the advocacy for special needs children.

We want public school children to obtain the best possible education. Reforms must be done in a way that does not disadvantage children. It is our strongly held view that the cap on attorney fees places already vulnerable children at an even greater disadvantage. For all of these reasons we ask that the Senate follow the House and eschew any provision limiting attorneys fees for prevailing parties under the federal Individuals with Disabilities Education Act.

Sincerely,

SHARON AMBROSE,
Ward 6.
DAVID CATANIA,
At-Large.
KEVIN CHAVOUS,
Chairman Comm. on Education & Libraries.
ADRIAN FENTY,
Ward 4.
JIM GRAHAM,
Ward 1.
PHIL MENDELSON,
At-Large.
KATHY PATTERSON,
Ward 3.
CAROL SCHWARTZ,
At-Large.

Mr. DURBIN. These include Republican as well as Democratic and Independent members of the council. They write in part:

The position of the Council and Mayor is quite clear: we adopted a proposed budget that contains no cap on attorneys fees. Our objections to a fee cap include:

A cap makes it more difficult for children to obtain special education to which they are entitled. It is a simple fact: a cap on fees reduces the number of attorneys willing to take such cases and, therefore, reduces access to counsel.

A cap discriminates against low income children.

The effect of the cap is to treat the children of the District of Columbia differently—and less favorably—than any other child in any other state in the nation.

I was a practicing attorney before I came to Congress, and there are some wonderful people who are involved in pro bono—free—legal work. They do great work. There are also some attorneys who can't find any other kind of work; they are not up to it. I don't think we should put the future and fate of these special ed kids in the hands of an attorney who may or may not be qualified to handle the case. That is exactly what we are doing.

This is discrimination against the special ed kids in the District of Columbia. The District of Columbia school system should be ashamed that they have called on this Congress to perpetuate this injustice. I hope this Congress will think twice. If you voted proudly for IDEA, if you really stand for children with disabilities, then for goodness' sake give them the legal rights to pursue the right they have under law.

I yield the floor.

Ms. LANDRIEU. May I inquire how much time the Senator from Alabama might need to speak on this amendment?

Mr. SESSIONS. I will finish the time of Senator HUTCHISON. How much time does the Senator have?

The PRESIDING OFFICER. The Senator from Alabama has 8½ minutes.

Ms. LANDRIEU. That would be fine, of course, under the consent agreement, because the Senator from Washington State is on the floor and wants to speak not on this amendment but as in morning business. I was just inquiring. The Senator from Alabama is entitled to proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, the Individuals with Disabilities Education Act has done a lot of great things. It has had a consistently strong goal to mainstream disabled children into regular classrooms.

I have in the last year or so visited 20 schools in my State. I try to take the opportunity each time to meet with the principals and teachers in a conference and ask them about their problems, what are their frustrations, what is working, what is not working, what can we do in the Federal Government to help them.

The thing I hear over and over again—and I ask Senators if they hear the same thing; I suspect they do—is that the Individuals with Disabilities Education Act has become a legal nightmare. It has created laws that are not helpful and are costing the schools tremendous sums of money in litigation. It is not helping children in ways we would like to help them. Yes, we want to mainstream every child who can be mainstreamed.

I will share this story. I attended a wonderful, award-winning elementary school in a mid-size town in Alabama. It was so well decorated. It was the first week of the school year. The classrooms were well appointed, well organized, with bulletin boards of first quality. My wife taught elementary school a number of years, and I know about those things and what you are supposed to do. The principal told me this story.

He said: The first day of school, when we were working as hard as we could to do all the things necessary to make that first day a great day for the kids, I spent that afternoon and until 7:30 that night with 13 individuals, including a group of lawyers, over how long an individual child should be kept in the mainstream classroom.

This child had a serious emotional disability and was not going to be removed from school but would be put in an alternative setting where the disability could be dealt with. But the parents and lawyers wanted the child to be mainstreamed. In the previous year, I believe that child had been in the classroom 1 hour a day. The principal had concluded the child didn't need to do that. He was disrupting the classroom and the child would not benefit from being in the classroom an hour a day, and he decided to change that policy. So they did that under the individual plan for the child. As a result, an objection was raised. The compromise—he told me this, and I find this unbelievable—was that the child was allowed to be in the classroom for 15 minutes a day. After all of that.

As part of that settlement, the school was obligated to pay the lawyer who brought the allegation because the child had prevailed—at least in some part. So they had to pay the lawyer's fee for their lawyers and the lawyer's fee of the people on the other side. The teachers and all who had relevant information about this had to disrupt their first day of school to meet and meet and meet. They had to prepare and they had to talk to experts and have expert testimony about this child and what they could do—all because of the Federal education disabilities act.

We want to help children who can be in the classroom—children who have sight disability, who can't hear, or children who have other disabilities and are in wheelchairs; they need to be mainstreamed. We want to achieve that. Nothing here would say otherwise. There are a lot of problem areas, though, and there is a cottage industry of lawyers who are filing lawsuits regularly.

The District of Columbia tells us they had nearly 2,000 cases last year, and they are over the kinds of issues about which I am talking. These children are not being thrown on the ash heap. The question often is, What kind of program or benefit do they get? Do they stay in the main classroom or go to a special education classroom.

We had a case in Alabama—and this is true all over America—where a child was so unable to control himself—apparently unable, or at least did not control himself—an aide was hired by the State to meet him at the school bus stop in the morning, go to school with that child, sit with him all day in the classroom, and come home with him in the afternoon. This is happening all over America.

The lawyers and the regulations are impacting principals and teachers who love children. They want to see children do well, and they want to see every child reach their highest and fullest potential; but they are being handicapped by complex regulations and litigation. I say that in general. Then I will say this: $150 an hour is not unusual. There are a lot of regulations that we have where the hourly fees are lower than that. Criminal defense attorneys are paid less than that in most States in America. $150 an hour is a 20-percent increase over the current law.

This Hutchison amendment is a 20-percent increase over current law in the District of Columbia. This was requested by the District of Columbia. They say, well, you don't cap other lawyer's fees. Other lawyers don't have their fees capped.

Let me say this: If someone cheats you on a contract and you sue them and you win the lawsuit, they don't pay you anything for legal fees, unless it is in the contract, which it normally is not. Most people in America file a lawsuit, they pay their lawyer out of what they recover. So we have given a special advantage to lawyers in disability cases and in several other instances in lawsuits against Government agencies. We have agreed to pay their legal fees, but they are not guaranteed unlimited legal fees, guaranteed to be paid forever, however much they want or whatever some judge may agree to award them.

So I think this is a reasonable amendment. It is a serious request of the school board of this city, which is facing an avalanche of lawsuits. There were nearly 2,000 last year. None of this money that is expended—the $10.5 million that was saved last year is not being thrown away. The $10.5 million that is saved can be used to help disabled children and provide them better programs. If we pay out more money in legal fees, from where do people think it is coming? It is coming from the children. That is where it is coming from—the people we want to help. We need to address nationally some of the litigation that is arising with the Individuals with Disabilities Education Act. There is not a superintendent of schools in America who has been on the job very long, I suggest—or certainly very few who would suggest this system is working effectively.

Principals tell me all the time it is a nightmare for them. It is disrupting their ability to educate our children. They tell me the child who is getting hurt is the average child. There are special programs for the bright children and for those with disabilities, but the average child is getting shortchanged. Oftentimes, teachers are so frustrated they are leaving the profession. They are being sued for how they handle difficult circumstances.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SESSIONS. I thank the Chair and reiterate my support for the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I want to speak for a moment. The Senator from Washington wants to be recognized. I want to say this: I voted with Senator SESSIONS on the last amendment he offered on this subject. I actually agreed very strongly with what he said. Many of us on both sides of the aisle voted with him, as he has outlined so beautifully some of the real problems with special education as far as Federal rules and regulations go. We are all well intended. We all want to help these children, but there is a major disagreement and debate about whether the rules are actually helping or hurting.

The Senator is absolutely correct that many of our resources are not being devoted to sort of mainstream children because of the complicated rules about special needs and also gifted children. It is a problem and it has to be worked out. I agree with the Senator. My disagreement is that this amendment doesn't actually fix that problem, and it makes it worse, not better, which is why I probably cannot support this exact amendment and why we have tried to work out some compromise between the Senators.

I wanted to say that for the record, and I want to also say that in limiting the attorney's fees to $150 an hour, which doesn't seem to many people to be much of a limit—that is quite a lot of money to make, particularly in these times. But the problem the Senator, as an attorney and prosecutor, should know is the real problem is the overall limit of $3,000 per case.

So what happens is an attorney basically can only spend 2½ days. That would allow them to process one or two motions and may not cover them until the end of the case.

These are long and complicated and, as he has described, very difficult cases. That is the problem Senator DURBIN is trying to raise. So I hope we can resolve it. Maybe the good prosecutor, my colleague from Alabama, would have a suggestion about that to us.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for up to 10 minutes each and with the time to be equally divided and controlled by the two leaders or their designees.

The Senator from Washington.

Mrs. MURRAY. Madam President, I intend to speak as in morning business. I believe the Senator from Minnesota would like to propound a unanimous consent request.

Mr. WELLSTONE. Madam President, I ask unanimous consent that I follow the remarks of the Senator from Washington in morning business.

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

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY and Ms. SNOWE pertaining to the introduction of S. 1643 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 739

Mr. WELLSTONE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act, which my colleague, LANE EVANS, and I have called the Heather French Henry Homeless Veterans Assistance Act after the wonderful work she did as Miss America in behalf of homeless veterans. Her dad is a disabled Vietnam vet. I ask unanimous consent that the committee-reported substitute amendment be agreed to, that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. There is objection on this side, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Madam President, I have to say, not so much to my colleague from Alabama because he is really objecting on behalf of someone else, that I find this process to be absolutely outrageous.

I believe the veterans community finds this process to be absolutely outrageous. This is the fourth or the fifth time I have come to the Senate to ask unanimous consent to pass this legislation. We have a similar version in the House of Representatives that has passed. We can really get this done.

This is an anonymous hold that has been put on this bill. I have to say I am more than surprised. I have now become indignant that we have a Senator on the other side who will not come to the Senate Chamber and debate me on this legislation and express his or her opposition and reasons why.

This legislation passed out of the Veterans Committee I think on a 21–0 vote. It was unanimous. It was Democrats and Republicans alike.

It is a familiar principle among veterans in our Armed Forces that we do not leave our wounded behind. Homeless veterans are our wounded, and we are leaving them behind. The VA has reported there were about 345,000 homeless vets in our country in 1999, and there are yet even more homeless veterans as we see this economic downturn.

What does the bill do? It sets a national goal to end homelessness among veterans within 10 years. Who is opposed to that? The bill provides funding, authorizes $50 million for some programs that really have a good track record—I will not even go over all of them today—for job training, for treatment for addiction, for other transitional services that are so critical to veterans: job counseling, social services, medical services, assistance in getting into affordable housing, calls for VA comprehensive homeless centers in our major metropolitan areas in America today to have kind of a one-stop continuum of services for veterans.

I would like to know what is going on in the Senate. I would like to know why this legislation is being blocked. I will say with great regret—I said it

last week, and I said it the week before—I will put a hold on all the legislation, not the major appropriations bills and judicial appointments, that individual Senators on the other side have sponsored. This legislation should go through on unanimous consent. It is not controversial. It has the support of all of us. But I have no other choice but to do so. I have no other choice but to fight like the dickens and use my leverage. I have been around the Senate for 11 years now, and I know the way things work.

It is very rare that today we continue to have these anonymous holds on legislation such as this to help homeless veterans. The only way I can fight and the only way I can continue to make this a priority—it is a priority to me, it should be a priority for every Senator, and it should be a priority for our country—is to ask my colleagues to go and spend some time—and maybe many of my colleagues have—in homeless shelters, meeting with street people. My colleagues would be amazed at how many of them are veterans, how many of them are Vietnam vets. Surely we can do better.

Anonymous hold? I do not know why. I guess I have my own suspicion, but I will say this: I have a hold on all the bills from individual Senators on the other side, and they are going nowhere until whoever the Senator is steps forward and either debates me and we have a vote or that Senator takes this hold off.

I will say this: I do not blame the Senator for wanting to remain anonymous. I would want to remain anonymous if I were blocking this legislation. We can do better for veterans in our country. We can do better for veterans in a lot of different ways, but this is legislation where a lot of us came together on both sides of the aisle. We have done some good work. It is not the cure-all or end-all. I do not want to make this out to be perfect, but I say to my colleague from Georgia it makes life a little better for some people. In this particular case it happens to be veterans. It is the kind of thing we should be doing in public service, and I cannot understand where this anonymous hold comes from or why.

Every day I am coming to the Chamber and I am going to do the same thing. I am going to continue to have a hold on all this other individual legislation sponsored by individual Senators on the other side until this bill goes through.

Other than that, I do not feel strongly about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. May I ask the time I have reserved for morning business?

The PRESIDING OFFICER. The Senator may speak for up to 10 minutes.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to speak for 20 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

ENERGY SECURITY

Mr. MURKOWSKI. Madam President, we are all aware of the shocking events that occurred on September 11. We are certainly aware of the vulnerabilities that were shown to our Nation by this action. As we reflect on the risk today, I think we would acknowledge that never in our history have we, as a nation, been forced suddenly, shockingly, to reevaluate almost every aspect of our life.

Americans must make a choice now about risks; we must make choices we never thought we would have to make. From our mail to our shopping malls to ball games, life in America is now a reflection, looking back through the lens of terror. Surveying that risk, perhaps no single area causes greater concern than that of energy as a consequence of our increasing dependence.

We rely on safe, stable, affordable, and plentiful supplies of energy to power our progress, but the choices made on energy have left us vulnerable and exposed on two different fronts, two fronts that add up to our Nation's energy security, and I will discuss those today.

A report detailing these risks was received yesterday by Gov. Tom Ridge, head of Homeland Security. What he did was itemize some of the risks we have at home. We have seen a great deal of publicity given to the realization that about 20 percent of our energy is produced by nuclear powerplants. We have about 103 reactors around the country producing clean, affordable energy. The fact the energy is affordable, reliable, and free of emissions such as greenhouse gases, is very appealing. However, there is no free lunch. Nuclear power does create a byproduct that must be dealt with, but when managed responsibly and stored safely this waste poses no threat and no risk to public health.

I might add, in the several decades of generating nuclear power in this country, we have never had a casualty associated with the operation of nuclear reactors for power generation.

So the industry, as well as government, has done an extraordinary job of proving nuclear energy has a significant place in our energy mix.

In 1982, the Government made a promise to the American people to take care of that waste and provide a permanent repository. The contractual agreement was that the Government would take the waste in 1998.

Madam President, 1998 has come and gone. Today, after years of delay, bureaucratic wrangling and $12 billion in taxes collected from the ratepayers who depend on nuclear power, that promise made by the Federal Government to take the waste remains unkept.

I don't know the opinion of the agencies regarding the sanctity of a contract, but this was a contract. There are lawsuits pending for the lack of fulfillment of the terms of the contract, somewhere in the area of $40 to $70 billion. Instead of storing the waste in a central, single, secure facility where we can concentrate all of our resources on keeping it safe, nuclear waste is being scattered across the country. We have it in our powerplants, we have outside some of the plants storage in containers, casks designed for that storage, but these are not permanent. We have shut down plants where the waste is being stored. These plants were not designed for the permanent storage of this waste or the shutdown of plants. We have 16 different plants with a total of 230 containers now holding high-level nuclear waste on an interim basis.

In South Haven, MI, dry-cask storage pads are 200 yards from Lake Michigan. Twenty percent of the world's fresh water is in the Great Lakes chain. On the shores of the Chesapeake Bay, dry-cask storage sits less than 90 miles from Baltimore, near Washington, DC, with the U.S. Capitol and three major airports. These containers are approved, but there is no substitute for a permanent repository deep in the group, out of harm's way where it was designed, and that is Yucca Mountain in Nevada.

We have had several debates through the years on this issue. I understand the reluctance of my friends from Nevada to accept the reality that Congress made a designation, subject to licensing, that the repository would be at Yucca Mountain in Nevada. We are still waiting after years and years. We have had a Presidential veto. We are seeing a situation of delay, delay, delay.

Back to the containers. They are approved by the Nuclear Regulatory Commission, but there is no substitute for permanent repository. We have waste at home, and 14 other plants are in the process of being decommissioned, one in Massachusetts, two in Connecticut, and three in California. We are getting more and more plants that are closed.

President Clinton vetoed a bill to accelerate the waste transfer and move us ahead of our current opening date of 2012. That is the current date. I recognize nobody wants the worst, but the reality is we have to put it somewhere. The $6 billion expended on Yucca Mountain clearly indicates Yucca Mountain was the favorite site. Unfortunately, our previous President vetoed the bill, and the waste sits, no closer to a permanent home. The waste is there, exposed and vulnerable, presenting another target for potential terrorists, nestled in our communities, beside our schools, homes and families. It is irresponsible to not address this situation.

I don't want to prolong the argument relative to the issue of the danger of this waste. It is being monitored by the best oversight available, the best protection, the best security. Still, it is

not designed to stay where it is. We should put this waste in a central repository, designed to take the waste and pool it until we meet the determination of whether we will put it underground permanently or reprocess it.

I will discuss the other risk relative to our energy, and that is the risk overseas. Our risks grow greater as we leave the confines of the United States, where at least we have some control over the choices we have made. We rely on parts of the world where the leaders chose to undermine peace, democracy, and liberty, and will work to undermine our Nation, as well.

We are more than 56 percent dependent on foreign oil. We simply do not have the flexibility to be independent, should the need arise. I am not suggesting we can independently remove all of our dependence on foreign oil, but we certainly have options, and the Senate must act on the options. Unless we make the right choices now, the drivers relative to our energy security are OPEC.

What has OPEC done lately? We know they just planned to cut 1.4 billion barrels of production. Why? Clearly, to increase the price. They want to have a price between $22 and $24. The way to do that is to control the supply. That is just what they have announced they are doing. They are cutting production.

We have resources at home, but our hands are tied. We do not seem to be able to reach an accord on how to use places such as ANWR, in my State, which hold the key to energy independence by reducing substantially our dependence on Mideast oil. The Senate has approved safe and limited exploration for ANWR, but President Clinton vetoed that legislation in 1995. Had President Clinton not vetoed that bill in 1995, we would very possibly have as much as a million barrels a day flowing from the ANWR area. That would offset the million barrels a day we are importing from Iraq.

I have asked many times, how can we compromise our energy security when on the one hand we import oil from Iraq and Saddam Hussein and at the same time we are enforcing the no-fly zone over that country, putting our young American people's lives at risk with a blockade in the sky. With the oil money, he is paying his Republican guards to keep him alive. He is also developing capability for a missile, with perhaps a biological warhead. Where does he aim? Most of those items of terror are at our ally, Israel. That may be an over simplification of foreign policy, but one could reach that conclusion.

We could be far less dependent today if we considered the merits of opening this area. Using conservative estimates, in the 6 years that have elapsed since the President last vetoed the ANWR bill, that would have been more than enough time to have researched that tiny sliver of land, built the infrastructure on 2,000 acres, and gotten the oil flowing.

I have a chart that puts it in perspective. It is important, as we address this issue—and this Congress will address this issue either by an agreement with the Democratic leader to allow time for an energy bill to come up or it will be on the stimulus package because it belongs there. I ask my colleagues to reflect what other stimulus can they identify that generates somewhere in the area of $2.5 billion in Federal lease sales, money to the U.S. Treasury, provides about 200,000 jobs throughout this Nation, and does not cost the taxpayers one red cent? That is why this issue belongs on the stimulus package.

Think of the tankers that would be built in U.S. shipyards with U.S. crews to expand the oil from Alaska, which is currently about 17 percent of all the crude oil produced in this country. We could be far less dependent than we are today. We are only one supertanker terrorist activity in the Straits of Hormuz away from serious disruption of our oil supply.

Let me point out the reality associated with the ANWR issue. It is so misunderstood. There is a threat that ANWR is at risk. What is ANWR? This is ANWR in relationship to the State of South Carolina. They bear a striking resemblance: about the same acreage, 19 million acres. That is a big chunk of real estate. Of what does ANWR consist? It already consists of three specific designations by Congress: 8.5 million acres in wilderness classifications in perpetuity, another 9 million put into a refuge, and Congress left out the 1.5 million acres, the coastal plain, for determination of whether or not to open it for oil and gas exploration. Why? Clearly, the extensive exploration in Prudhoe Bay suggested the largest single deposit may be found in this coastal area.

We take that and move along a little further and recognize that the House bill, H.R. 4, said: OK, we will open this area for exploration, but the footprint can be only 2,000 acres.

That is 2,000 acres out of 19 million acres. If you reflect on that, what are the prospects? They say somewhere between 5.6 and 16 billion barrels. Prudhoe Bay has produced 13 billion barrels, and it was only supposed to produce 10. This could equal, easily, what we would import from Saudi Arabia for 30 years.

Some say it will take 10 years and some say it will take 7 years to get this oil. It is estimated if the oil is there—here is the pipeline that is already in, an 800-mile pipeline—we can open up this area somewhere in the area of 18 months if we expedite the permitting process because we already have some fields of discovery and a pipeline approximately halfway over here. Put this in perspective. What is a 2,000-acre footprint worth?

This is an item from Petroleum News, Alaska, ''Gwich'in, Ensign Link Up New Mackenzie Delta Drilling Company.''

A new native-controlled oil and gas drilling company has been formed to provide oilfield services in a land claims area of the Mackenzie Delta that is seen as a likely route for any Mackenzie Valley pipeline.

Gwich'in Oilfield Services, 51 percent owned by the Gwich'in Development Corp of Inuvik Northwest Territories and 45 percent by Calgary-based Ensign Drilling, is expecting to start operation this winter.

The Gwich'in Development settlement area covers 22,422 square miles and is governed by the Gwich'in Tribal Council.

Gwich'in Development Corp., wholly owned by the tribal council, has a mission to build an investment portfolio that offers business opportunities, employment and training to Gwich'in residents.

I ask unanimous consent the article be printed in the RECORD.

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

[From Petroleum News, Alaska; Sept. 30, 2001]

GWICH'IN, ENSIGN LINK UP IN NEW MACKENZIE DELTA DRILLING COMPANY

(By Gary Park)

A new Native-controlled oil and gas drilling company has been formed to provide oilfield services in a land claims area of the Mackenzie Delta that is seen as a likely route for any Mackenzie Valley pipeline.

Gwich'in Oilfield Services, 51 percent owned by Gwich'in Development Corp. of Inuvik, Northwest Territories, and 49 percent by Calgary-based Ensign Drilling, is expecting to start operations this winter.

The Gwich'in settlement area covers 22,422 square miles and is governed by the Gwich'in Tribal Council.

Gwich'in Development Corp., wholly owned by the tribal council, has a mission to build an investment portfolio that offers business opportunities, employment and training to Gwich'in residents.

Tom Connors, chief executive officer of the corporation, said Sept. 10 that the deal with Ensign gives the community a chance to participate in the development of oil and gas resources.

Ensign president Selby Porter said his company's experience and equipment make it the right choice to work with the Gwich'in people.

''The development of a local work force and infrastructure is key to the continued development of oil and gas resources of the Arctic region of Canada,'' he said.

Formation of the new company was announced Sept. 6.

Mr. MURKOWSKI. I also ask unanimous consent that two other articles be printed in the RECORD, ''The Slick Politics of ANWR Oil'' by Paul K. Driessen, and ''The Sacred Slope'' by Jack Stauder, Ph.D of the University of Massachusetts at Dartmouth, relative to this issue.

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

THE SLICK POLITICS OF ANWR OIL

(By Paul K. Driessen)

A new Native-controlled oil and gas drilling company was recently formed to provide oilfield services in the Mackenzie River delta area of northwestern Canada, adjacent to Alaska. According to Petroleum News Alaska, the company was created to provide investment and business opportunities, employment and training for tribal members. It expects to start operations this winter, to expand oil and gas development activities in the Arctic region.

This new enterprise, Gwich'in Oilfield Services, offers some fascinating insights into the slick politics of militant environmentalism.

The majority owner is none other than the Gwich'in Indians Tribal Council. Those are the same Gwich'in Indians that for years have been poster children for the cause of opposing oil exploration in the flat, featureless coastal plain of Alaska's Arctic National Wildlife Refuge (ANWR).

But nearly 90% of the Gwich'ins live in Canada. Only 800 live in Alaska. The Alaskan Gwich'ins live some 250 miles from the coastal plain, if one travels along the route caribou follow in migrating to and from ANWR.

As the crow flies, the Indians' Arctic Village is 140 miles across the all-but-impassable Brooks Range. Those majestic mountains—the ones seen in all the misleading ads and news stories opposing ANWR oil exploration—are 30 to 50 miles from the coastal plain. (It's amazing how a telephoto camera lens can make them look so close.)

The Gwich'in Tribal Council plans to drill in a 1.4-million-acre land claims area governed by the Indians. This is the same amount of land that's been proposed for exploration in ANWR. The proposed drill sites (and a potential pipeline route) are just east of a major migratory path, where the caribou often birth their calves, rather than awaiting their arrival in the refuge.

Back in the 1980s, the Alaska Gwich'ins leased 1.8 million acres of their tribal lands for oil development. (No oil was found.) Any reservations they may have had to the latest leasing plans were apparently very muted.

It is hard to grasp how drilling for oil in their own back yards is perfectly OK, but exploration on public and Inuit Eskimo lands 140 miles away somehow ''threatens their traditional lifestyle.'' It's equally hard to condone their willingness to collect countless thousands of dollars from environmental groups, to place full-page ads in major newspapers, appear in television spots and testify on Capitol Hill in opposition to ANWR exploration—and then lease more of their tribal lands for drilling. But none dare call it hypocrisy.

Government geologists say ANWR could contain as much as 16 billion barrels of recoverable oil. That's enough to replace all our Persian gulf imports for 10 years or more. At peak production levels, it could provide 1/10 of total U.S. oil needs. Developing this critically needed energy could also create 735,000 jobs, save us from having to send hundreds of billions of dollars to OPEC, and generate tens of billions in royalty and tax revenues to defend and rebuild our nation.

All these benefits would result in the disturbance of about 2,000 acres—less land than the terrorists destroyed or damaged in New York City—in a refuge the size of South Carolina. And any drilling would be done in the dead of winter, using ice airstrips, roads and platforms that will melt when spring arrives.

Eskimos who actually live in ANWR want the same benefits the Gwich'ins seek. As Kaktovik Inupiat Corporation president Fenton Rexford notes, the Eskimos are tired of using 5-gallon buckets for sanitation, because they don't have toilers, running water or a sewer system. They also understand the national security issues at stake here. No wonder they support exploration by an 8:1 margin.

Bin Laden & Company just sent us a wake-up call from Hell. In mere hours, they plunged us into an economic crisis and a long, difficult war that must be waged both overseas and in our own neighborhoods. Is there anyone who seriously believes we can afford to continue letting a small band of politically correct Alaska Indians and environmental militants hold the United States hostage on ANWR oil?

It's time to face reality, toss bogus anti-oil arguments on the ash heap of history, and support exploration in the Arctic National Wildlife Refuge.

THE SACRED SLOPE

(By Jack Stauder, Ph.D.)

This story bears telling first, for the silliness it exposes about the conventional wisdom of liberal opinion on campus today regarding environmental issues; and second, as an example of how to challenge such silliness.

Last spring I arranged for myself to be appointed to a new ''Sustainability Committee'' being set up by the powers on high at the University of Massachusetts, where I teach. I was suspicious of what was intended on campus under that slippery rubric.

Luckily, the Committee has done little so far except receive rather pompous memos tinged with utopian musings coming from a couple of professors at the Boston campus of our state system, including a Professor B. (Names of colleagues in this piece have been hidden to protect tender egos; but otherwise all the quoted e-mail here has been unchanged.) Professor B. regards himself as a great expert on ''sustainability.''

Anyway, the little controversy I will describe began with an e-mail forwarded through a couple of leftist professors on my campus. Its origins appear to be from one the endless number of lobbying groups on the left. One of the burdens of having left-wing friends, as I do, is that they often pass on these lobbying efforts. This e-mail, however, was circulated to all twenty or so members of our Sustainability Committee as well as the professors in Boston by one of the sillier members of our Committee. Bear with my account as you read it; the fun begins after it.

Sunday, October 7: ''Is Nothing Sacred?''
From: Professor G.

Dear Friend of MoveOn, In this time of tragic urgency, our leaders in Washington have pulled together and put all things controversial and partisan aside for the sake of national unity. Our friends on Capitol Hill are making sacrifices, holding off on key issues that can be won only through struggle, such as energy and campaign finance reform. Our opponents have respected the national need for unity too, until now.

But today we learned that Sen. Frank Murkowski (R–AK) is breaking with this patriotic spirit by trying to tack one of the most controversial issues in America onto the Defense Authorization bill:

He wants to drill for oil in the Arctic National Wildlife Refuge, the heart of the last great wilderness ecosystem in North America. This is a mistake, because:

Any oil found there wouldn't come on line for 10 years;

The refuge contains just 6 months supply of oil;

Existing fuel-efficient technologies could save more than that;

Once it's gone, it's gone forever.

The Defense bill will be debated this Wednesday through Friday.

Please call your senators now:

Senator John Kerry
Phone: 202–224–2742
Fax: 202–224–8525
Senator Edward M. Kennedy
Phone: 202–224–4543
Fax: 202–224–2417

Be sure they know you're a constituent, and urge them to:

''Please—block—the vote on the Murkowski drilling amendment to the Defense Authorization bill.''

Please call even if you think your Senators are solid supporters of protecting the refuge. Many Senators simply don't yet believe that Murkowski will do it, but our sources are reliable.

America's entire environmental movement must rally now.

Please let us know you're making this call, at our website. We'd like to keep a count. Thank you. Your call will matter.

Sincerely,

—Wes Boyd
MoveOn.org
September 19, 2001

[I was riled enough by this message to reply to all on the Committee who had received it:]

Sunday, October 7: ''Re: Is Nothing Sacred?''
From: Professor Jack Stauder

Is it appropriate to circulate such partisan lobbying action information throughout a university committee? I don't think so. We shouldn't tire others out through incessant propaganda, no matter how close to our hearts our causes are.

But if we are going to be wasting our collective time this way, let me get in on the fun.

There are two sides to each controversy. I've actually been to the North Slope of Alaska. I've never seen an uglier landscape.

The proposed drilling area is a small speck in a vast tundra: it would compare to the size of the township of North Dartmouth within the entire area of Massachusetts, Connecticut and Rhode Island put together. The ''great wilderness eco-system'' would be virtually unchanged by the proposed drilling. Nothing would be ''gone'' forever.

People can say any area is ''sacred'' if they want. However, the Inupiat (Eskimo) of the North Slope, the only people who have ever lived there or would want to live there, are by a large majority in favor of drilling for the oil. Why would people here in Massachusetts want to deny them their wish? Few of us if any will ever go to visit this ''sacred'' place, if only because it is so inhospitable to all but the Eskimo—cold and dark throughout the winter, a huge flat marshland swarming with mosquitoes in the summer. Yet out of spiritual arrogance some presume to tell the Alaskans what to do with their land.

The oil deposit is estimated to be a quite substantial one, otherwise there would be no interest in drilling there. One should automatically distrust the misleading statistics and factoids thrown out by environmental groups who make their living propagandizing issues like this. The oil from Alaska wouldn't meet all our needs, but it would make us that much less dependent on the Middle East—a welcome goal.

And even if ''existing fuel-efficient technologies could save more'' than drilling in Alaska could provide, this statement is a non-sequitur, for doing either does not preclude the other.

Should I go on and on? Should I tell you who to call in Congress and what to tell them? No, I won't, because it's not the business of the Sustainability Committee, in my eyes, to serve as a propaganda vessel for anyone's ''cause'' or ''special interest.''

—Jack Stauder, Soc/Anth Dept

[As I rather expected, my questioning of a liberal environmental icon—the sacredness of wilderness—brought a prompt reaction, from none other than Professor B., to all members of our committee. Note his condescending familiarity towards me, although I have never met the man.]

Monday, October 8
From: Professor B.: ''Re: Is Nothing Sacred?''

To All, Jack's contention that the Sustainability Committee shouldn't be used to lobby

issues is probably correct. On the other hand, if someone wants to send an e-mail to everyone on her/his address book, this a free country. I respect Jack for exercising his right of free speech and expressing his views. Now I will exercise mine.

I disagree with two points that Jack made: one, the North Slope is not ''their'' land, it is ''our land,'' and furthermore, our children's land. Second, I am convinced that focusing on the front end, i.e., the production end, of the pipeline, especially the oil pipeline, does preclude achieving anything near the easily achieved efficiencies at the use end of the pipeline. I think I read from a reliable source that increasing the fleet mileage of American automobiles will save more oil in a short time than the most optimistic estimates of oil to be obtained from the North Slope. I also understand that the average fleet miles per gallon of American made automobiles is the lowest in 25 years, largely due to SUV's not being held to the standards of automobiles.

Now Jack, those of us who argue for a philosophy and policy of increasing the efficiency of our economy over the Texas mentality of ''we'll shoot, drill, and fight our way out of this mess,'' and ''be damned with those pencil-necked liberal flakes who want us to change our superior American lifestyles of ostentatious, conspicuous consumption, and profligate waste. Be damned I say. So what if we are only 5% of the world's population and contribute 25% of the CO2 in the world.''

Jack, you sound like the Montana Cattlemen's and the Northwest Lumberman's Association's attitude that our land is their land to do what they damned well please.

Now, by God, I have changed my mind. I think any sustainability committee that is serious ought to go on record as strongly opposed to increased exploitation of finite resources and dangerous pollution when there are scientifically and technically double ways to increase efficiency of our economy, to say nothing of some of us who strongly believe we are morally wrong in our consumption habits. Yes, we do feel that the environment is a ''sacred'' trust.

Some of us even believe that there is a definite nexus between American consumerism and the feeling of being oppressed in some third world countries. A feeling so strong as to even, at least partially, foster terrorism. Hope all is well.

W. B.

[These predictable opinions of Professor B. offered some targets too tempting to resist, although I restrained myself from addressing his every point. Below is the e-mail I returned, again to the whole committee, although it was addressed to him.]

Wednesday, October 10: ''The Sacred Slope etc.''

From: Professor Jack Stauder

Dear Prof. B.: You make some interesting points in your recent memo, but I think some clarification is in order.

You are certainly right that most of the North Slope, being federal government land, in some sort of legal sense belongs collectively to all American citizens. However, perhaps because I am an anthropologist I believe it would be a bit culturally arrogant to inform the Native Americans whose ancestors have lived in that region for a couple thousand years that (in your words) ''the North Slope is not 'their' land, it is 'our land'.'' Native Americans (the Inupiat in this case) tend not to appreciate this attitude from white men.

The point I tried to make in my previous memo is that in issues like this, of environmental protection and economic development, I believe that the first consideration, out of respect, should be paid to the views of the local people actually inhabiting the place in question. After all, they know their environment best, and have the most to lose or gain depending on what happens to it. I trust their wisdom more than that of lobbying groups based in Washington, D.C. Perhaps you disagree.

Also, maybe because I grew up in the West (Colorado and New Mexico) I was put off by your glib caricature of ''the Texas mentality.'' We are encouraged in our university to celebrate diversity, but it seemed to me your remarks smacked of regional prejudice and mean-minded stereotyping of a great state of our union—a state, by the way, that has for long provided the rest of us with many valuable goods, including the oil and natural gas that have moved our vehicles and warmed our houses. We should be thanking Texans, not making fun of them.

On other Western topics, you accuse me of thinking like Montana cattlemen and Northwest lumbermen. I'm not quite sure what you mean, although you seem to be down on these groups. Do you want them put out of business? Do you want them to stop producing goods for our use? Can we in Massachusetts produce the beef and wood products we need and use? Again, as with the Texans, I say let's thank these rural producers for their efforts—not affect to despise them.

Would you not at least admit the possibility that these hard-working Americans contribute much more of real value to their countrymen, than do university professors firing off vaporous memos by e-mail?

Finally, what am I to make of the sly statement you append to the end of your last message: ''Some of us even believe that there is a definite nexus between American consumerism and the feeling of being oppressed in some third world countries. A feeling so strong as to even, at least partially, foster terrorism.''

I hope there is no insinuation in these words that somehow Americans are responsible for what those squalid foreign fanatics did on Sept. 11. I trust you are not one of the ''Blame America First'' fringe that hangs around American campuses. But what are you getting at?

I can see how the terrorists might resent and hate the United States for being such a prosperous, dynamic, creative society—one that is open, democratic, tolerant of all religions, and respectful of human rights and individual liberties. After all, none of the Middle Eastern terrorists come from societies with these characteristics. But why should we feel guilty for the evil acts their perverted ideology leads them to?

Where exactly does ''consumerism'' fit in? If we voluntarily impoverished ourselves down to the level of, say, Afghanistan, would other people feel less ''oppressed''? If we ''increased the fleet mileage of American automobiles'' to consume less oil, as you propose, do you believe that Osama bin Laden will praise us to Allah and call of his terrorists? Seems unlikely to me. Perhaps the Taliban prohibits girls from learning to read so they don't grow up to be seduced by the white sale ads of the Kabul Macy's? Or what about the destruction of those large status of Buddha? Perhaps that was in response to information that monks of that faith were driving too many SUV's around their lamaseries?

Seens to stretch. The only important product we consume from the Middle East is oil, extracted by our technology, for which the Middle East states are paid royally. It's oil. That is why I suggested that, to free us as much as possible from dependence on that oil, we develop our own resources—like Alaskan oil. We can do this as well as ''increase efficiency of our economy,'' as you desire. Again, there is no contradiction between the two goals, and its seems self-defeating and silly to pit them against each other.

No, I do not consider the 2000 acres of frozen tundra on the North Slope, where the drilling would take place, as ''sacred''—except that it oil would help us meet our sacred duly to protecting our families and keeping our nation strong.

Your, Jack Stauder
Soc/Anth Dept., UMass Dartmouth

[My riposte was apparently too much for Professor B. He threw in the towel, left the field, hung up his cleats—whatever methaphor you might choose. He replied, not to the whole Sustainability Committee, but only to me, that he could not sustain more discourse on the issue.]

Thursday, October 11: ''Re: The Sacred Slope, etc.'' From: Professor B.

Jack, I only partially read your e-mail retort. I think you are missing the purpose of the Sustainability Committee. Bantering words is a waste of time. Let's perform.

W.

I think he did read all my retort, and was wise enough to see any further attempt to cross swords with my ''banter'' might lead to more humiliation of his half-baked ideas.

For our own edification, I think a couple of lessons might he drawn from this otherwise trivial story, about how best to combat environmentalism and its nonsense.

First, as I have learned from Rush Limbaugh: humor helps, Irony, sarcasm, ridicule are useful tools in dealing with opponents, especially those who cloak themselves in pretentiousness airs of moral and intellectual superiority, as environmentalists tend to do.

Second, don't give environmentalists a chance to claim the moral high ground in any argument. Aggressively assert your own principles—in this case, the valuable contributions of resource providers, and the positive aspects of American civilization.

Third, know your opponents and exploit the contradictions in their beliefs. For example, a pious tenet of Prof.B.'s liberal creed is that Native Americans are victims □ and ecological saints, to boot—with whom good left/liberals must sympathize. Yet in this case the environmentalists want to tell them what they can or can't do with their traditional lands! No wonder he is too embarrassed to pursue an argument on this score.

My gibes about ''celebrating diversity'' (regarding Texans!) were certainly tongue-in-cheek, but highlighted another contradiction in Prof. B.'s attitudes by pointing out his use of prejudicial stereotypes, when good left/liberals always condemn these □ in the abstract. I was accusing him in effect of being a bigot, of violating one of the taboos of his sort in showing ''intolerance.'' Obviously he didn't like being called out on these grounds.

Finally, questioning him about his opinions regarding the United States put him in an impossible position. if he is like most liftists—and the types of environmentalists that foams at the mouth against ''consumerism'' and wants to use ''sustainability'' as a tool to shoehorn us into some type of socialist utopia—then he must have hated the good, but true, things I had to say about American civilization. Difficult as it may be for most Americans to comprehend, the underlying belief of U.S. leftists, including left-wing environmentalists, is that America stinks—that our country is malign, unjust, oppressive, imperialist, and altogether hateful. This view explains why they give themselves the license to tear down our civilization and to impose on us their own utopian ideas.

However, Professor B. and the wiser radicals know, especially in the wake of September 11, that they cannot be so up front

with their anti-Americanism. So he had to grit his teeth and refrain from replying as I more or less waved the stars and stripes in front of him. It must have infuriated and frustrated him.

Good, Let's hope he stays wordless, and that the sustainability project molders in inactivity. But I wouldn't be so sure. These advocates for environmental causes always have a lot of time on their hands.

Mr. MURKOWSKI. These articles highlight the reality of the issue of the Gwich'ins, which is a legitimate concern they have over the Porcupine caribou herd, and the realization that now this issue has taken on a new dimension because most of the Gwich'ins live in Canada. There is a small portion who live in Alaska in this general area.

I might add, this line shows the division between the United States and Canada. Here is the Canadian activity going on on the Canadian side. This is primarily, of course, the home of the Gwich'ins. Nearly 90 percent of the Gwich'ins live in Canada. Only 800 live in Alaska. The Alaska Gwich'ins live only 250 miles from the coastline. Our Gwich'ins are down here in the Gwich'in area of the Arctic village.

What we have here is a massive public relations effort, funded by extreme environmental groups, to suggest that somehow the Gwich'in people's lifestyle is at risk in opening this area. They never acknowledge what is going on with the same Gwich'ins on the Canadian side, where they see an opportunity for better employment, health care, a better way of life for their young people. It is important to understand this issue is more than a public relations issue by the Sierra Club and others, suggesting that somehow the Porcupine caribou herd is going to be decimated by a mild amount of activity here, when clearly this is the indication of the path of the migratory caribou herds, and the Canadians run a highway right across the pass.

This is an open season when the caribou come through and as a consequence we have the pot calling the kettle black, if you will.

It is important that Members take the time to understand this issue and reflect on it. I am going to go through a couple of other points relative to items that need evaluation. Some suggest there is no footprint up here in ANWR, and as a consequence it is a pristine area. That is totally false. This is the village of Kaktovik. There are real people who live here. You can see their homes here, and so forth. This is the spring breakup. It might not be a very pretty picture in the sense of the color, but it shows you the Arctic Ocean, and so forth. The winters are a little tough up there.

This is another picture of a village and this is in the 1002 area, physically there. There are schools, a health clinic, there is an airport. The village people and their lifestyle is as they have chosen it to be there.

I will show you a little picture of the children going to school. It is kind of tough up there in the morning. Nevertheless, these are Eskimo children. You can see telephone polls, snow. Nobody shovels the sidewalks off, I grant you, but they are there by choice. They are real people living in an area where some people say there is no footprint. It is totally inaccurate.

What we are looking at is the merits of trying to bring a fair evaluation of the issue. Some have said: I am going to filibuster this bill.

Think about it. What they are talking about filibustering addresses the national energy security of this country.

Where is our President on the issue? On October 31, October 26, October 17, October 4—he has made statements begging, if you will, and I wish he would direct that this body pass an energy bill. The House has passed H.R. 4.

Here is a statement the President made:

> But there are two aspects to a good strong economic stimulus package, one of which is an energy bill.

He asked for an energy bill each time that he has had an occasion to speak on energy. Again in October:

> I ask Congress to act now on an energy bill that the House of Representatives passed back in August.

I ask unanimous consent these statements of the President on those dates be printed in the RECORD.

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

PRESIDENT GEORGE BUSH'S COMMENTS ON ENERGY

October 31, 2001:

And I want the Congress to know that there is more to helping our economy grow than just tax relief or just spending. And there's two items I want to briefly touch on. One is an energy plan.

Our nation needs an energy plan, an energy plan that encourages conservation and encourages exploration. And I believe we can do both in a responsible way. And we need to modernize the infrastructure that develops energy from point A to point B, from plant to consumer. We need to get after it. It is our national interest that we have an energy plan, one designed to make us less reliant upon foreign sources of energy.

October 26, 2001:

Tax relief is an essential step, but it's not the only step we should take. We need an energy plan for America. Under the leadership of the vice president, we drafted a comprehensive, commonsense plan for the future of this country.

It passed the House of Representatives. It needs a vote in the United States Senate. Oh, I understand energy prices are low right now. Thank goodness. But that shouldn't lead our nation to complacency. We need to be more self-reliant and self-sufficient. It is in our nation's national interest that we develop more energy supplies at home. It is in our national interest that we look at safe nuclear power. It is in our national interest that we conserve more. It is in our national interest that we modernize the energy infrastructure of America. It's in our national interest to get a bill to by desk, and I urge the Senate to do so.

October 17, 2001:

And I ask congress to now act on an energy bill that the House of Representative passed back in August.

This is an issue of special importance to California. Too much of our energy comes from the Middle East. The Plan I sent up to Congress promotes conservation, expands energy supplies and improves the efficiency of our energy network. Our country needs greater energy independence.

October 4, 2001:

But there are two other aspects to a good, strong economic stimulus package, one of which is trade promotion authority. And the other is an energy bill.

And I urge the Senate to listen to the will of the senators and move a bill—move a bill that will help Americans find work and also make it easier for all of us around this table to protect the security of the country. The less dependent were on foreign sources of crude oil, the more secure we are at home.

We've spend a lot of time talking about homeland security. An integral piece of homeland security is energy independence. And I ask the Senate to respond to the call to get an energy bill moving.

Mr. MURKOWSKI. It is not just the Senator from Alaska crying in the dark. We have heard from Gale Norton, Secretary of Interior, saying it is in the national energy security interests of this country to reduce our dependence, and the best way to do it is basically to open up this area because we have the technology to do it. We can create American jobs.

Also, we have heard from the Secretary of Energy, indicating the significance of what this can mean to reducing our dependence.

We have had the Secretary of Veterans Affairs, Anthony Principi, indicate that America's veterans who fought the wars—and I will reflect on one comment made by a former Member, Mark Hatfield, who was a pacifist and a good friend of ours. He said: I would vote for opening ANWR anyday rather than send another American man or woman overseas to fight a war in a foreign country over oil.

That is what we are doing. We did that in the Persian Gulf conflict. We fought a war over oil to keep Saddam Hussein from going into Kuwait and moving on into Saudi Arabia.

If we look at affairs in the Mideast now and consider the vulnerability associated with that area and our dependence on Saudi Arabia and the weakness of the royal family and Bin Laden's terrorist activities that would disrupt those oilfields—we are sitting on a situation very similar to what we saw maybe 30 years ago with the fall of the Shah in Iran. That situation could happen, dramatically, overnight.

We could face a terrorist attack on the Straits of Hormuz. Why are we waiting?

Let me tell you something. I mean this in all candor. This issue has been a godsend to the extreme environmental community. It is an issue that they have been milking for revenue and dollars and will continue to do so until the very end. When it finally passes, they will move on to another issue. It has been a cash cow because they refuse to argue the merits of if it can be opened safely. It can. We have 30 years of experience in the Arctic.

Where would we be today if we didn't have Prudhoe Bay?

The same arguments today being used against opening this area were used 27 years ago against opening Prudhoe Bay: You are going to build a fence across Alaska, 850 miles. The caribou are not going to be able to cross it. It is going to break up the permafrost. All these arguments failed because it is one of the engineering wonders of the world.

Let's be realistic. America's veterans have spoken. We have had press conferences: The American Legion, Veterans of Foreign Wars, AMVETS, Catholic War Veterans of America, Vietnam Veterans Institute. The Veterans of Foreign Wars are for it. The seniors organizations support it. The 60-Plus have come out in support of it, as have the Seniors Coalition and the United Seniors Association; in Agriculture, American Farm Bureau, and National Grange. Organized labor is totally aboard.

I know many Members have been contacted by organized labor—by the International Brotherhood of Teamsters, by union laborers, by the Seafarers Union, Operating Engineers, Brotherhood of Plumbers and Steamfitters, carpenters—and America's business. There are over 1,000 businesses that support opening up this area as part of our national energy security bill.

I encourage Members to recognize the reality that we are going to get a vote on an energy bill under one of two provisions. Either the Democratic leadership is going to respond to the President's request to bring up an energy bill before this body or work out some time agreement that is reasonable. We can take it up, have amendments, and have an up-or-down vote on it. It shouldn't be a filibuster issue. Imagine filibustering on our national security. It has never been done in this body before. We should have an up-or-down vote.

Let us recognize it for what it is. If we don't get the assurance from the Democratic leader to take up an energy bill, then our other opportunity is a stimulus bill. And it will be on the stimulus bill. The House has done its job. It passed an energy bill, H.R. 4. It will be on the stimulus bill.

When you think about stimulus, you think about what other stimulus provisions we have talked about which will provide nearly $1.5 billion worth of revenue from lease sales to the Federal Treasury. It will employ a couple hundred thousand Americans in shipbuilding, and so forth. It will not cost the taxpayer one dime. I challenge my colleagues to come up with a better answer.

Thank you for the opportunity to speak this morning. I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent to speak for up to 10 minutes as if in morning business for the purpose of introducing a bill.

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

Mr. CAMPBELL. Mr. President, before I do so, I would like to make a couple of comments based on Senator MURKOWSKI's observations.

I think he is absolutely right on point. About a third of Senate Members are veterans. Several are veterans of World War II. One of my comments will certainly not surprise them.

I ask the Senator if he remembers the story about how we won the North Africa Campaign in World War II when some of the world's great generals were pitted against each other: General Patton from America and Field Marshal Montgomery from Great Britain on the Allied side, and Field Marshal Rommel on the German side. History shows that Rommel was not a Nazi. In fact, he was later forced to commit suicide for his complicity in the events designed to kill Hitler.

But at that time, the state-of-art tanks were called Tiger 88s, with 88-millimeter guns in the Panzer Divisions, which outclassed anything that America and Great Britain had in the North Africa Campaign. Everybody knew it. Field Marshal Rommel, of course, was one of the great minds of World War II. Unfortunately, he was on the wrong side.

History tells us that one of the reasons we won that campaign was that we bombed the oil fields. When we cut off their oil, the tanks stopped running.

I remind my colleagues that they still run on oil. They do not run on wind power or solar power.

I am absolutely supportive of Senator MURKOWSKI's belief that there is a national security connection with being less dependent on foreign oil. He mentioned the statistics and how dependent we are. It really should not come as a big surprise to most Americans if we tell them we are more dependent on Iraqi oil than we were before the war. In fact, 25 percent of the oil we import, as I understand, comes from the Saudis, who every year divide much of the billions of America dollars among the 300 members of the extended royal family, one of whom is Bin Laden. It just defies common sense that because we cannot cut this umbilical cord, we are actually paying people for oil so they can buy weapons with the intent of killing.

I want to tell the former chairman that I am absolutely in support of his efforts. When I was chairman of the Indian Affairs Committee, I had many opportunities to visit with Native Alaskans and native peoples of the North. I found that almost to the person, when they would come down to lobby about ANWR, the Native Alaskans who are American citizens supported opening of ANWR. The only ones opposed to it were the people who were natives of Canada, Canadian citizens. There was no question in my mind when I asked them how they got here and who paid their bills, they were being spoon fed to us basically to get us to oppose something that most American natives supported.

Mr. MURKOWSKI. I thank my great friend from Colorado. We have enjoyed many meetings together in conjunction with his responsibilities as chairman of the Indian Affairs Committee. He has been an outstanding proponent of American Indian opportunities.

His reference to history and what happened in North Africa is certainly appropriate to our energy dependence on the Mideast. We just need to look at the terrorist activities associated with September 11. We have found that most of the individuals responsible for taking down the buildings in New York were Saudi Arabian.

I thank the Senator.

Mr. CAMPBELL. That is right. I hope history doesn't repeat itself. The only way we can prevent that is to become less dependent on foreign oil.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 1644 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 5 minutes.

The PRESIDING OFFICER. The Senator has that right.

LAND FOR THE FORT SCOTT NATIONAL CEMETERY

Mr. BROWNBACK. Mr. President, I rise today to recognize an activity that is going on in my home State of Kansas that I think is quite commendable. Thirteen veterans from Fort Scott, KS, have expanded the lifespan of the Fort Scott National Cemetery by about 35 years through their hard work and dedication.

I point this out because I think this is what America is all about. It is about a can-do atmosphere and about people taking it upon themselves to do something that they believe is not getting done; and making it happen.

With about 1,100 World War II veterans dying every day, many veterans cemeteries are struggling to accommodate veterans' burials. That is true in my State as well. According to the U.S. Department of Veterans Affairs, by 2008, the annual number of deaths of veterans from all U.S. conflicts will reach 620,000, or about 1,700 a day.

Fort Scott National Cemetery is one of 12 Civil War national cemeteries. It was dedicated in 1862 by President Abraham Lincoln. I grew up just north

of Fort Scott, about 40 miles away. It was an old Indian fort early on. Then it was used, obviously, as well, during the Civil War.

In a concession to make space for veterans wanting to be buried at the Fort Scott National Cemetery, burial spots are currently being made smaller, and sloping land that originally was deemed unusable is now being used.

Thanks to the extraordinary efforts of these veterans I have mentioned, these 13 veterans, working as the Fort Scott National Cemetery Expansion Committee, 10 acres of land will be added to the cemetery. This land, just across the old stone wall from the cemetery, was purchased by the 13 veterans, who took out a loan, and who then sought contributions and worked the crowds at American Legion and VFW halls throughout the region to raise money to pay off the loan. Once the loan was paid off, the veterans donated the land to the Department of Veterans Affairs.

On Veterans Day, this year, November 12, 2001, this land will be dedicated and ready to handle about 3,300 burial sites. I applaud the initiative of these Fort Scott veterans who have successfully undertaken the effort to expand this historic cemetery and provide a place of honor for veterans and their eligible dependents for several decades to come.

I point this out because Fort Scott National Cemetery is one of the oldest veterans cemeteries in the country, dedicated by Abraham Lincoln. It is filled up—or soon will be full. These veterans, by their own initiative, secured the loan, purchased the land, got the loan paid off, and donated it to the Department of Veterans Affairs, which is receiving the land, and now will be able to provide an additional 3,300 burial sites for veterans.

I think that this is such a commendable thing that these veterans have done. I will be there on November 12, along with a number of other people, to recognize and honor what these men have done. I think it is wholly appropriate to recognize what they have done in this body as well.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. TORRICELLI are printed in today's RECORD under ''Morning Business.'')

Mr. TORRICELLI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m.

There being no objection, the Senate, at 1:32 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, there are now 20 minutes of debate evenly divided on the Hutchison amendment. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understood it was 30 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, I suggest the Senator from Connecticut be recognized—and this has been cleared on both sides—as in morning business for 7 minutes.

(The remarks of Mr. DODD are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator has used his 7 minutes.

Mr. DODD. I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, so there is no misunderstanding, I have spoken with Senator LANDRIEU and Senator HUTCHISON, and the unanimous consent request Senator LANDRIEU made takes 3½ minutes off each side.

The PRESIDING OFFICER. That is the Chair's understanding.

Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to use 5 minutes and be informed at the end of 5 minutes so Senator DURBIN may take the floor, and I would like to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, my amendment attempts to be a compromise between those who wish to take the caps off the attorney's fees for suing the District of Columbia School District and what I think is a quite reasonable approach, which is to keep the caps but raise them.

For the last 3 years, we have had caps on attorney's fees. That was made necessary because of the exorbitant fees that were being charged to the District, and that was money coming directly out of the education system. In fact, before the caps were put in place, attorney's fees represented $14 million of the DC school budget. Since the caps have been put in place, we have had a figure of $3.5 million per year average for attorney's fees, and the extra $10.5 million has been able to go into the services we are seeking to provide for handicapped and special needs children.

Moreover, we have been informed by the District of some of the excessive fees that were being billed before the caps. This is billing the school district for plaintiff's lawyer fees when the plaintiff has been successful. One attorney before the caps individually made $1.4 million in fees in 1 year suing the District of Columbia schools.

Another law firm billed over $5 million in a single year to the District of Columbia schools. Submission of a variety of questionable expenses, including flowers, ski trips, and even a trip to New Orleans ostensibly made to scout out private schools far from the District that might be able to accommodate special needs students.

The reason we are trying to put some reasonable caps on these attorney's fees and excessive billings is so the money will go into education. Our amendment has a cap of $150 an hour. If a lawyer billed 2,000 hours at $150 an hour, that would be a $300,000 annual income.

So, we are not saying lawyers should not make a reasonable amount, and we are certainly not subjecting parents to lawyers who cannot make a living. I think $150 an hour is quite respectable. That is why we have tried to reach out to the other side and do something that is reasonable but not exorbitant.

We are trying to help the District of Columbia schools. We have a letter from the superintendent of schools and the president of the school board requesting us to take this action. They are very concerned that millions of dollars will go into lawyer's fees rather than to improve the services they give. In fact, they are increasing the number of teachers for special needs students. They are increasing the amount of medical equipment for these special needs students, and that is exactly what we want them to do. So I am trying to be helpful to the DC schools. Educators are the ones who can best determine need.

Our amendment also has an out; that if the District itself believes the caps are too low, they have the ability to override this amendment and this act of Congress and increase the fee caps, with the mayor and the school district working together.

I think that takes care of letting the local people have a final decision, doing what they have asked us to do in putting on reasonable caps, as they are trying to do the very difficult job of providing a quality education for all the students of the District of Columbia.

I was the chairman of the DC Subcommittee and I want so much to do what is right for the District. I learned their needs, and I worked with the mayor and the school representatives to try to give them the tools to do the job they are doing. That is why I feel strongly enough to offer this amendment so the millions of dollars that have been actually assessed against the school, even though it was against the law by one of the judges, will not be able to be collected. It would be against the Federal law for retroactive fees to be collected.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. HUTCHISON. I will stop there, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. I believe the chair of our subcommittee has yielded her remaining time in debate to me.

I ask the Senator from Texas a simple question, and a yes or no answer would suffice. We are talking about limiting the fees paid to attorneys who represent children who are trying to get into special education. Could the Senator from Texas tell me, is there a law in her home State of Texas limiting the fees paid to attorneys in her State who represent children in special education cases?

Mrs. HUTCHISON. Mr. President, I thank the Senator for the question because, of course, there are not those kinds of limits in Texas, but neither does the State of Texas get 20 percent of its budget from the Federal Government. The Federal Government has the constitutional role of making sure the District runs. That is why we have taken on 23 percent of the Federal budget.

Mr. DURBIN. I thank the Senator from Texas for responding to my question.

Reclaiming my time, Mr. President.

Mrs. HUTCHISON. That is why we make sure the Federal taxpayer dollars are used wisely.

The PRESIDING OFFICER. The Senator from Illinois has the time.

Mr. DURBIN. I thank the Senator from Texas.

The answer was no. It was a long answer, but the answer was no, in Texas there is no limit on the amount of money paid in her home State to attorneys representing the families of children who are seeking special education. But she is saying with her amendment we are going to change that rule in the District of Columbia. No other State in the Nation has done what the Senator from Texas wants to do to the District of Columbia.

What is this all about? It is about a law passed by Congress which said we want to give kids with disabilities a chance for an education. We know sometimes when they try to seek that education they have to put up a fight. The school board says, no, we cannot put them in a special education class. If they put up a fight, they have to hire a lawyer to go through an administrative hearing.

The law we passed, for which many of us voted, said if the family prevails, if the child goes into special education, the court can decide to pay the attorney's fees for the family. Otherwise, what would happen? Exactly what has happened in the District of Columbia right now because of Senator HUTCHISON's amendment the previous years.

Poor kids from poor families cannot afford lawyers. As a result, they do not get representation. They do not get a chance to go into special education classes.

Senator HUTCHISON wants to limit the attorney's fees to stop the poor children in the District of Columbia who are seeking special education to have a legal voice in the process. That is just plain wrong. If the Senator wants to repeal the Children with Disabilities Act as it applies all across America, let her offer the amendment. I would vote against it, but it would be a fair amendment.

What she is doing is zeroing in on this town because some Members of the Senate and the House cannot help themselves from playing the role of city councilman and mayor. They just love it. They will not leave to the District of Columbia the power to make its own decisions. They want to make the decisions for it. Whether we give the District of Columbia 10 percent or 20 percent of the money it spends, the fact is it is responsible under the same laws as every State in the Union.

My colleagues ought to see the letters I received in opposition to the Hutchison amendment. The Senator from Texas would have us believe this is a battle over whether or not lawyers get paid. This letter I received from the Consortium for Citizens with Disabilities makes it clear all of these organizations—and these are not bar associations, I might say for the record: Easter Seals, the American Occupational Therapy Association, Higher Education Consortium for Special Education, Council for Learning Disabilities, Council for Exceptional Children, Epilepsy Foundation, Helen Keller National Center—oppose the Hutchison amendment.

If it was such a wonderful idea to stop paying the attorney's fees so we could give money for special education, would you not think these groups that represent disabled kids would be in favor of this amendment?

They know better. They know what Senator HUTCHISON is doing. She is taking away the legal voice of the poorest kids in the District of Columbia.

Then we received letters from some lawyers, and the lawyers tell us what has happened as a result of the Hutchison amendment over the last 3 years. The number of hearings filed in 1998, before the Hutchison amendment, for special education purposes in the District of Columbia: 2,140. As of last year, that number was cut more than 50 percent to 1,011—more than a 50-percent drop.

Why? Because the poorest kids in the District of Columbia who cannot afford to have their families pay for a lawyer cannot get to court, cannot get into special education. Imagine the life of that small child which has been decided at an early age, which says that whether they have a learning disability, a physical handicap, or a mental disability, they do not have a chance. If the District of Columbia school system turns them down, they are finished because under Senator HUTCHISON's amendment they would limit the attorneys to being paid $3,000 and not one penny more.

I want to say something about the attorneys who are involved in this. I made a statement earlier, but I want to make sure it is clear in the RECORD. The men and women involved in this practice are doing a great service to the families and a great service to our Nation, giving these kids a chance for special education to receive their fullest potential. The fact is, if we hold the fees to $3,000 as a maximum in these cases, many attorneys cannot afford to take the case and, sadly, some taking these cases are not prepared to deal with them because they frankly cannot put in the time necessary to be successful.

The worst part of the Hutchison amendment is the fact that even though each year she continues to pass this along, to stop the poor kids in the District of Columbia from having access to special education, the courts have said they are going to ignore it. They continue to award attorney's fees to these firms. Now the District of Columbia cannot pay out anything more than Senator HUTCHISON has allowed them, but the amount of money that the District still owes to these attorneys is there and continues to earn interest and grow. It is a huge element of debt for the District of Columbia that is not being served by the amendment of the Senator from Texas.

I urge all Members to think about the simple justice of this situation. Senator HUTCHISON says she is just declaring war on trial lawyers. Very few trial lawyers are going to take on cases involving special education. It takes a special attorney with a special dedication to make it happen. She may pick or choose some of the attorney's fees, if a particular fee is excessive, but each has to be approved by the court. If that court and that judge make a decision under the law, we have said that is the way it will apply to Texas, to Louisiana, and to the State of Illinois. But at this point in time, to take this city, the Nation's Capital, and say DC children will be denied access to special education at a time when all of the major disability groups beg us to vote against the Hutchison amendment is unfair.

I reserve the remainder of my time.

Mrs. HUTCHISON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Texas has 6 minutes 19 seconds, and the Senator from Illinois has 6 minutes 15 seconds.

Mrs. HUTCHISON. Mr. President, please notify me when I have used 4 minutes. I want the right to close on my amendment. I will then yield to the Senator from Illinois.

Mr. President, I will discuss some of the issues raised by the Senator from Illinois. First, he says the number and quality of attorneys who take special education cases has declined since the imposition of the cap. This is not supported by the facts. The number of attorney representations in 1997 before the caps were put into place was over 2,000. Last year, there were 1,700 such representations. We have not seen a steep decline in the number of attorneys willing to take these cases. Most certainly, $125 an hour, which is what used to be the cap, and $150, which we are proposing, makes a good living for a person.

A lawyer working 2,000 hours in a year earns $300,000 with a $150-an-hour fee structure. It is not as if we are looking at people who would not be able to have a quality of life. This is a reasonable amendment.

Second, he made the statement that access to special education will be inhibited, that the disabled students will not be able to get access to this education. Access to special education in the District has improved since the imposition of attorney fee caps in 1999. The backlog of IDEA initial assessments shrank from 1,805 before the caps to 143 as of March 2001. The backlog of hearings has been reduced from 900 to 20 during the same period. Overall expenditures for special education in the District have increased 38 percent since the caps were imposed. The number of new special education placements, the number of children who have been able to be served, has increased from 8,120 before the fee caps to 11,991 last year. The argument that children are being denied access is not supported by the facts. More children have been able to be accommodated because the money is going into special education and not into the coffers of lawyers.

The Senator talks about who is against my amendment. Let's talk about who is for my amendment. The school board of the District of Columbia is elected by the people of the District. They are for this amendment. They have asked the caps be left in place because they know the money can go into education, and they are very concerned if the caps go off and the judge who has been awarded lawyer's fees, even against the Federal law, has said he is going to require the District to pay the fees that were illegal, which is a convoluted reasoning, at the very best, but nevertheless the judge has said he is going to do it.

We are told we better lift the caps so the judge can go ahead and do it, and we are told that will be good for the children of the District.

I have not quite gotten that line of thinking. The bottom line is the people elected by the people of the District of Columbia want the caps. They did not ask me to raise the caps. I did that because I was trying to come up with something that would be reasonable, to try to make sure we were not in any way doing something to harm anyone.

My bottom line is when the superintendent of schools and the chairman of the school board, elected by the people of the District, ask me to keep the caps and, for Heavens' sake, not allow a retroactive use of the District's funds to go to lawyers instead of education, to the children of the District, it will not wash.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it should not come as a surprise the Senator from Texas says since she put a limitation on attorney's fees, few cases are filed. That is no surprise. The poor children in this District looking for special education cannot get attorneys who will do it for $3,000. What happens to those kids? They end up sitting in the back of the classroom, falling behind. They become discouraged and drop out. Then think of the problems that follow in their lives.

What a great solution offered by the Senator. We are keeping out of special education kids who have learning disabilities, mental and physical handicaps. That is the outcome. We can tighten up the system even more, I say to the Senator from Texas, by limiting how many children can go into special education. Then think of how much money would be spent per pupil. That is not fair. It is not just.

When she says we ought to do this because the DC public school board wants it done, I am sorry, I have seen the DC public schools. I have seen reports on them for years. And I frankly think the management of the DC public schools could be a heck of a lot better. It is one of the reasons the District of Columbia, year in and year out, has such poor ratings by the Annie Casey Foundation when it comes to the quality of life for children.

Let me tell you something else the DC public schools did not tell you. The average cost per case before the Hutchison cap for attorney's fees, for those representing kids going into special education, was between $7,500 and $10,000. That is the average. Senator HUTCHISON gives reference to $1 million here and $1 million there. That is not the case.

What you have here is as a result of the Hutchison amendment, the DC city council has said we should keep in mind in voting against the Hutchison amendment—8 out of 13 members of the city council said by putting the Hutchison cap on the payment of fees for those who want to get kids into special education, it makes it more difficult for the kids to get the education to which they are entitled.

It discriminates against low-income families. Make no mistake, if you live in the DC area and you want to get your child into special education, and you are wealthy, you will hire a lawyer. But if you are poor, you are out of luck under the Hutchison amendment. The effect of the cap is to treat the children in the District of Columbia differently than any other State, including the State of Texas.

The way to improve special education, according to the District of Columbia city council, is programmatic. Improve the programs rather than limit the advocacy. The fact is, the inefficiency of the DC public school system, their inability to deal with the legal challenges that face them, has led to this problem.

Although the Hutchison amendment in the last 3 years may have made us feel good about limiting DC liability, we have not done it. During that period of time, the amounts awarded to attorneys for the work they have done have continued to grow and interest has continued to grow. There will be a day of reckoning for the District of Columbia. It is time for us to face reality. These are legitimate debts of the District for attorneys who have represented some of the poorest kids in the District of Columbia. If a cap on attorney's fees in the State of Texas is not a good idea, it is not a good idea in the District of Columbia.

I ask Members to remember the simple fairness that if we stand for special education and access for all children, poor and rich alike, you cannot deny for those poor children the voice and the process they need to get into school. The Hutchison amendment denies to these children and their families a chance for special education. That is wrong. It is unjust. I hope my colleagues will join me in voting against the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes and 6 seconds. The Senator from Illinois has 27 seconds.

Mrs. HUTCHISON. I ask the Senator from Illinois if he has any further use for his time or has he yielded back?

I want to address a couple of points made by the Senator from Illinois. He says it is no surprise that since the caps were put in place there were fewer lawsuits filed. No, that is not the issue. The issue is that more students are actually being served and there is no charge by anyone that there is a denial of due process.

In fact, before the caps went into place there were 8,120 special need students in the DC schools. Now there are 11,191. There are only fewer than 50 cases even left pending.

I think the District is now getting a handle on the situation. They are putting more students in the classrooms.

That is because they have the money not going to lawyers but going into education. That is why the elected representatives of the school district have asked that the caps be left in place.

We are raising the caps to keep in step with the times. One hundred and fifty dollars an hour certainly will get a quality lawyer. I think that has been proven. The fact is, before the caps, these were the kinds of abuses that the attorneys made of the system. One attorney, before the caps, earned $1.4 million in fees alone on suing the District schools. One law firm billed over $5 million in fees in a single year, suing the District schools. There were submissions of incredible expenses, asking the District to pay for flowers, for a trip to New Orleans to supposedly scout out another school where they would argue a child should be sent, a ski trip—my goodness.

We need some limitations on these kinds of abuses. That is what the amendment would do.

The District is asking us to do this. It has worked well. It has allowed the District to increase its ability to serve the special needs students and the amendment also allows the mayor and the school superintendent to increase the caps if they think it is necessary.

I urge my colleagues to vote for this amendment for the DC children, the schoolchildren of the District.

Mr. REID. I ask unanimous consent that upon disposition of all amendments to H.R. 2944, the District of Columbia Appropriations bill, the bill be read a third time and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no intervening action or debate.

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

All time for the amendment has expired. The Senator from Illinois.

Mr. DURBIN. I move to lay the Hutchison amendment on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. HUTCHISON. Mr. President, didn't the unanimous consent agreement say there would be a vote on my amendment? I ask there be a direct vote.

Mrs. BOXER. Reserving the right to object, could we find out if it said "on" or "in relation to." If not, the motion would be in order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to the Senator from Texas, the unanimous consent agreement said the Senate proceed to vote in relation to the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Let me try to clarify it. I may be confused about what we are doing. We had committed to a vote on the Hutchison amendment, which is supposed to be at this time. Then I am aware of no other amendment to this bill, and we could move to final passage.

I am also aware that Senator LEVIN had a request for a colloquy about a subject that he is very interested in. I wanted to bring that to the attention of our leader.

Mr. REID. I say to my friend from Louisiana, I guess the question is whether or not Senator DURBIN's motion to table would be in order and it is according to the unanimous consent agreement. I don't know if there was some other agreement.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to withdraw my motion to table.

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

Mr. REID. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The senior assistant bill clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—51

Allard	Feinstein	McConnell
Allen	Fitzgerald	Miller
Bennett	Frist	Murkowski
Bond	Gramm	Nickles
Brownback	Grassley	Roberts
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Byrd	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Stevens
Craig	Jeffords	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Ensign	Lugar	Voinovich
Enzi	McCain	Warner

NAYS—49

Akaka	Crapo	Kerry
Baucus	Daschle	Kohl
Bayh	Dayton	Landrieu
Biden	Dodd	Leahy
Bingaman	Dorgan	Levin
Boxer	Durbin	Lieberman
Breaux	Edwards	Lincoln
Cantwell	Feingold	Mikulski
Carnahan	Graham	Murray
Carper	Harkin	Nelson (FL)
Cleland	Hollings	Nelson (NE)
Clinton	Inouye	Reed
Conrad	Johnson	Reid
Corzine	Kennedy	Rockefeller
Sarbanes	Stabenow	Wyden
Schumer	Torricelli	
Specter	Wellstone	

The amendment (No. 2110) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senator CLELAND be recognized to speak in morning business for up to 10 minutes and that following his statement, there be 30 minutes for debate with respect to the Durbin amendment which he will offer and that the time be equally divided and controlled and that no amendments be in order prior to the vote on the amendment.

Mr. DURBIN. Reserving the right to object, I would like to amend that so I have the same opportunity the Senator from Texas had for an up-or-down vote.

Mr. REID. That was done.

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

The Senator from Georgia.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 1650 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 2111

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mrs. BOXER, proposes an amendment numbered 2111.

At the appropriate place insert the following:

SEC. . The limitation on attorneys fees paid by the District of Columbia for actions brought under I.D.E.A. (20 U.S.C. 1400 et seq) (Sec. 138) shall not apply if the plaintiff is a child who is—

(a) from a family with an annual income or less than $17,600; or

(b) from a family where one of the parents is a disabled veteran; or

(c) where the child has been adjudicated as neglected or abused.

Mr. DURBIN. Mr. President, it is my understanding, pursuant to the unanimous consent request, that there are 30 minutes equally divided. I will not use the 15 minutes on my side.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I hope to bring this amendment to a vote quickly.

The purpose of this amendment is to dramatize for those who voted for the Hutchison amendment the types of children who will be affected by the limitation on attorney's fees. Without this Durbin amendment, offered by myself and Senator BOXER from California, literally children from families with less than poverty income, children from families where one of the parents is a disabled veteran, or children from families where there has

been adjudication that the child has been neglected or abused would have been limited in being represented in an effort to bring them into a special education class. These kids face learning disabilities and other mental and physical disabilities.

The purpose of this amendment is to say we are making a clear exception to the Hutchison limitation, and that section applies to these three categories—children and the families as they are described in the amendment. I sincerely hope that those who vote for this amendment will pause and reflect on the fact that these are only three categories of children who will be disadvantaged by the Hutchison amendment. There are many others, I am sure, who will come to light as we consider the impact of her amendment.

To think the District of Columbia, the Nation's Capital, would be the one city in the United States of America where we would not give the full protection of the laws to the poorest children is unacceptable. At least with this amendment, children in three categories will have a fighting chance, if they need special education to have any opportunity to be successful in life.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. DURBIN. I will be glad to yield.

Ms. LANDRIEU. Mr. President, I know the Senator from California is here to speak on the amendment. I think the amendment the Senator from Illinois has offered has a great deal of merit. If we are called to vote on it, we will be happy to vote for this amendment because it points out some of the real problems we are trying to resolve.

My question for the Senator from Illinois is, I have some language that I am prepared to offer requesting the GAO to study some of the costs associated not just with the District but for other districts in the Nation that have comparable demographics and size. Will he mind if we discuss the possibility of including this language as we debate his amendment and perhaps decide to vote on it if that will expedite this process and get to a vote more quickly on this bill?

Mr. DURBIN. I say to the Senator, I consider this a friendly amendment. I want to have a chance to review it while the Senator from California is addressing my amendment. I hope we can find a way to deal with this issue.

I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Illinois for his leadership this afternoon on behalf of children and families who perhaps have the softest voice. Why do I say that? It is because these families are struggling with children who have disabilities, who are unable to speak for themselves, who need to get special help in school and sometimes have to fight and struggle and work to get that help.

I believe the amendment that was just adopted by this body on a narrow vote sends a very bad message. It sends a message that disabled children, children in need of special education, simply are not as important as a governmental entity that has an unlimited ability to hire the highest paid attorneys.

In the case of the District, I have learned that, in fact, the District does go to the private sector, does throw the best they can against these children and against their families. There is no limit, as my friend from Illinois pointed out, on the attorneys the school district decides to hire. Yet this onerous amendment that was just adopted quite narrowly treats these children differently.

We have the greatest country in the world, and in these days more than ever we have come to recognize that every minute of every hour of every day. One of the reasons is that before the law, everyone is equal. That is what we stand for: Before the law, everyone is equal.

But when we say to a governmental entity it can pay whatever it wants against a family who has a child in need of special help, but then we restrict the kind of attorney, the number of dollars that can go to fight that child's battle, we are setting up a playing field that is not level.

That is why I am so happy the Senator from Illinois, with the support of the chair of the subcommittee, Senator LANDRIEU, has put forward this amendment for the two of us because what we are saying is: Let's take a look at these children. Let's not just have some vague amendment that says attorney's fees shall be limited. That always looks good on a voting record, but if we dig a little bit, what do these kids look like? A lot of them are living in poverty. A lot of them are abused and neglected. Some have parents, one or two, who served in the military who may be disabled. These families need special help for these special children.

I am very proud to be a cosponsor of this amendment. I look forward to a resounding vote which will, in fact, change the amendment we just adopted and say in these circumstances, which will cover many children I am happy to note, we will not have this double standard.

I thank the Chair, and I reserve the remainder of the time for Senator DURBIN.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WELLSTONE. Mr. President, I ask for 3 minutes to speak in behalf of the Durbin amendment.

Mr. DURBIN. I ask the Senator from Minnesota be yielded 3 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. WELLSTONE. Mr. President, I have not had a chance to examine every word of the Durbin amendment, but my understanding of what the Senator from Illinois has said is when it comes to making sure parents of children with disabilities have legal representation if they need it to make an appeal for their children whom they believe are not receiving the support and education they need, in light of the amendment of the Senator from Texas being adopted, when it comes to a single parent or low-income or a disabled Vietnam vet or veteran and other such categories, it is clear these families absolutely should not be without legal representation. Therefore, the amendment of the Senator from Texas would not apply.

My colleague from Illinois has made an appeal to Senators to avoid the harshness, to make sure there is the legal representation for families who need it, to make sure we are on the side of vulnerable children and vulnerable families.

This amendment is compassionate. This amendment goes directly to what is at issue. I hope there will be 100 votes for the amendment offered by the Senator from Illinois. I add my support.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Ms. LANDRIEU. Mr. President, we are ready to vote on this amendment. The Senator from Illinois perhaps has some additional time, but if there are no other speakers, if the Senator from Illinois wants to call for the yeas and nays, we probably can have this vote.

Mr. DURBIN. I want to make certain the other side has the opportunity, if they want, to speak. Otherwise, I am prepared to yield all my time back and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN. Before I yield the time, I want to see if there is anyone on the other side—the Senator from Texas or others—who wants to speak to this amendment.

Mr. President, I yield back the remainder of my time under the unanimous consent request, and I ask unanimous consent that all time on this

amendment be yielded back so we can go to a vote.

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

The question is on agreeing to amendment No. 2111. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—73

Akaka	DeWine	Lugar
Allen	Dodd	McCain
Baucus	Domenici	Mikulski
Bayh	Dorgan	Murkowski
Bennett	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Feinstein	Reed
Breaux	Fitzgerald	Reid
Burns	Graham	Rockefeller
Byrd	Harkin	Sarbanes
Campbell	Hollings	Schumer
Cantwell	Hutchinson	Shelby
Carnahan	Hutchison	Smith (OR)
Carper	Inouye	Snowe
Chafee	Jeffords	Specter
Cleland	Johnson	Stabenow
Clinton	Kennedy	Stevens
Cochran	Kerry	Torricelli
Collins	Kohl	Voinovich
Conrad	Landrieu	Warner
Corzine	Leahy	Wellstone
Crapo	Levin	Wyden
Daschle	Lieberman	
Dayton	Lincoln	

NAYS—26

Allard	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hatch	Santorum
Bunning	Helms	Sessions
Craig	Inhofe	Smith (NH)
Ensign	Kyl	Thomas
Enzi	Lott	Thompson
Frist	McConnell	Thurmond
Gramm	Miller	

NOT VOTING—1

Hagel

The amendment (No. 2111) was agreed to.

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

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2112

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2112.

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

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

The amendment is as follows:

(Purpose: To provide for mandatory advanced electronic information for air cargo and passengers entering the United States)

On page 68, between lines 4 and 5, insert the following:

SEC. 137. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

''SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

Mr. DORGAN. Mr. President, the amendment I have offered is an amendment I have offered on two previous appropriations bills. I will not go into a long and tortured explanation. The Advance Passenger Information System should now be in the law. But because of a jurisdictional issue that arose a couple of weeks ago, it is not in the law. In a couple minutes, I will explain exactly what it is.

I just came from S. 207 where I am a conferee on the aviation security issue. That conference is ongoing right now. We are dealing with the issue of aviation security which is of great importance to all people in this country. How do we make flying more safe and more secure? We are doing that because of the concern about terrorism.

One of the issues in dealing with terrorism has been to try to make mandatory something that has been voluntary with respect to all airlines that are carrying passengers into this country. Some 78 million people fly into this country each year as guests of our country. They come on visas. They are guests of the United States. Most of them are precleared. Their names are provided by airline carriers under what is called the Advance Passenger Information System, APIS. They are provided to us in advance so we can run

the names of the people who are coming from other countries against a list that the FBI has, that the Customs Service has, and that 21 different Federal agencies have. It is a list to determine whether any of these people who are coming into the country are known or suspected terrorists or are people who are acquainted with and associated with terrorists because we don't want them to come to this country. People who come in are guests of ours with visas. But if they are on a list of suspected people who associate with terrorists or who are suspected of terrorist acts, we don't want them in this country.

Eighty-five percent of the people coming into the United States have their names submitted to this Advance Passenger Information System. Fifteen percent do not.

Among the airlines that do not comply with this voluntary system are airlines from Saudi Arabia, Pakistan, Egypt, Jordan, and, until last week, the country of Kuwait. I could name others.

One should ask the question: Wouldn't we want passenger information from those airlines flying here from that part of the world? The answer is clearly yes. The head of the Customs Service, the Bush administration, and others say this ought to be made mandatory. I agree.

I offered the amendment in the Senate to make it mandatory on the counterterrorism bill. The Senate approved that amendment, and we would, therefore, have mandatory information about who is coming into this country, and that would be applied to the various devices we have in the Customs Service and the FBI to check these names. It went to conference with the other body, and it was kicked out of conference because of jurisdictional issues. Some believed committee jurisdictional issues were more important than national security, so they kicked it out.

I stated that I would offer it to the bills that are on the floor of the Senate until we get it passed and into law. It should have been on the counterterrorism bill the President signed. Since the day the President signed that bill, a bill that contains this provision, 180,000 people have come into this country whose names have not been precleared under the Advance Passenger Information System. A fair number of them came from Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and others.

Does that improve security in this country? In my judgment, no. We ought to do the right thing. This is not about committee jurisdiction; it is about national security. In my judgment, we ought to say to all foreign carriers and airlines coming into this country and bringing our foreign guests that if they do not subscribe to mandatory submission of names under the Advance Passenger Information System, they are welcome to land elsewhere; they may not land at an airport in this country.

That is all my amendment does. It is supported by the administration. It was requested by the administration and should now be law, but is not because we had a squabble here a couple of weeks ago and it was kicked out in conference. I have offered it previously. I offer it again today. My understanding is that it will be approved by a voice vote. I also intend to offer it in the conference on aviation security, of which I am a member and which is now meeting in S. 207.

I ask for immediate consideration of my amendment.

I yield the floor.

Ms. LANDRIEU. Mr. President, we have no further debate.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2112) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. Mr. President, we are ready to move to final passage. There are no other outstanding amendments that will require a vote.

AMENDMENT NO. 2113

Ms. LANDRIEU. Mr. President, I have an amendment by Senator DEWINE and myself referencing the need for a GAO report. I ask unanimous consent that it be agreed to at this time.

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

The amendment (No. 2113) was agreed to.

The amendment is as follows:

On page 68, after line 4, insert:

SEC. . The GAO, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on DC Appropriations, shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Act (20 U.S.C. §1400 et seq.). Provided further, that such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

FOOD AND FRIENDS

Mr. SARBANES. Will the distinguished floor manager yield for the purpose of a colloquy with Senator MIKULSKI and myself regarding Food and Friends, a nonprofit organization that provides meals to adults and children battling AIDS and other life-threatening illnesses in the Washington metropolitan region?

Ms. LANDRIEU. I am happy to yield.

Mr. SARBANES. For the past 12 years, Food and Friends has been providing an invaluable and unique service to people in Washington, DC, eight counties of Maryland and seven counties in Virginia, living with HIV/AIDS and other life-challenging illnesses. The group's network of over 700 volunteers and some 45 chefs, registered dieticians and other staff provide home-delivered meals and groceries, nutrition counseling, as well as friendship and care to more than 1,300 clients daily and the number of people seeking these services continues to grow dramatically. In order to accommodate the service demands, Food and Friends has embarked on a $6 million capital campaign to construct a new facility to serve its clients. We recognize that the committee was faced with many significant funding demands in this bill and limited allocations and could not accommodate the $2 million in funding provided by the House. We hold out hope that, as the Chairwoman and the other conferees negotiate with our colleagues in the House, you could find some way to provide funding needed by Food and Friends.

Ms. MIKULSKI. We would not make this request unless we were truly convinced of the need and the terrific work that Food and Friends does. Food and Friends serves individuals from diverse economic backgrounds, but 64 percent of their clients live on incomes of less than $550 per month. With the cost of medication and treatments for critically ill individuals estimated at between $500 and $1,000 per month, the services provided by Food and Friends are critical. This funding would allow the organization to serve more than 2,000 clients daily. The organization has already raised $1.6 million for this initiative and expects to raise an additional $2 million, but needs Federal support to complete the project. For me this is a hand-up to Food and Friends, not a hand-out.

Ms. LANDRIEU. I thank the Senators from Maryland. I am certainly aware of this wonderful organization and this project and the good work that they do delivering meals to people suffering from terminal illnesses and AIDS. I know that the Senators from Maryland are very concerned about this matter and I will certainly be willing to work with you both to see if we can include this worthy project in conference with the House.

Mr. SARBANES. I thank the Chair and look forward to working with her.

Ms. MIKULSKI. As an appropriator, I appreciate the efforts of the chairman, and also look forward to working with her.

Mr. LEVIN. Mr. President, since the late-1980s, I have urged the mayors of the District of Columbia and Commissioners of the DC Taxicab Commission toward implementation of recommendations from numerous District of Columbia studies to replace the current taxicab zone fare with a meter

system. According to the nationwide Taxicab, Limousine, and Paratransit Association, the District of Columbia is the only major city in the Nation where taxi fares are calculated by a zone system rather than a meter system. The use of the zone system is especially unfair to our great number of out-of-town tourists who have to cope with a complicated, confusing zone fare system with no basis on which to judge the accuracy of a particular fare. In my own experience, as a DC resident, I have encountered at least 10 different cab fares for the exact same trip to and from National Airport. A metered system would eliminate this problem.

There is a lot of correspondence that has transpired over the years on this matter. I would like to share with the Senate the letter I recently received from Mayor Williams. I would also like to include earlier correspondence I received from Representative ELEANOR HOLMES NORTON, who I have kept informed at every stage of the taxi meter issue, as well as several letters from the Barry and Kelly administrations. There have been broken promise after broken promise. Mayor Williams' letter sets out a course of action. If it is not followed, I intend to bring this matter to a head next year—after two decades of broken promises.

Ms. LANDRIEU. Mr. President, let me just say from the outset that I appreciate my colleague's comments. The District of Columbia is the only major city that does not have a meter system in place. The current zone system compromises the integrity of the DC taxicab system. The apparent variance among cab fares to the same destination shows how the current system can be misunderstood and even abused. I deeply appreciate Senator LEVIN's decision to withhold an amendment at this time based on the mayor's letter. And I certainly understand that Senator LEVIN will be back with his amendment if meters are not in place, as indicated in Mayor Williams' letter, early next year, and I intend to support Senator LEVIN's efforts to end the current intolerably confusing situation.

Mr. LEVIN. Mr. President, I ask unanimous consent the letters to which I referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 10, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: In accordance with your request, I am writing to advise you of the status of the introduction of a meter system for District of Columbia taxicabs. Let me state at the outset that I support a change from the current zone system to a meter system. A proposal to that effect was approved by the District of Columbia Taxicab Commission and transmitted to the Council of the District of Columbia for review in 1999. At that time, the Council requested that the proposal be withdrawn and resubmitted with more detailed information on the potential impact of increased fares on the riding public.

Since that time, the District of Columbia Taxicab Commission has developed a proposed fare structure and conducted the analysis requested by the Council. In addition, the Chairman of the Commission has held a number of meetings with drivers, individual taxicab owners, taxicab companies, and others in the industry to explain the impact of the planned change and allay any fears regarding implementation of the new system. The most recent of those meetings was held last week.

It now appears that the Commission is prepared to act on the proposal. The matter is expected to be referred to the Commission's Panel on Rates and Rules for a vote as early as next week and will thereafter be acted upon by the full Commission and transmitted to the Council for final approval. It is anticipated that meters could be required in District taxicabs by early next year.

I thank you for your interest in this matter and for sharing my commitment to improve the District's taxicab industry. Should you require any additional information, do not hesitate to contact me.

Sincerely,

ANTHONY A. WILLIAMS.

MARCH 15, 1999.

Hon. LINDA W. CROPP,
Chairman, Council of the District of Columbia,
Washington, DC.

DEAR CHAIRMAN CROPP: I am transmitting for the consideration of the Council of the District of Columbia (Council) a proposed resolution entitled the ''District of Columbia Taxicab Commission Metered System for Determining Fares Approval Resolution of 1999.'' The proposed resolution is submitted in accordance with D.C. Law 6–97, the ''District of Columbia Taxicab Commission Establishment Act of 1985,'' as amended, specifically, D.C. Code §40–1707(b)(1)(B) (1998 Repl. Vol.). The law provides that the Commission's Panel on Rates and Rules shall not authorize a metered system for determining taxicab fares without a 60-day period of Council review of the proposal.

If you have any questions regarding this matter, please contact George W. Crawford at the Taxicab Commission.

I urge the Council to take prompt and favorable action to approve the Commission's proposal for the use of meters for determining taxicab fares at your earliest convenience.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Senator CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR CARL: Thank you for coming in to see me last week regarding the failure of the District to adopt a meter system for cabs, following the recommendations of several studies. I very much appreciate your willingness to discuss the matter with me and to give the District the opportunity to consider the matter before you consider any action. I write to provide you with a status report on my efforts since our meeting.

I have spoken directly with the new Chair of the Taxicab Commission, Chairman Novell Sullivan and with the Chair of the D.C. City Council, Linda Cropp. Chairman Sullivan has agreed to submit the matter to the full Commission at its next regularly scheduled meeting on October 6th to consider whether the District should adopt a meter system. Although Chairman Sullivan could not say what the outcome of the vote will be, he is eager, as I know you are, to resolve this matter without further study or delay. The Commission's recommendation must be submitted to the City Council for its final review and approval. I have assigned my Legislative Director, Jon Bouker, to follow-up with the Commission's General Counsel, Mr. George Crawford, and with staff from the office of City Council Chair Linda Cropp to ensure that the process moves forward as expeditiously as possible.

I hope that this information is responsive to your concerns. I appreciate that you want the District and the Taxicab Commission to resolve this matter at the local level. As always, if I can be of further assistance on this or any other matter concerning the District of Columbia, please do not hesitate to contact me.

Sincerely,

ELEANOR HOLMES NORTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 1998.

Re Taxicab Issue Follow-up.

JACKIE PARKER,
Deputy Legislative Director (Senator Carl Levin).

This memo is a follow-up to our recent conversations on the taxicab issue. As you know, Senator Levin came in to see the Congresswoman regarding the D.C. Taxicab Commission's reluctance to forward to the City Council the previous Commission's recommendation to move to a meter system for D.C. cabs. Following the meeting with Senator Levin, the Congresswoman called Taxicab Commission Chair Novell Sullivan and City Council Chair Linda Cropp. Council Chair Cropp confirmed that the new Taxicab Commission had not yet forwarded a recommendation to the full Council for its consideration. However, Commission Chair Sullivan agreed to schedule the meters issue for a vote before the full Commission at its next regularly scheduled meeting. That vote occurred on October 6, 1998, and the Commission voted unanimously to recommend meters to the Council. Once the Council receives the transmission (after the Corporation Counsel reviews the legal sufficiency of the transmission and the Mayor gives his approval), it has 60 days to decide whether or not it will approve the recommendations of the Commission. The Commission does not have the authority, on its own, to effectuate a change to a meter system for D.C. cabs.

I hope that this information is useful. Please do not hesitate to call me if you have any further questions.

JON BOUKER,
Legislative Director and Counsel
(Congresswoman Eleanor Holmes Norton).

GOVERNMENT OF THE DISTRICT OF COLUMBIA, TAXICAB COMMISSION,
Washington, DC December 1, 1998.

JACKIE PARKER,
Senator Levin's Office.

This is to inform you that the Office of the Corporation Counsel has approved the Taxicab Commission's proposal to covert to a meter system for determing fares. The Office of Chief Financial Officer is reviewing the proposal for fiscal impact on the District. It is anticipated that the proposal will be transmitted to the City Council within the next few days. Should you need additional information, please let me know.

GEORGE W. CRAWFORD,
General Counsel and Secretary.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, TAXICAB COMMISSION,
Washington, DC September 9, 1993.

Hon. CARL LEVIN,
Chairman, Subcommittee on Oversight of Government Management, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for taking time from your very demanding schedule to meet with me on August 5th. Let me assure you again that both Mayor Kelly and I understand and share your concerns about taxicab service in the District of Columbia. The Mayor has directed me to resolve the long standing issues and problems as quickly as possible. We sincerely appreciate your support and patience as we work toward this goal.

When we met, you requested a description of specific strategies we are undertaking, including timeframes, to fulfill congressional mandates and to improve regulation of the taxicab industry. Our strategies will accomplish three major goals by the end of fiscal year 1994:

(1) establishment of an appropriate mechanism—zones, meters, a new technology or a combination—for calculating taxi fares;

(2) development of a rate-setting methodology; and

(3) improvement of the Commission's regulatory and enforcement efforts.

Funding for these initiatives is being provided by fees imposed by the Commission for the Taxicab Assessment Fund; no appropriated funds will be used. Descriptions of the strategies and timeframes for each goal are enclosed.

Much needs to be done, and I am excited about the prospects for improving taxi service in the District. My plans and goals for the Taxicab Commission, and an overview of the issues facing the Commission, are provided in my testimony that was recently submitted to the House Appropriations Subcommittee on the District of Columbia. A copy of that testimony is also enclosed for your information.

Let me thank you again for your longstanding support of the District of Columbia, and your continuing interest in the District's taxicab policies and services. I am available to you and your staff if you have any questions or need additional information.

Sincerely,

KAREN JONES HERBERT,
Chairperson.

THE DISTRICT OF COLUMBIA,
Washington, DC, August 18, 1993.

Hon. CARL LEVIN,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I understand you recently met with Karen Herbert, our new chairperson of the D.C. Taxicab Commission. Ms. Herbert has developed an ambitious, but long overdue reform agenda for the D.C. Taxicab Commission. In addition, she has taken steps to improve driver training and testing, complaint resolution and enforcement activities.

I fully understand your concerns and frustrations and want to assure you that we are aggressively seeking consultants who specialize in taxicab regulation and transportation economics to assist us in developing a rate methodology and a definitive analysis of meters versus zones. The selection is scheduled to be made before the end of September and I will be certain that you will be provided with a timeline that will enable you to track the progress of this effort.

In the months ahead, I intend to work closely with Ms. Herbert and will be pursuing initiatives designed to make a visible difference in our regulation of the vehicle for hire industry. Your continued interest and support of this issue are helpful and have been greatly appreciated.

Sincerely,

SHARON PRATT KELLY.

Mr. LEAHY. Mr. President, I rise today in support of the FY 2002 District of Columbia appropriations bill. I want to congratulate Senator LANDRIEU and Senator DEWINE for their hard work in crafting this annual appropriations bill for the District of Columbia. This is an important piece of legislation and they have done their best to help ensure that the District of Columbia gets the resources it needs to run our Nation's capital.

In addition to many important policy provisions and essential funding provisions, this legislation removes several restrictions Congress has placed upon the District of Columbia during the last several years. These congressional provisions have prevented locally passed laws and initiatives from being implemented even with the use of local funds. With the leadership of Senator LANDRIEU, the underlying legislation takes the necessary steps to correct those past wrongs.

I am particularly pleased with Senator LANDRIEU's leadership in lifting the restriction limiting the autonomy of the local government in the District of Columbia and the rights of domestic partners who reside here. For the past 9 years, Congress has prohibited the District from using Federal or local funds to enact the locally passed Health Care Benefits Expansion Act. This law, passed by the D.C. City Council in 1992, would allow domestic partners to register with the Mayor's office. The Health Care Benefits Expansion Act would require all health care facilities to grant domestic partners visitation rights, and allow District employees to purchase health insurance at their own cost for domestic partners.

This law recognizes the legal and civil rights of domestic partners in the District of Columbia and is similar to laws passed by more than 100 jurisdictions and city governments throughout this country—including my own State of Vermont. Vermont passed its version of a domestic partnership law for health benefits in 1994. Last year, our State went even further when it took the bold and courageous step of extending the same legal State benefits already enjoyed by married couples to same sex couples.

This restriction Congress placed on the D.C. Government sent the wrong message to District residents and local officials by telling the people of Washington, DC, that the U.S. Senate knows best how local officials should spend their local dollars. This restriction sent the wrong message to the American public by disregarding the rights of domestic partners. I am pleased that the Senate has not continued down the unfortunate path of dictating social policy for the District of Columbia.

During consideration of the D.C. appropriations bill last month, the House Appropriations Committee approved an amendment to remove the ban on the use of local funds to implement the Health Benefits Expansion Act. During the House debate on the legislation, the provision prevailed, despite an effort similar to the one before us today to reinstate the ban on local funds. Our colleagues in the House have spoken on this measure, and the Senate has concurred.

This is a challenging time for our entire Nation. During this time, leaders at all levels of government—especially our local leaders—are working to ensure the safety and preparedness of their communities. Mayor Anthony Williams and the local government of the District of Columbia should be provided the same opportunity to perform those duties, and others, as are enjoyed by other cities and jurisdictions throughout the Nation. With the hard work of Senator LANDRIEU, the underlying bill recognizes the rights of D.C. residents and their elected officials to debate and decide for themselves the same policy questions that each of the states and cities in our country may debate and decide for themselves.

The issue of the rights of domestic partners—like rights for women, racial minorities, and people with disabilities—is one of basic civil rights for all people. Individuals should be evaluated on the basis of what they can offer and what they can contribute—not on irrelevant considerations like their race, gender or sexual orientation. It is a question of fundamental fairness. The United States Congress did not interfere with Vermont's approach to providing equal access to health insurance benefits, or with any of the other cities and localities throughout the country that passed their own laws governing domestic partnership. I strongly believe that Congress should follow its own example set in those instances, and should not treat the District of Columbia any differently.

Again, I applaud Senator LANDRIEU for her leadership in drafting this bill and I encourage my colleagues to vote in support of the FY 2002 District of Columbia appropriations bill.

Ms. LANDRIEU. Mr. President, as we move to final passage on this bill, I again thank my ranking member for his very extraordinary and dedicated work over the weeks and months to bring this bill to the floor and to work out many important and challenging issues. Together, we have tried to focus our efforts on post-control board financial discipline and laying a foundation so that the District, which is in a surplus today because of a lot of hard work that has been done, will remain in a surplus. Together, we have tried to enhance local decisionmaking, where appropriate. I believe we have made a lot of progress along that line.

In addition, particularly with Senator DEWINE's excellent leadership, we are reforming the child welfare system

in the District and working with the mayor and the local government officials to do that. We have put significant investments in this bill to accomplish that end.

In addition, because of the September 11 attack, we have provided additional resources for the mayor and the local government and for regional public officials—our own Senators representing Virginia and Maryland—of course, to be a part of that to enhance the security of the District and this region.

Finally, we have together made some tremendous headway in providing resources to create more excellence in the public schools here in DC and reform that system, as well as to step up the environment and children's health with some of the projects with which Senator DEWINE has been particularly helpful.

In closing, I again thank publicly the mayor and the city council chairperson, Linda Cropp, and all of the members of the city council who have been so helpful in working with us on this bill.

I would like to acknowledge the work of the District chief financial officer, Dr. Gandhi, and particularly his staff, Sam Kaiser, for their work in putting the local portion of this bill together.

I want to recognize Representative ELEANOR HOLMES Norton. She continues to work with us almost daily on these issues. I thank her, and also the shadow Senator from the District, Paul Strauss.

Our staff members, Cathleen Strottman, Kate Eltrich, Kevin Avery, Chuck Kieffer, and Mary Dietrich on the Republican side have been terrific in their help bringing us to this point.

I have no further remarks.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague, Senator LANDRIEU, for doing a great job on this bill. This is a bill that will make a difference for people of the District of Columbia, particularly children of the District.

I thank Senator LANDRIEU and her staff, Chuck Kieffer and Kate Eltrich, for their hard work on this bill.

I also thank my appropriations team, particularly Mary Dietrich, who has been working hard on this bill for a long time, as well as Stan Skocki from my team.

I also commend and thank the other members of our subcommittee: Senator HUTCHISON, Senator DURBIN, and Senator REED.

Mr. President, as Senator LANDRIEU has indicated, this was a bipartisan effort. This bill makes a downpayment and is a real beginning on what we said we were going to do several years ago. In Congress, we took on the responsibility of trying to improve the court system, specifically the court system that deals with our young people. I do not have to remind anyone in this Chamber of the tragedy of the children's system in the District of Columbia—headline after headline, story after story, tragedy after tragedy, of children who have died in the system in the District of Columbia. This bill provides the money to begin to change that system.

Senator LANDRIEU and I have also been working, along with some of our other colleagues, to get a family court bill passed. Money in this bill will go a long way to making the changes that we have outlined in that family court bill.

This bill we are about to vote on also provides some significant money for Children's Hospital in the District of Columbia, which serves not only children who come from the District but serves children who come from many States.

It also provides money for the Safe Kids Program, a program that saves lives. I am convinced the money we will provide will help to save the lives of young children in the District of Columbia.

We also provide money for the Green Door Program, a mental health program of which Senator DOMENICI has been a strong supporter.

Finally, the bill provides, as Senator LANDRIEU indicated, some much needed money and resources to tie our communications system together in the District of Columbia. That need has been apparent for some time. Certainly, after the events of September 11, it is even more apparent and more obvious. So this bill provides money to do that as well.

I, again, thank my colleague for her great work on the bill. I urge my colleagues to vote aye, to pass the bill. I hope we will be able to work any differences out with the House fairly quickly and get this bill on to the President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know of no further amendments to be offered. I believe we are ready for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDIING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—75

Akaka	Dayton	Lincoln
Allen	DeWine	Lugar
Baucus	Dodd	McCain
Bayh	Domenici	McConnell
Bennett	Dorgan	Mikulski
Biden	Durbin	Miller
Bingaman	Edwards	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Frist	Reed
Burns	Graham	Reid
Byrd	Hagel	Rockefeller
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carnahan	Hollings	Smith (OR)
Carper	Hutchison	Snowe
Chafee	Inouye	Specter
Cleland	Jeffords	Stabenow
Clinton	Johnson	Stevens
Cochran	Kennedy	Thompson
Collins	Kohl	Torricelli
Conrad	Landrieu	Voinovich
Corzine	Leahy	Warner
Crapo	Levin	Wellstone
Daschle	Lieberman	Wyden

NAYS—24

Allard	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Helms	Santorum
Craig	Hutchinson	Sessions
Ensign	Inhofe	Shelby
Enzi	Kyl	Smith (NH)
Fitzgerald	Lott	Thomas
Gramm	Murkowski	Thurmond

NOT VOTING—1

Kerry

The bill (H.R. 2944) was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2944) entitled ''An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2002, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest

earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who may use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than seven percent of the amount provided herein for this program may be used for administrative expenses.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $140,181,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,003,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $72,694,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $31,634,000, of which not to exceed $1,500 is for official reception and representation expenses; and $27,850,000 for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: Provided further, That of this amount not less than $23,315,000 is for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001: Provided further, That of the funds made available for the District of Columbia Superior Court, $6,603,000 may remain available until September 30, 2003: Provided further, That of the funds made available for the District of Columbia Court System, $485,000 may remain available until September 30, 2003: Provided further, That of the funds made available for capital improvements, $21,855,000 may remain available until September 30, 2003.

ADMINISTRATIVE PROVISIONS

Section 11–1722(a), District of Columbia Code, is amended in the first sentence by striking '', subject to the supervision of the Executive Officer''.

Section 11–1723(a)(3), District of Columbia Code, is amended by striking ''and the internal auditing of the accounts of the courts''.

The Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq. (1981 Ed., 1999 Supp.) as amended by Public Law 106–113, § 160 and Public Law 106–554, § 1(a)(4), H.R. 5666, Division A, Chapter 4, § 403) is amended: (a) in section 2 (D.C. Code, sec. 3–421 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(a) (except for paragraph (6)); (b) in section 7(c) (D.C. Code, sec. 3–426(c) (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(b); (c) in section 8 (D.C. Code, sec. 3–427 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(c); and (d) in section 16(e) (D.C. Code, sec. 3–435(e) (1981 Ed., 1999 Supp.)), to read as follows:

''(e) All compensation and attorneys' fees awarded under this chapter shall be paid from, and subject to, the availability of monies in the Fund. No more than five percent of the total amount of monies in the Fund shall be used to pay administrative costs necessary to carry out this chapter.''.

Section 11–2604, District of Columbia Code, is amended:

(1) in subsection (a), by striking ''50'' and inserting ''75''; and

(2) in subsection (b)—

(A) by striking ''1300'' each time it appears and inserting ''1900'';

(B) by striking ''2450'' each time it appears and inserting ''3600''.

Section 16–2326.1(b), District of Columbia Code (1997 Repl.), is amended—

(1) by striking ''1,100'' each time it appears and inserting ''1,600'';

(2) in paragraph (3), by striking ''1,500'' and inserting ''2,200''; and

(3) in paragraph (4), by striking ''750'' and inserting ''1,100''.

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking ''in excess of $250,000''; and

(2) by striking ''and approved by'' and all that follows and inserting a period.

These amendments shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $39,311,000, to remain available until expended: Provided, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

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

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

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $147,300,000, of which $13,015,000 shall remain available until expended, and of which not to exceed $5,000 is for official receptions related to offender and defendant support programs; of which $94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $20,829,000 shall be transferred to the Public Defender Service; and $32,359,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, or such other site as the Director of the Court Services and Offender Supervision Agency may determine as appropriate to house or supervise offenders and defendants, with funds made available by this Act: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SECURITY COSTS RELATED TO THE PRESENCE OF THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA

For a payment to the District of Columbia to reimburse the District for certain security expenses related to the presence of the Federal Government in the District of Columbia, $16,058,000: Provided, That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and House of Representatives no later than June 15, 2002: Provided further, That of this amount, $3,406,000 shall be made available for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: Provided further, That the Mayor and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Director of the Office of Personnel Management, the United States Secret Service, the United States Capitol Police, the United States Park Police, the Washington Metropolitan Area Transit Authority, regional transportation authorities, the Federal Emergency Management Agency, the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region and the respective state and local law enforcement entities in the region an integrated emergency operations plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events: Provided further, That such plan shall include a response to attacks or threats of attacks using biological or chemical agents: Provided further, That the city shall submit this plan to the Committees on Appropriations of the Senate and the House of Representatives no later than January 2, 2002: Provided further, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading, beginning no later than January 2, 2002.

FEDERAL PAYMENT TO THE THURGOOD MARSHALL ACADEMY CHARTER SCHOOL

For a Federal payment to the Thurgood Marshall Academy Charter School, $1,000,000 to be used to acquire and renovate an educational facility in Anacostia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, $2,750,000, of which $2,000,000 shall be to implement the Voyager Expanded Learning literacy program in kindergarten and first grade classrooms in the District of Columbia Public Schools; $250,000 shall be for the Failure Free Reading literacy program for non-readers and special education students; $250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools; and $250,000 for the Southeastern University for a public/private partnership with McKinley Technical High School.

FEDERAL PAYMENT TO THE GEORGE WASHINGTON UNIVERSITY CENTER FOR EXCELLENCE IN MUNICIPAL MANAGEMENT

For a Federal payment to the George Washington University Center for Excellence in Municipal Management, $250,000 to increase the enrollment of managers from the District of Columbia government.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, $3,200,000 for capital and equipment improvements.

FEDERAL PAYMENT FOR CHILD AND FAMILY SOCIAL SERVICES COMPUTER INTEGRATION PLAN

For a Federal payment to the District of Columbia, $200,000 for completion of a plan by the Mayor on integrating the computer systems of the District of Columbia government with the Family Court of the Superior Court of the District of Columbia: Provided, That, pursuant to section 4 of S. 1382, the District of Columbia Family Court Act of 2001, the Mayor shall submit a plan to the President and the Congress within six months of enactment of that Act, so that social services and other related services to individuals and families served by the Family Court of the Superior Court and agencies of the District of Columbia government (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

FEDERAL PAYMENTS FOR DISTRICT OF COLUMBIA AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

For Federal payments in support of the District of Columbia and the Federal law enforcement Mobile Wireless Interoperability Project, $1,400,000, of which $400,000 shall be for a payment to the District of Columbia Office of the Chief Technology Officer, $333,334 shall be for a payment to the United States Secret Service, $333,333 shall be for a payment to the United States Capitol Police, and $333,333 shall be for a payment to the United States Park Police: Provided, That each agency shall participate in the preparation of a joint report to the Committees on Appropriations of the Senate and the House of Representatives to be submitted no later than March 30, 2002 on the allocation of these resources and a description of each agencies' resource commitment to this project for fiscal year 2003.

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

For a Federal payment to the Chief Financial Officer of the District of Columbia, $5,900,000, of which $2,250,000 shall be for payment for a pilot project to demonstrate the ''Active Cap'' river cleanup technology on the Anacostia River; $500,000 shall be for payment to the Washington, D.C. Sports and Entertainment Commission which, in coordination with the U.S. Soccer Foundation, shall use the funds for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; $600,000 shall be for payment to the One Economy Corporation, a non-profit organization, to increase Internet access to low-income homes in the District of Columbia; $500,000 shall be for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities; $1,000,000 shall be for payment to the Green Door Program, for capital improvements at a community mental health clinic; $500,000 shall be for payment to the Historical Society of Washington, for capital improvements to the new City Museum; $200,000 for a payment to Teach for America DC, for teacher development; and $350,000 for payment to the District of Columbia Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative.

COURT APPOINTED SPECIAL ADVOCATES

For a Federal payment to the District of Columbia Court Appointed Special Advocates Unit, $250,000 to be used to expand their work in the Family Court of the District of Columbia Superior Court.

CHILD AND FAMILY SERVICES AGENCY—FAMILY COURT REFORM

For a Federal payment to the District of Columbia Child and Family Services Agency, $500,000 to be used for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001.

ADMINISTRATIVE PROVISIONS

Under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–522, approved November 22, 2000 (114 Stat. 2440), is amended to read as follows: ''For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000 to remain available until September 30, 2003: Provided, That $2,000,000 of said amount shall be used for attorney fees and home studies: Provided further, That $1,000,000 of said amount shall be used for the establishment of a scholarship fund which adoptive families and children without parents, due to the September 11, 2001 terrorist attack on the District of Columbia, will use for post high school education and training for adopted children: Provided further, That $1,000,000 of said amount shall be used for the establishment of a private adoptive family resource center in the District of Columbia to provide ongoing information, education and support to adoptive families: Provided further, That $1,000,000 of said amount shall be used for adoption incentives and support for children with special needs.''.

Of the Federal funds made available in the District of Columbia Appropriations Act, 2001, Public Law 106–522 for the District of Columbia Public Schools (114 Stat. 2441) and the Metropolitan Police Department (114 Stat. 2441) such funds may remain available for the purposes intended until September 30, 2002: Provided, That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2002: Provided further, That funds made available in such Act for Brownfield Remediation (114 Stat. 2445), shall remain available until expended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,051,646,000 (of which $124,163,000 shall be from intra-District funds and $3,553,300,000 shall be from local funds): Provided further, That this amount may be increased by (i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs or (ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in this act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $307,117,000 (including $228,471,000 from local funds, $61,367,000 from Federal funds, and $17,279,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: Provided further, That not less than $50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: Provided further, That not less than $50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: Provided further, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.03), is amended as follows:

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

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

''(d) Notwithstanding subsection (a) of this section, as of the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to $10,000 less than the compensation of the Mayor.''.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $230,878,000 (including $60,786,000 from local funds, $96,199,000 from Federal funds, and $73,893,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That the Department of Consumer and Regulatory Affairs use $50,000 of the receipts from the net proceeds from the contractor that handles the District's occupational and professional licensing to fund additional staff and equipment for the Rental Housing Administration: Provided further, That the Department of Consumer and Regulatory Affairs transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring DCRA employees into NSO positions without filling the resultant vacancies, into the revolving 5–513 fund to be used to implement the provisions in D.C. Act 13–578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: Provided further, That the fees established and collected pursuant to D.C. Act 13–578 shall be identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs: Provided further, That 18 percent of the annual total amount in the 5–513 fund, up to $500,000, deposited into the 5–513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Act 13–578: Provided further, That the Department shall hire, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary level, from these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources manager who will become part of the Department's senior management team, and provide in consultation with its newly hired human resources professional manager, and the Office of Personnel, a detailed plan to the Council's Committee on Consumer and Regulatory Affairs, by December 1, 2001, for the use of the personal services lapsed funds, including the 58 vacant positions identified by the Department, in fiscal year 2001 to reclassify positions, augment pay scales once positions are reclassified where needed to fill vacancies with qualified and necessary personnel, and to fund these new and vacant positions.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $632,668,000 (including $593,618,000 from local funds, $8,298,000 from Federal funds, and $30,752,000 from other funds): Provided, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That no less than $173,000,000 shall be available to the Metropolitan Police Department for salaries in support of 3,800 sworn officers: Provided further, That no less than $100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: Provided further, That no less than $296,000 shall be available to support the Child Fatality Review Committee: Provided further, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Official Code, sec. 47–1812.11(c)(3)): Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $1,108,915,000 (including $894,494,000 from local funds, $187,794,000 from Federal funds, and $26,627,000 from other funds), to be allocated as follows: $813,292,000 (including $658,624,000 from local funds, $147,380,000 from Federal funds, and $7,288,000 from other funds), for the public schools of the District of Columbia; $47,370,000 (including $19,911,000 from local funds, $26,917,000 from Federal funds, $542,000 from other funds), for the State Education Office; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be necessary to be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and $142,257,000 from local funds for public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104–134; D.C. Official Code, sec. 38–1804.03(A)(2)(D)): Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That $76,542,000 (including $45,912,000 from local funds, $12,539,000 from Federal funds, and $18,091,000 from other funds) shall be available for the University of the District of Columbia: Provided further, That $27,256,000 (including $26,030,000 from local funds, $560,000 from Federal funds and $666,000 other funds) for the Public Library: Provided further, That the $1,007,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $143,000 for 2 FTEs in the expansion of the Reach Out And Roar (ROAR) service to licensed day care homes, and $129,000 for 3 FTEs to expand literacy support into branch libraries: Provided further, That $2,198,000 (including $1,760,000 from local funds, $398,000 from Federal funds and $40,000 from other funds) shall be available for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Official Code, sec. 38–201 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at

comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall spend $1,200,000 to implement D.C. Teaching Fellows Program in the District's public schools: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003: Provided further, That no less than $200,000 be available for adult education: Provided further, That the third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.41), is amended to read as follows: ''However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.'': Provided further, That the first paragraph under the heading ''Public Education System'' in Public Law 107–20, approved July 24, 2001, is amended to read as follows: ''For an additional amount for 'Public Education System', $1,000,000 from local funds to remain available until expended, for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and $12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.''.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $1,803,923,000 (including $711,072,000 from local funds, $1,075,960,000 from Federal funds, and $16,891,000 from other funds): Provided, That $27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That $75,000,000 shall be available to the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14–144; $90,000,000 available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) to the Public Benefit Corporation for restructuring shall be made available to the Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia and shall remain available until expended: Provided further, That no less than $7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004), and used solely for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Official Code, sec. 7–3003): Provided further, That no less than $500,000 of the $7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: Provided further, That no less than $2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: Provided further, That no less than $60,000 be available for a D.C. Energy Office Matching Grant: Provided further, That no less than $2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14–144).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $300,151,000 (including $286,334,000 from local funds, $4,392,000 from Federal funds, and $9,425,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That no less than $650,000 be available for a mechanical alley sweeping program: Provided further, That no less than $6,400,000 be available for residential parking enforcement: Provided further, That no less than $100,000 be available for a General Counsel to the Department of Public Works: Provided further, That no less than $3,600,000 be available for ticket processing: Provided further, That no less than 14 residential parking control aides or 10 percent of the residential parking control force be available for night time enforcement of out-of-state tags: Provided further, That of the total of 3,000 additional parking meters being installed in commercial districts and in commercial loading zones none be installed at loading zones, or entrances at apartment buildings and none be installed in residential neighborhoods: Provided further, That no less than $262,000 be available for taxicab enforcement activities: Provided further, That no less than $241,000 be available for a taxicab driver security revolving fund: Provided further, That no less than $30,084,000 in local appropriations be available to the Division of Transportation, within the Department of Public Works: Provided further, That no less than $12,000,000 in rights-of-way fees shall be available for the Local Roads, Construction and Maintenance Fund: Provided further, That funding for a proposed separate Department of Transportation is contingent upon Council approval of a reorganization plan: Provided further, That no less than $313,000 be available for handicapped parking enforcement: Provided further, That no less than $190,000 be available for the Ignition Interlock Device Program: Provided further, That no less than $473,000 be available for the Motor Vehicle Insurance Enforcement Program: Provided further, That $11,000,000 shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are available from the 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available: Provided further, That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $403,868,000 (including $250,015,000 from local funds, $134,839,000 from Federal funds, and $19,014,000 from other funds).

WORKFORCE INVESTMENTS

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

RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $120,000,000 from local funds.

RESERVE RELIEF

For reserve relief, $30,000,000, for the purpose of spending funds made available through the reduction from $150,000,000 to $120,000,000 in the amount required for the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8: Provided, That $12,000,000 shall be available to the District of Columbia Public Schools and District of Columbia Public Charter Schools for educational enhancements: Provided further, That $18,000,000 shall be available pursuant to a local District law: Provided further, That of the $30,000,000, funds shall only be expended upon: (i) certification by the Chief Financial Officer of the District of Columbia that the funds are available and not required to address potential deficits, (ii) enactment of local District law detailing the purpose for the expenditure, (iii) prior notification by the Mayor to the Committees on Appropriations of both the Senate and House of Representatives in writing 30 days in advance of any such expenditure: Provided further, That the $18,000,000 provided pursuant to local law shall be expended only when the Emergency Reserve established pursuant to Section 450A(a) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)), has a minimum balance in the amount of $150,000,000.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the Emergency and Contingency Reserve Funds established under section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit the proceeds required pursuant to Section 159(a) of Public Law 106–522 and Section 404(c) of Public Law 106–554 in the Contingency Reserve Fund beginning in fiscal year 2002 if the minimum emergency reserve balance requirement established in Section 450A(c) has been met.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $247,902,000 from local funds: Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: Provided further, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $4,440,000 shall be for the Fire and Emergency Medical Services Department, $2,010,000 shall be for the Department of Parks and Recreation, and $7,850,000 shall be for the Department of Public Works: Provided further, That no less than $533,000 be available for trash transfer capital

debt service. Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the ''District of Columbia Emergency Assistance Act of 2001'': Provided, That the District of Columbia shall use local funds for any payments under this heading: Provided further, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

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

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

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

WILSON BUILDING

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

EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01(a)(ii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1831.03 et seq.), there is transferred the amount available pursuant thereto and Section 404(c) of Public Law 106–554 to the Emergency and Contingency Reserve Funds established pursuant to section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)).

NON-DEPARTMENTAL AGENCY

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

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $244,978,000 from other funds for fiscal year 2002 of which $44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($17,953,000 payable to the District's debt service fund and $26,291,000 payable for other debt service).

For construction projects, $152,114,000, in the following capital programs: $52,600,000 for the Blue Plains Wastewater Treatment Plant, $11,148,000 for the sewer program, $109,000 for the combined sewer program, $118,000 for the stormwater program, $77,957,000 for the water program, $10,182,000 for the capital equipment program: Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $46,510,000 from other funds for fiscal year 2002.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds for fiscal year 2002.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

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

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $9,127,000 from other funds: Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Official Code, sec. 1–204.42(b)).

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

HOUSING FINANCE AGENCY

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

NATIONAL CAPITAL REVITALIZATION CORPORATION

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

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,550,786,700 of which $1,348,782,387 shall be from local funds, $44,431,135 shall be from the Highway Trust Fund, and $157,573,178 shall be from Federal funds, and a rescission of $476,182,431 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,074,604,269 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the capital budget of $83,400,000 for the Department of Health shall not be available until the District of Columbia Council's Committee on Human Services receives a report on the use of any capital funds for projects on the grounds of D.C. General Hospital: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse: Provided further, That except for funds approved in the budgets prior to the fiscal year 2002 budget and FL–MA2 in the fiscal year 2002 Budget Request, no local funds may be expended to renovate, rehabilitate or construct any facility within the boundaries of census tract 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the federal Bureau of Prisons unit until such time as the Mayor shall present to the Council for its approval, a plan for the development of census tract 68.04 south of East Capitol Street, S.E., and the housing of any misdemeanants, felons, ex-offenders, or persons awaiting trial within the District of Columbia: Provided further, That none of the conditions set forth in this paragraph shall interfere with the operations of any Federal agency.

GENERAL PROVISIONS

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

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

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

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

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

SEC. 106. None of the Federal funds appropriated in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 107. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 108. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes

allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

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

SEC. 109. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 111. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2002, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2002 revenue estimates as of the end of the first quarter of fiscal year 2002. These estimates shall be used in the budget request for the fiscal year ending September 30, 2003. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 112. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 113. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

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

SEC. 115. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

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

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

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

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

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

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

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

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

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

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. ACCEPTANCE AND USE OF GRANTS. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act. No such Federal, private, or other grant may be accepted, obligated, or expended until (1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant, and (2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant, such approval contingent upon (A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the report shall be deemed to be approved, and (B) should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the report by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such report shall be deemed to be approved. No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions. The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

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

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

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Chief Financial Officer of the District of Columbia, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools

(DCPS) student is referred for evaluation or assessment—

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

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

SEC. 123. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

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

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

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

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

SEC. 124. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 125. None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 126. No later than November 1, 2001, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 127. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

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

SEC. 128. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

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

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

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 131. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001, and would have qualified for interest payment under this section.

SEC. 132. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 133. (a) IN GENERAL.—Section 202(j) of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:

''(j) RESERVE FUNDS.—

''(1) BUDGET RESERVE.—

''(A) IN GENERAL.—For each of the fiscal years 2002 and 2003, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:

''(i) $120,000,000, in the case of fiscal year 2002.

''(ii) $70,000,000, in the case of fiscal year 2003.

''(B) AVAILABILITY OF FUNDS.—Any amount made available from the budget reserve described in subparagraph (A) shall remain available until expended.

''(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.

''(2) CUMULATIVE CASH RESERVE.—In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act, for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of $50,000,000.

''(3) CONDITIONS ON USE.—The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:

''(A) The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.

''(B) The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

''(C) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

''(D) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

''(4) REPLENISHMENT.—Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) which is expended in one fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

(c) CONFORMING AMENDMENTS.—Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2482) is amended to read as follows:

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2000.

''(2) REPEAL OF POSITIVE FUND BALANCE REQUIREMENT.—The amendment made by subsection (b)(2) shall take effect October 1, 1999.

''(3) TRANSFER OF FUNDS.—All funds identified by the District government pursuant to section 148 of Public Law 106–113, as reflected in the certified annual financial report for fiscal year 2000, shall be deposited during fiscal year 2002 into the Emergency and Contingency Reserve Funds established pursuant to Section 159 of Public Law 106–522, during fiscal year 2002.''.

(d) CONTINGENCY RESERVE FUND.—Section 450A(b) of the Home Rule Act (Public Law 93–198) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2002) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).''; and

(2) by striking subparagraph (B) of paragraph (2) and inserting the following:

''(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

''(i) For fiscal year 2002, 0 percent.

''(ii) For fiscal year 2003, 0 percent.

''(iii) For fiscal year 2004, 0 percent.

''(iv) For fiscal year 2005, 1 percent.

''(v) For fiscal year 2006, 2 percent.''.

SEC. 134. INTEGRATED PRODUCT TEAM. No funds appropriated by this Act shall be available for an Integrated Product Team until reorganization plans for the Integrated Product Team and a Capital Construction Services Administration have been approved, or deemed approved, by the Council: Provided, That this paragraph shall not apply to funds appropriated for the Office of Contracting and Procurement.

SEC. 135. CORPORATION COUNSEL ANTITRUST, ANTIFRAUD, CONSUMER PROTECTION FUNDS. All funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code § 28–4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code § 1–1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13–172; D.C. Code § 28–3911), are hereby appropriated for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2003, in accordance with the statutes that established these funds.

SEC. 136. RISK MANAGEMENT FOR SETTLEMENTS AND JUDGMENTS. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code § 2–402).

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001 (D.C. Act 14–106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SEC. 138. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. § 1415, 42 U.S.C. § 1988, 29 U.S.C § 794a, or any other law, none of the funds appropriated under this Act, or in appropriations Acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorneys' fees by prior appropriations Acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. § 1400 et seq.).

SEC. 139. The limitation on attorneys' fees paid by the District of Columbia for actions brought under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (sec. 138) shall not apply if the plaintiff is a child who is—

(1) from a family with an annual income of less than $17,600; or

(2) from a family where one of the parents is a disabled veteran; or

(3) where the child has been adjudicated as neglected or abused.

SEC. 140. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES. (a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SEC. 141. The General Accounting Office, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on the District of Columbia, shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations Acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.): Provided, That such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

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

Ms. LANDRIEU. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Ms. LANDRIEU, Mr. DURBIN, Mr. REED, Mr. INOUYE, Mr. DEWINE, Mrs. HUTCHISON, and Mr. STEVENS conferees on the part of the Senate.

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators allowed to speak for up to 10 minutes each.

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

SEPTEMBER 11 VICTIMS' TAX LEGISLATION

Mr. TORRICELLI. Madam President, nearly 2 months have passed since the events of September 11. The tragedy and its ramifications have been part of the life of every American family in the weeks that have followed. Even American schoolchildren can recount not only the images but recite the numbers of the dead, the cost, and the consequences.

In my State there are hundreds of people who did not come home on that night. The changes experienced by average Americans cannot obviously be compared with the families themselves—wives and husbands, children, brothers and sisters who are rebuilding shattered lives. They wake up every day reminding themselves of the new reality that will follow them throughout their lives.

Recently, Senator CORZINE and I met with a number of the widows and widowers. You can only imagine, if this entire Nation has found it difficult to accept the reality of these circumstances, what it is like for a young mother still recoiling from the experience of informing her children, or a father, now left to raise children alone.

The pain of September 11 is measured on many scales. It has changed the finances of this Government. It has forever impacted our national sense of safety. But for these few thousand families, it has changed lives in ways we could never hope to understand.

There is little in terms of the things that matter that any of us can do to generally offer comfort or consolation. But in the ways that Government can measure compassion, there are things we must try to do.

Families that JON CORZINE and I met with indicated to us that when they are not dealing with the pain or the trauma, life has returned to much more mundane things: A woman who even as she buries her husband thinks about next month's mortgage; the young family who even when they are consoling their children are dealing with colleges or grade schools on next year's tuition; the young family who may have just started life together and bought a home or rented an apartment and used all their resources; and now, as a mother thinks about her children's future, she is thinking about the groceries next week.

America can afford to debate this issue philosophically and how it may have changed our laws or our lives. That luxury is not available to these young families.

It raises in the Senate an important question about how we can respond. Some weeks ago the House of Representatives passed legislation to provide tax relief to families of these victims so that as these young mothers or fathers received their last paychecks or struggled to deal with the financial realities or negotiate perhaps bonuses from employers who are themselves struggling to deal with the impact, they can at least husband these resources without concern that the Federal Government will tax what they have remaining. That legislation has been sent to the Senate Finance Committee. These weeks we have been working to prepare it and have it ready for committee consideration.

I want my colleagues to know that enough time has now passed. I am, on this day, introducing this legislation to the Senate. I will offer it as an amendment when the Senate Finance Committee meets tomorrow to consider stimulus and tax legislation as an amendment.

I commend Senator BAUCUS for not only his support but his efforts in drafting this legislation. I also understand Senator NICKLES wants to understandably change the legislation to include equitable treatment for the victims of Oklahoma City.

The victims' tax legislation will essentially extend the benefits currently offered to military personnel and Government employees who die as a result of combat or terrorism to civilians abroad. The legislation will waive income tax liability for both this year and last year and will refund any income taxes paid in those years to the family.

As I am certain my colleagues would agree, these funds are better used by families to rebuild their lives rather than used by the Federal Government at this moment.

There is, however, the question of those employees who lost their lives and their families who may have had income so modest, they did not pay Federal income tax. Under my legislation, which improves upon the version of the House of Representatives, the Senate bill I am introducing will refund 2 years' worth of payroll taxes to families of those who lost their lives on September 11.

I have also drafted legislation to include significant estate tax relief for families by exempting the first $3 million in assets from both Federal and State estate taxes and $8.5 million from Federal estate tax.

These are the funds these families will use for this generation and perhaps

succeeding generations to bring order and security to their lives. They should keep this money. It is not for us. If this is the last and only gift a mother or father had to give to their children or husband, or wife to their spouse, that is as it should be. It is not for us.

Current law excludes disability benefits from income if a U.S. employee is injured in a terrorist attack outside the United States. This legislation will also expand this to include those injured in a terrorist attack in the United States.

Every Member of the Senate should feel proud to be part of this legislation. We have offered assistance to the States of Virginia and New York and New Jersey because of the terrorist attacks. We have offered relief to the airline industry to save them from bankruptcy. There is debate now on what should be done for the insurance industry. These things may all be right and proper. They are not complete.

No financial arrangement, no change of the law could possibly be complete unless we address the question of families themselves. Senator CORZINE and I made a solemn pledge to these families that we would not rest until this is done. I can assure you that promise will be kept. There is little else this Government can offer these people. This much, Madam President, we can and should do.

THANKING SENATOR ALLEN

Ms. MIKULSKI. Madam President, I would like to take this opportunity to thank Senator ALLEN for his generosity and his collegiality.

As one of the displaced Hart people, he very graciously offered facilities in his own office to welcome my staff. It was a bridge across the Potomac, hopefully a little bit less expensive than the Woodrow Wilson Bridge. Now we are working together on the capital region security plan. I express in this time this is what bipartisan collegiality is all about.

COVE POINT

Ms. MIKULSKI. Madam President, I want to bring the full attention of the Senate to a national security issue about which I am deeply alarmed. Plans are well underway to reactivate and expand a liquefied natural gas, LNG, terminal at Cove Point in Maryland.

What would this mean? It would mean that foreign ships, transporting flammable liquid natural gas, would come up the Chesapeake Bay and dock 3½ miles down from the nuclear powerplant at Calvert Cliffs.

Can you believe that the Federal Energy Regulatory Commission has given preliminary approval to reopen the Cove Point LNG facility and will let this type of tanker steam up the bay and park next to a nuclear powerplant? And guess when they did it? They did it on October 11, the 1-month anniversary of the terrorist attack on America.

The President of the United States was warning us against more attacks. The Attorney General had us on high alert. And FERC is signing little pieces of paper saying ''you all come from Algeria.''

I cannot believe it. Calvert Cliffs, 3½ miles away, needs to be protected. The International Atomic Energy Agency and U.S. officials have warned that nuclear powerplants are at risk.

The Homeland Security Director, Tom Ridge, has called for increased security at nuclear powerplants.

We cannot fly over nuclear powerplants. Why should we be able to dock next to them with an LNG tanker?

From where do these LNG tankers come? One of the main sources is Algeria. Algeria is on every terrorist watch list. It is the home of the Armed Islamic Group, or IGA, a terrorist group with international reach. Islamic radicals from Algeria are key players in bin Laden's terrorist network. But that is OK; an Algerian tanker can just come up and park in Maryland next to a nuclear powerplant. I am concerned that these terrorists could attack ships carrying fuels, posing a real risk.

The mayor of Boston is also worried about it. That is why he tried to keep an LNG tanker out of Boston Harbor.

If LNG tankers are allowed in the Chesapeake Bay near Calvert Cliffs, a nightmare scenario could become a reality.

As America leads the war on terrorism, we cannot do business as usual and issue permits without analysis through a national security prism.

I acknowledge we do need more natural gas in our country. I acknowledge we need to look at energy policy. But while we are looking at the long-range solutions, we should not make short-range decisions that put us further at risk.

So what am I doing about it?

I am demanding that the Chairman of FERC review their permitting process and review their Commission's decision on Cove Point in the interest of national security and national safety. I don't know what they were thinking about on October 11, but they are going do have to rethink this whole process.

I am bringing this matter to the attention of Homeland Security Director Tom Ridge and FBI Director Robert Mueller, urging them to fully consider potential risks from terrorism and to get a hold on the permitting processes that are going on in this country.

I am turning to U.S. Coast Guard Admiral Loy to ensure that the Coast Guard rigorously reviews the Cove Point proposal, working with the Office on Homeland Security and the FBI to fully consider potential risks from terrorism.

The Coast Guard has authority over foreign LNG tankers that would come into the Chesapeake Bay. I have already discussed this with our local commander, Captain Peoples, who is now taking a look at this issue.

I am asking the Nuclear Regulatory Commission to look into the potential threat to the safety of Calvert Cliffs by this proposed reopening.

Finally, I am asking the Governor of Maryland, Parris Glendening, to use his local regulatory authority to review this proposal.

You can be sure that I will follow up with all these officials. I am very serious about the threat of terrorism. And I am sure some of my colleagues will share my concern.

I want to make sure that LNG shipments into Cove Point and other American terminals are thoroughly considered as a national security issue, not just an energy issue, and that they are part of our threat assessment.

I am not confident that those who gave preliminary approval to reopen Cove Point gave this matter the rigorous review it deserves.

I want every single agency with authority over LNG plants and shipping to take a look at the risk of terrorist attacks.

Madam President, let me conclude by saying this. We are all warriors in the war on terrorism. Whether we are a bureaucrat or a technocrat or whether we are a soldier in Afghanistan, we all need to stand sentry. Thousands of people died at the two World Trade Center Towers because of sloppiness and incompetence at our airports. We cannot let the same sloppiness go on at our seaports.

I will stand sentry, working for the United States of America and protecting the Chesapeake Bay. I wanted to bring this to my colleagues' attention. I say to my colleagues, where they are giving permits, you want to make sure that it is not quite as permissible as people might think.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

ELECTION REFORM

Mr. DODD. Madam President, I thank the distinguished Senator from Louisiana, the distinguished Senator from Texas, and the distinguished Senator from Illinois for allowing me to speak for 7 minutes on an unrelated subject matter.

It was 1 year ago on this very day that we had a national election. It was on November 7 of last year when 105 million of our fellow citizens went to the polls to elect a President of the United States, Congress, and a variety of governorships and State legislative offices. As we all recall, although it is hard to imagine it has been a year, it was a very controversial election, one that went on for a month before a final decision was made by the Supreme Court.

According to the CalTech-MIT report, as many as 4 million to 6 million people actually showed up to vote that day, but for a variety of reasons in States across the country, were told they could not vote or they voted and their vote was not counted. That is according to CalTech and MIT.

According to that same report, these votes were lost due to a variety of reasons that have existed for a long time. They did not just happen in one place or in one election: Faulty equipment, confusing ballots, registration mixups, flawed polling place operations, absentee ballot problems, and the list goes on.

It was not about one State. We all focused on Florida, but the fact remains, in the other 49 States there were problems to varying degrees. Again, these problems were not limited to one State. In fact, the General Accounting Office found that 57 percent of voting jurisdictions nationwide experienced major problems conducting the November 7, 2000, elections.

These problems were not limited to one election. In fact, many of these are systemic problems with our election systems that have existed for years. For example, over 11 million Americans who are blind or have a hand mobility disability have never been able to cast a secret ballot. Not a single ballot in America is in braille.

In fact, according to the General Accounting Office, of the 120,000 polling places in America, 50,000 of them are physically inaccessible to the disabled. Despite the fact we passed the Americans with Disabilities Act, there still is a staggering number of our voting places that are not accessible.

We could spend a lot of time talking about what happened a year ago, but I want to take the few minutes available to me to strike a more positive note. Senator BOND of Missouri, Senator MCCONNELL of Kentucky, myself, and Senator SCHUMER of New York are all working to put together a bill to bring to the Senate in the coming weeks. We are working on a compromise proposal that will allow us to try to fix the problems that existed in the year 2000 elections.

This is not about the past, but about the future of our democracy. As Thomas Paine once said, the right to vote is the right upon which all other rights depend. Certainly we ought to be able to get this right in the 21st century.

To reach that goal, those of us who are interested in the issue have been working together to come up with a bipartisan proposal that will meet the concerns and objectives of all of us in this Chamber and, hopefully, in the other body as well.

On August 2, the Rules Committee, which I chair, approved a bill which does three major things:

It creates a temporary commission to study election reform issues and issue ''best practice'' recommendations.

It creates a grant program to provide States and localities with Federal funds to acquire updated voting systems and technology, improve voter registration systems, and educate voters and poll workers.

It establishes three minimum Federal requirements for Federal elections and authorizes Federal funding for these requirements.

These three requirements provide for: Federal standards for voting machines and technology, provisional voting, and distribution of sample ballots and voting instructions.

There are a lot of ideas for improving our system that can be incorporated. It is not about ideology, it is about what reforms need to be made to enhance the voting systems of our country.

Our staffs are meeting. Senator BOND is deeply interested in the fraud issue. He has said what I think is the best line about the election process. Senator BOND says: Voting ought to be easy, and cheating ought to be hard. He is exactly right, and his efforts to try to deal with the fraud issues are ones I welcome.

I am hopeful we can weave reforms which address these issues into a bill to which we all will be willing to lend our names. I intend to continue to work with those Members who are interested in this subject.

We do not have the answer yet, but I did not want this day to pass when I know there will be a lot of discussion about what happened a year ago. Obviously, the events of September 11 threw the entire agenda of the Congress off its predictable path. We are scrambling to get back to some of these issues that need to be addressed. For Americans who wonder if anything has been done over the last year, the answer is yes. These are not simple matters. There are strongly held views. We have longstanding traditions about how voting is to be conducted in this country.

Americans, as they demonstrated yesterday in New Jersey, Connecticut, Virginia, and in places all over the country where elections were held, still believe very deeply in the right to vote and have their votes counted. I am hopeful that in the coming days we will be able to announce a compromise proposal.

Again, I thank my colleague from Missouri, Senator BOND, my colleague from Kentucky, Senator MCCONNELL, my colleague from New York, Senator SCHUMER, and many others interested in this subject matter. Our hope is we will soon be able to bring a compromise election reform bill before the Senate of the United States.

LABOR, HHS, EDUCATION APPROPRIATIONS BILL

COMPASSION CAPITAL FUND

Mr. REED. Madam President, I rise to inquire about the Compassion Capital Fund, which is funded in this bill at $89 million. As my colleagues know, this fund was requested by the President as part of his Faith-Based Initiative. This is a significant amount of money and I want to note that the Senate has not yet considered legislation authorizing various aspects of the President's Faith-Based Initiative, including provisions which might alter longstanding rules on government funding of religious organizations.

Therefore, I would like to clarify several points with the chairman and ranking member of the subcommittee about the uses of these funds. It is my understanding that this fund is supposed to provide grants to organizations for the purpose of advising charitable organizations on expanding their operations effectively and providing guidance on how to emulate model social service practices. Am I correct on that point?

Mr. HARKIN. The Senator is correct. The Compassion Capital Fund will provide grants to public/private partnerships to help charitable organizations develop ''best practices'' as a social service agency. The goal of grantees of the Compassion Capital Fund will be to improve the effectiveness of social programs and community initiatives around the Nation. The Senate has not yet debated the President's Faith Based Initiative, and the Senator is correct that this fund is only for the development of model best practices.

Mr. SPECTER. I appreciate the chairman and Senator from Rhode Island for clarifying these points. It is important to note that this appropriations bill is not changing any of the rules or standards for government funding of religious organizations and we have funded the two programs in the President's Faith-Based Initiative that we believe are authorized.

Mr. REED. I thank the chairman and the ranking member of the subcommittee for clarifying these points, and I look forward to working to further clarify this matter during the conference committee process.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The conference report to H.R. 2620, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 2002, provides $1.5 billion in designated emergency funding in 2002 for FEMA disaster relief. Because that budget authority is not estimated to result in any new outlays in 2002, the adjustment made herein is for budget authority only.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in

the concurrent budget resolution in the following amounts.

I ask to print tables 1 and 2 in the RECORD, which reflect the changes made to the committee's allocation and to the budget aggregates.

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

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	547,944	537,907
Highways	0	28,489
Mass Transit	0	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	908,271	923,740
Adjustments:		
General Purpose Discretionary	1,500	0
Highways	0	0
Mass Transit	0	0
Conservation	0	0
Mandatory	0	0
Total	1,500	0
Revised Allocation:		
General Purpose Discretionary	549,444	537,907
Highways	0	28,489
Mass Transit	0	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	909,771	923,740

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution	1,516,219	1,481,928	186,737
Adjustments: Emergency funds, FEMA	1,500	0	0
Revised allocation: Budget Resolution	1,517,719	1,481,928	186,737

EMPOWERING STUDENTS TO PREVENT GUN VIOLENCE IN SCHOOLS

Mr. LEVIN. Madam President, over the past several years, there have been a number of incidents of gun violence in our schools. Tragedies such as the shootings at Columbine High School in Littleton, CO, have amplified concerns among students across the Nation that gun violence could happen in their schools.

Many organizations have initiated efforts to help students cope with their fear. The National Crime Prevention Council, NCPC, for example, has developed a list of ''12 Things Students Can Do'' to stop school violence. Some of the suggestions include, reporting any crime immediately to school authorities or police and reporting suspicious or worrisome behavior or talk by other students to a teacher or counselor. There are also recommendations for students to manage their anger effectively and to refuse to bring a weapon to school, refuse to carry a weapon for another, and refuse to keep silent about those who carry weapons. The complete list can be found on the NCPC website at http://www.ncpc.org/2schvio2.htm. Every student should read this list and consider involvement in the safety and security of his or her own school.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred February 9, 1993, in Hartford, CT. Johny Pittman, 29, and John L. Pittman, 21, allegedly robbed, abducted, and sexually assaulted a gay man. The assailants allegedly asked the victim if he was gay before assaulting him. They were charged with a hate crime and four other offenses related to the incident.

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.

IN MEMORY OF JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR.

Mrs. CLINTON. Madam President, I rise today to pay tribute to two men who lost their lives while serving their country, and to express the profound sorrow that our entire country feels as a result of this loss. I want to extend my deepest sympathies to the families of Joseph Curseen, Jr. of Clinton, MD and Thomas Morris, Jr. of Suitland, MD. I commend their service to our country, which combined totals nearly 50 years, and pay tribute to the honorable lives they lived.

The sudden deaths of two District of Columbia postal employees a few weeks ago shook our nation. We have come to realize that in our battle against terrorism at home, our postal workers, men and women in uniform, are on the front lines.

Joseph Curseen, Jr., 47, an employee of the United States Postal Service for 15 years, never missed a day of work—a truly commendable feat. He worked evenings at the Brentwood Road mail facility in Northeast Washington, D.C. where he supervised bar coding machines that handled government mail. Mr. Curseen was dedicated to his community and served as president of the homeowners' association. He helped institute a neighborhood watch and, although he did not have children of his own, he helped build the neighborhood playground. Shortly before his death, Mr. Curseen, concerned about speeding traffic, went door to door to urge his neighbors to sign a petition to install speed bumps in their neighborhood. One of his neighbors has pledged to carry on Mr. Curseen's petition drive for the speed bumps.

A religious man, who led a bible study group at work and was often the first one at church on Saturdays, Mr. Curseen never forgot the Washington, D.C. neighborhood where he was raised and often returned to visit his old church and school. The Reverend Lowell Chase of Our Lady of Perpetual Help church in Washington said of Mr. Curseen, He was just a good and honorable man who did his duty in a very simple and responsible way.

The account of Mr. Curseen's illness and sudden death is tragic. On a Tuesday, he started feeling ill, but assumed it was just a cold. Despite his worsening pain in the following days, he insisted on going to work, and was upset on Friday when he had to leave work early because he was so ill.

Mr. Curseen did not suspect that his illness might be something more dangerous than a cold. He was not worried that he might have contracted anthrax, according to his wife Celestine, because the Postmaster-General had told the workers that there was little risk of infection from sealed envelopes at mail sorting facilities. Still, Mr. Curseen took some precautions and purchased rubber gloves and shared them with seven co-workers.

In church that Saturday, he fainted. The medics who came to revive him asked if he wanted to go the hospital. Replying that it would not be necessary, Mr. Curseen went to work instead. At work, he felt worse and decided to go to the hospital. There, he was treated for flu-like symptoms and released only to faint again on Sunday, this time at home. His family rushed him to the hospital where he died six hours later.

His sister, Joan Jackson, has remarked,

> And I just feel that my brother did not die in vain; that he is an example, he is a saint, he's a martyr for this country. He's every man, and . . . He's an example to us of how this affects home, how it affects us in all of our lifestyles.

Thomas Morris, Jr., 55, fondly called ''Moe'' by those who knew him, had 32 years of service with the Postal Service. His strong work ethic—he often worked overtime on the night shift—was well known. He had a passion for bowling and served as president of the ''Tuesday Morning Mixed League'' at the Parkland Bowl in Silver Hill, Maryland. Mr. Morris was dedicated to his family. He leaves behind his wife, Mary, a son, two stepchildren and three grandchildren.

Mr. Morris was an intensely private man and, in keeping with this, his family requested that people who knew him not share their memories of him with the media.

Washington Mayor Anthony Williams, who attended Morris' funeral, said of him, ''He was a man who worked in the Post Office, a God-fearing man, a diligent man trying to support his family.''

Our nation's postal employees are mothers and fathers, grandparents, sons and daughters and neighbors who, just like other Americans, go to work and earn a living. Unlike our men and women in uniform overseas, they did not sign up for this new battle. However, like their own predecessors in years gone by, they are serving our country with courage and distinction.

Mr. Curseen and Mr. Morris, two men who were dedicated to their jobs and never sidestepped their responsibilities even when there were risks, have inspired us all to live up to our responsibilities and face with determination and courage the obstacles that are placed before us. Their lives have become an inextricable part of our nation's history and their spirits live on.

ADDITIONAL STATEMENTS

RECOGNIZING THE CONTRIBUTIONS OF THE EMPLOYEES OF DELL COMPUTER CORPORATION

• Mr. GRAMM. Mr. President, I am sure many Americans know of the Dell Computer Corporation because they use a Dell at work or at home. However, I would like to recognize Dell for the outstanding contribution the company's employees made in helping America respond to the terrorist attacks of September 11.

On the day after the attacks, Dell technicians were helping Department of Defense employees displaced from the Pentagon to set up computers in temporary offices. Dell employees also worked diligently to prioritize and facilitate orders critical to the rebuilding effort, intelligence gathering, and our Nation's military offensive. Shipments for financial services firms were also pushed to the head of the assembly line so they had needed computers to reopen for business when Wall Street and the financial markets resumed trading. On a personal level, Dell and its employees contributed more than $3.4 million to the rebuilding and recovery effort, including equipment to the American Red Cross to help serve the families directly affected by those terrible attacks.

I am grateful for the hard work and generosity of the people at Dell, and I am proud of their efforts in the difficult and challenging time.•

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 and a withdrawal which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 10:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1408. An act to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes.

H.R. 2047. An act to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 1447) to improve aviation security, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. PETRI, Mr. DUNCAN, Mr. MICA, Mr. EHLERS, Mr. OBERSTAR, Mr. LIPINSKI, and Mr. DEFAZIO, as managers of the conference on the part of the House.

The message further announced that the House agrees to amendments of the Senate to the bill (H.R. 768) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints as the managers of the conference on the part of the House: Mr. KOLBE, Mr. CALLAHAN, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. LEWIS of California, Mr. WICKER, Mr. BONILLA, Mr. SUNUNU, Mr. YOUNG of Florida, Mrs. LOWEY, Ms. PELOSI, Mr. JACKSON of Illinois, Ms. KILPATARICK, Mr. ROTHMAN, and Mr. OBEY.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 852. An act to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse.''

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan.

H.R. 3167. An act to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 852. An act to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 1408. An act to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2047. An act to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes; to the Committee on the Judiciary.

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan; to the Committee on Foreign Relations.

H.R. 3167. An act to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 942: A bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002. (Rept. No. 107–94).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. DORGAN, Mr. THURMOND, Mr. DURBIN, Mr. CRAIG, Mr. CLELAND, Mr. BOND, and Mrs. FEINSTEIN):

S. 1643. A bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1644. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HELMS:

S. 1645. A bill to provide for the promotion of democracy and rule of law in Belarus and for the protection of Belarus' sovereignty and independence; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1646. A bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mrs. LINCOLN:

S. 1647. A bill to amend title XVI of the Social Security Act to include any veterans' or survivors' compensation or pension in the determination of the yearly income disregard for purposes of the supplemental security income program; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1648. A bill to amend title 38, United States Code, to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1649. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 1650. A bill to amend the Public Health Service Act to change provisions regarding emergencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. BROWNBACK, and Mr. CONRAD):

S. 1651. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. MCCAIN):

S. 1652. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans and to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 730

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 730, a bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the medicare program.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1084

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1179

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1179, a bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program.

S. 1324

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1324, a bill to provide relief from the alternative minimum tax with respect to incentive stock options exercised during 2000.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1409

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1548

At the request of Mrs. CARNAHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1548, a bill to allow the Director of the Centers for Disease Control and Prevention to award a grant to create and maintain a website with information regarding bioterrorism.

S. 1552

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1552, a bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

S. 1570

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from North Dakota (Mr. CONRAD), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1570, a bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

S. 1578

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1615

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1615, a bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes.

S. 1627

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1627, a bill to enhance the security of the international borders of the United States.

S. 1630

At the request of Mrs. CARNAHAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1630, a bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

AMENDMENT NO. 2107

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of amendment No. 2107 proposed to H.R. 2944, a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. DORGAN, Mr. THURMOND, Mr. DURBIN, Mr. CRAIG, Mr. CLELAND, Mr. BOND, and Mrs. FEINSTEIN):

S. 1643. A bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday; to the Committee on Finance.

Mrs. MURRAY. Madam President, I rise today along with my colleagues, Senator SNOWE, Senator LIEBERMAN, Senator SANTORUM, Senator DORGAN, Senator THURMOND, Senator DURBIN, Senator CRAIG, Senator CLELAND, Senator BOND, and Senator FEINSTEIN, to introduce the Sales Tax Holiday Act of 2001.

Our economy needs a shot in the arm. The GDP is declining, consumer confidence is at a 7-year low, and consumer spending has slowed to its lowest level in 8 years. But consumer spending is just what we need to get our economy going again. In fact, two-thirds of our economy depends on consumer spending.

Today, we are proposing an innovative way to get Americans back into stores and to get our economy back on its feet. What we are proposing is a national sales tax holiday, a 10-day period where every American can shop without having to pay a State sales tax.

The national sales tax holiday will save one money on everything from cars and computers to books and baby clothes. It will boost retail sales and consumer confidence, and it will help everyone in the retail chain, from assembly line workers and truck drivers to shelf stockers and sales people.

This national sales tax holiday we are proposing is immediate. Every American can take advantage of it. It will not break the bank, and it will directly stimulate our economy by boosting sales and supporting retail, transportation, and manufacturing jobs throughout our entire country.

Many businesses rely on the holiday season to make it through the year, and many workers count on those retail jobs before the holidays. Our bill will help both. Even before September 11, this was shaping up to be a very difficult time for retail businesses and the thousands of workers they employ. This sales tax holiday will give our economy a shot in the arm and will give families a break when they need it the most.

Our bill sets the date of the tax holiday from November 23 to December 2. That is the traditional start of the holiday shopping season. Many Americans are looking for ways to support our country. With the sales tax holiday, we can help jump-start our economy by buying things for school, for work, or for home.

It is all so easy. You do not have to wait for a check. You do not have to fit into a certain income tax bracket. You buy what you need, you put someone to work, you give our country a boost, and you save money.

Seven States, plus the District of Columbia, have used these sales tax holidays, and they have had great results. Under our approach, the Federal Government will reimburse States for the lost sales tax revenue. Right now we estimate the cost to be about $6.5 billion, depending on how many States participate and how strongly consumers respond.

Under our plan, every penny of the $6.5 billion will go directly into the economy.

In the coming weeks, the Senate will debate legislation to stimulate the American economy and to help workers who have lost their jobs as a result of the economic downturn. The final product needs to stimulate additional economic activity. It needs to boost consumer confidence and spending. It needs to encourage business investment and job creation. It needs to address the needs of workers and their families who have lost their jobs. It must maintain a commitment to fiscal discipline and the long-term economic health of this Nation. And it should help return the country to a sense of normalcy.

I believe the legislation I am introducing today with Senator SNOWE can be an important part of a balanced economic stimulus package.

First, our proposal will stimulate economic activity and consumer confidence. States and businesses that have participated in sales tax holidays reported an increase in sales during their sales tax holiday. Most importantly, businesses have found that consumers do not just shift their spending to the holiday period, but these holidays create new spending that would not have otherwise occurred.

Second, our proposal will stimulate business investment and job creation. Retail businesses will need to boost inventories to prepare for larger crowds. That is good news for manufacturers, distributors, and other businesses that help meet consumer demand for all kinds of products.

Third, it benefits all Americans. Low, middle, and upper income people all pay sales taxes on the products they buy, and since the sales tax is the most regressive kind of tax, lower income consumers will benefit the most.

Our proposal is fiscally responsible. This tax holiday will last for no more than 10 days in any State and, therefore, there are no exploding costs in the long term.

Our proposal does not negatively affect State and local budgets. Here, in fact, is how the States will get reimbursed: Every State that participates in the holiday will receive a quick payment of their estimated lost revenue. Before the tax holiday, a State can decide if it wants to be reimbursed for the exact amount of its loss. Then after the tax holiday, those States would go through a reconciliation process with the Federal Government.

We need a sales tax holiday. The economic slowdown and other factors are having a tremendous impact on the ability of State and local governments to provide critical services and to help working families who have been hurt by higher unemployment. That is why I have worked very hard to make sure that the Federal Government will fully compensate the States that take advantage of this holiday. In addition, our plan is optional so States can choose to opt in if they want to stimulate their own economy.

Even without Federal incentives, seven States and the District of Columbia have already used sales tax holidays to help working families buy school clothes, computers, and to stimulate economic activity.

This will help return this country to a sense of normalcy. Our Nation, and each of our lives, have been changed forever by the events of September 11. We can never go back to September 10. Those events reminded us how fragile life is. They reminded us of everything for which we have to be thankful—our family, our friends, our faith, our communities, and our democracy. But as we celebrate these important things during the upcoming holiday season, I believe it is important that we not feel guilty about getting back to business and to our daily lives.

President Bush has urged all of us in the wake of the September 11 attacks to return to our daily lives and get back to business. I believe this legislation will help us get the Nation back to business. It is fair, it is responsible, it will help families, and it will stimulate our economy.

I urge my colleagues to support including it in the economic stimulus package.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1643

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 ''Sales Tax Holiday Act of 2001''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Consumer confidence and spending is critical to a healthy United States economy.

(2) In order to prevent a further decline in consumer spending, which fell 1.8 percent in September 2001, and consumer confidence, which is at its lowest level since February 1994, the Federal Government needs to provide an immediate and targeted tax incentive to encourage consumer spending.

(3) The most immediate and targeted incentive for consumption would be to reduce the price of goods to consumers, which can be done most effectively by removing sales taxes imposed on those goods.

(4) A 10-day sales tax holiday, prior to the 2001 Holiday season, would encourage Americans to make immediate purchases and help to counteract the decline in consumer confidence Americans have experienced since September 11, 2001. The direct boost to consumption resulting from a sales tax holiday

would enhance the benefits of individual tax cuts provided by any Federal tax stimulus legislation.

(5) A State and local sales tax holiday would allow all taxpayers to benefit, especially lower-income Americans who spend a larger portion of their income.

(6) To encourage a State and local sales tax holiday, the Federal Government should ensure that each participating State and local government receives fast and fair reimbursement for lost sales tax revenue.

(7) Florida, Texas, Pennsylvania, South Carolina, Iowa, Connecticut, Maryland, Ohio, North Carolina, and the District of Columbia currently provide consumers with similar temporary sales tax holidays. Consumer response to these holidays has been extraordinary, with retailers reporting greatly increased foot traffic in stores as well as an increase in incremental retail sales.

SEC. 3. STATE AND LOCAL SALES TAX RELIEF FOR CONSUMERS.

(a) IN GENERAL.—The Secretary shall reimburse each State for the amount of State and local sales tax payable and not collected during the sales tax holiday period.

(b) DETERMINATION AND TIMING OF REIMBURSEMENT.—

(1) PREDETERMINED AMOUNT.—Not later than December 20, 2001, the Secretary shall pay to each State an amount equal to the sum of—

(A)(i) the amount of State and local sales tax payable and collected in such State during the same period in 2000 as the sales tax holiday period, times

(ii) an acceleration factor equal to 1.73, plus

(B) an amount equal to 1 percent of the amount determined under subparagraph (A) for State administrative costs.

(2) RECONCILIATION AMOUNT.—Not later than February 20, 2002, the Secretary shall pay to each electing State under subsection (c)(2) an amount equal to the excess (if any) of—

(A) the amount of State and local sales tax payable and not collected in such State during the sales tax holiday period, over

(B) the amount determined under paragraph (1)(A) and paid to such State.

(c) REQUIREMENT FOR REIMBURSEMENT.—The Secretary may not pay a reimbursement under this section unless—

(1) the chief executive officer of the State informs the Secretary, not later than November 15, 2001, of the intention of the State to qualify for such reimbursement by not collecting sales tax payable during the sales tax holiday period,

(2) in the case of a State which elects to receive the reimbursement of a reconciliation amount under subsection (b)(2)—

(A) the chief executive officer of the State informs the Secretary and the Director of Management and Budget and the retail sellers of tangible property in such State, not later than November 15, 2001, of the intention of the State to make such an election,

(B) the chief executive officer of the State informs the retail sellers of tangible property in such State, not later than November 15, 2001, of the intention of the State to make such an election and the additional information (if any) that will be required as an addendum to the standard reports required of such retail sellers with respect to the reporting periods including the sales tax holiday period,

(C) the chief executive officer reports to the Secretary and the Director of Management and Budget, not later than January 31, 2002, the amount determined under subsection (b)(2) in a manner specified by the Secretary,

(D) if amount determined under subsection (b)(1)(A) and paid to such State exceeds the amount determined under subsection (b)(2)(A), the chief executive officer agrees to remit to the Secretary such excess not later than February 20, 2002, and

(E) the chief executive officer of the State certifies that such State—

(i) in the case of any retail seller unable to identify and report sales which would otherwise be taxable during the sales tax holiday period, shall treat the reporting by such seller of sales revenue during such period, multiplied by the ratio of taxable sales to total sales for the same period in 2000 as the sales tax holiday period, as a good faith effort to comply with the requirements under subparagraph (B), and

(ii) shall not treat any such retail seller of tangible property who has made such a good faith effort liable for any error made as a result of such effort to comply unless it is shown that the retailer acted recklessly or fraudulently,

(3) in the case of any home rule State, the chief executive officer of such State certifies that all local governments that impose sales taxes in such State agree to provide a sales tax holiday during the sales tax holiday period,

(4) the chief executive officer of the State agrees to pay each local government's share of the reimbursement (as determined under subsection (d)) not later than 20 days after receipt of such reimbursement, and

(5) in the case of not more than 20 percent of the States which elect to receive the reimbursement of a reconciliation amount under subsection (b)(2), the Director of Management and Budget certifies the amount of the reimbursement required under subsection (b)(2) based on the reports by the chief executive officers of such States under paragraph (2)(C).

(d) DETERMINATION OF REIMBURSEMENT OF LOCAL SALES TAXES.—For purposes of subsection (c)(4), a local government's share of the reimbursement to a State under this section shall be based on the ratio of the local sales tax to the State sales tax for such State for the same time period taken into account in determining such reimbursement, based on data published by the Bureau of the Census.

(e) DEFINITIONS.—For purposes of this section—

(1) HOME RULE STATE.—The term ''home rule State'' means a State that does not control imposition and administration of local taxes.

(2) LOCAL.—The term ''local'' means a city, county, or other subordinate revenue or taxing authority within a State.

(3) SALES TAX.—The term ''sales tax'' means—

(A) a tax imposed on or measured by general retail sales of taxable tangible property, or services performed incidental to the sale of taxable tangible property, that is—

(i) calculated as a percentage of the price, gross receipts, or gross proceeds, and

(ii) can or is required to be directly collected by retail sellers from purchasers of such property,

(B) a use tax, or

(C) the Illinois Retailers' Occupation Tax, as defined under the law of the State of Illinois,

but excludes any tax payable with respect to food and beverages sold for immediate consumption on the premises, beverages containing alcohol, and tobacco products.

(4) SALES TAX HOLIDAY PERIOD.—The term ''sales tax holiday period'' means the period beginning after November 22, 2001, and ending before December 3, 2001.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) STATE.—The term ''State'' means any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico.

(7) USE TAX.—The term ''use tax'' means a tax imposed on the storage, use, or other consumption of tangible property that is not subject to sales tax.

Ms. SNOWE. Madam President, I rise today with Senator MURRAY and our other colleagues to introduce the Sales Tax Holiday Act of 2001.

Since last Wednesday, when Senators MURRAY, LIEBERMAN and I first publically raised the idea of a national sales tax holiday, this exciting and innovative concept has truly taken root. Indeed, the idea of a sales tax holiday has been supported by economists and editorial writers alike and from all across the political spectrum—from Alan Blinder, former Vice Chairman of the Federal Reserve Bank to Grover Norquist, President of Americans for Tax Reform. So we are talking about a bipartisan bill with support as wide as it is deep.

And one thing everyone agrees on is that our National Sales Tax Holiday legislation offers the ultimate economic stimulus, literally feeding Federal stimulus dollars directly into the economy. We believe that this direct approach is perhaps the most immediate, fair, and responsible approach that will have the most stimulative effect on the economy.

With December fast approaching, we need to give a ''shot in the arm'' to our economy and help restore the confidence of consumers, because we have seen a dramatic and negative reaction to the events of September 11. In fact, the Conference Board's first report on consumer confidence since the attacks showed the steepest two-month drop since the 1980 recession—and confidence has plummeted to the lowest level in 7 years, since 1994, even as consumer spending dropped 1.8 percent in September, the first decline in 2½ years and the biggest spending drop since 1987.

According to a survey released yesterday by the Credit Union National Association and the Consumer Federation of America, almost one-third, 28 percent, of those surveyed plan to spend less this year than last. With the economy already on the brink of a recession following the attacks—including economic growth actually declining 0.4 percent in the third quarter—a one-third decline in spending this season could be detrimental.

Clearly, we need to take action to restore this confidence in the economy, and tell consumers that ''Help is on the way.'' As Lynn Franco, director of The Conference Board Consumer Research Center said recently, ''Widespread layoffs and rising unemployment do not signal a rebound in confidence anytime soon. With the holiday season quickly approaching, there is little positive stimuli on the horizon.''

Indeed, the signs are ominous. According to the National Governors Association, dollar Christmas sales may actually fall below last year—which

would be the first decline since Christmas of 1953, in the wake of the Korean War.

Our Sales Tax Holiday Act of 2001 will provide that positive stimuli at a critical time when consumers need the help most. Holiday sales make up one-fifth, 22.8 percent, of annual consumer spending, so we will target our bill directly toward these sales. States that opt to participate by rolling back their sales tax will be ''held harmless'' for their decisions, with reimbursement made by the Federal Government for lost sales tax revenue. This revenue will be replaced on a timely basis so that States' cash flows are not affected, with States opting to be reimbursed for lost revenue based on a formula which is based on historical December sales tax revenue, or opting to receive dollar for dollar reimbursement based on actual sales. States will have to choose which method of reimbursement they would like to receive prior to implementation of the sales tax holiday.

Forty-five States, and the District of Columbia will be eligible to participate in our plan, with an estimated overall economic impact of about $6.5 billion for the 10-day sales tax holiday. Needless to say, no State would be required to take action, but we think they deserve to have the option.

This is a proven approach that can dramatically boost sales. When Maryland and the District of Columbia tried sales tax holidays last August, for example, monthly sales jumped by 10 percent. One retailer even saw sales jump 35 percent over the same period a year ago. And the Wall Street Journal in 1997 reported that a survey of 102 stores in the New York City metropolitan area averaged 125 percent increases in sales during the region's January sales tax holiday on most clothing and footwear.

The fact is, this is an approach that fulfills every one of the principles for a stimulus that the Centrist Coalition I cochair laid out earlier this month. And as the Los Angeles Times reported on October 12, ''in the view of many economists—conservative as well as liberal—most plans fall short of the key criteria for stimulus proposals: they should take effect quickly, promote new spending or investment that otherwise would not occur, and do no long-term damage.''

Our plan fits the bill and makes perfect sense—and will pay off for consumers with more dollars and cents in their pockets. What better signal of holiday cheer and confidence than to include a savings on every purchase, enticing consumers back into the stores and giving a much-needed boost to our economy?

As we approach this holiday season, rather than being ''a day late and a dollar short'' in helping consumers and stimulating the economy, we should pass this legislation and give America the gift of an immediate boost to our economic strength and well-being.

I thank the Chair.

By Mr. CAMPBELL:

S. 1644. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on Veterans' Affairs.

PROTECTING THE SITES HONORING THOSE WHO PROTECT US

Mr. CAMPBELL. Madam President, today, 4 days before Veterans Day, I introduce legislation that would recognize and protect the sanctity of veterans' memorials. Currently, there is no comprehensive Federal law to protect veterans' memorials, which is why I am introducing the Veterans' Memorial Preservation and Recognition Act of 2001.

My bill would prohibit the desecration of veterans' memorials, provide for repairs of veterans memorials and permit guide signs to veterans' cemeteries on Federal-aid highways.

Under this legislation, someone who willfully desecrates any type of monument commemorating those in the Armed Forces on public property would be fined or put in jail. The violator would be subject to a civil penalty in addition to the fine, equal to the cost of repairing the damage.

The funds generated by these penalties would then go into a Veterans' Memorial Restoration Fund, established by the Secretary of Veterans' Affairs, to make those monies available for the repair of the damaged memorials. But the vandals won't be the only ones contributing to the fund; individuals and veterans' organizations could also make donations and get a charitable contribution deduction. In essence, this would be a new way to provide for the repair of veterans' memorials without any new appropriation or providing other Federal funding.

The second part of this bill would permit states to place supplemental guide signs for veterans' cemeteries on Federal-aid highways. These veterans' cemeteries deserve recognition; by allowing signs to be posted, we pay our respect to these sites by offering direction to them. It is my goal to make these important sites easily accessible.

Our veterans, living and lost, are a reminder of our unity. Those who served in our Armed Services are more than just symbols of freedom and justice in the midst of conflict and during times of peace.

They are real people, integral to our entire population, who enrich our day-to-day lives with their proud service, with their personal accounts of war, their organizations of service, and their expressions of deep-down American pride. Not only have we lost many of these brave men and women in conflict, but we lose thousands of them forever each year as the veteran population ages. We have to honor their sacrifices by protecting the sites that recognize them.

It is a shame that there is no comprehensive federal law to protect veterans' memorials.

Sometimes they are the only tangible reminders we have of courageous service to this country. We can easily read about those brave Americans who served in war, but it's not always easy to gather more than just hard facts from newspapers or history books. Being in the presence of a statue or memorial structure can evoke a deeper response. We can walk around it, sometimes we can touch it, and oftentimes we can see the names of each brave American who died in conflict.

Madam President, the timing of this bill is appropriate. This Sunday, November 11, we will recognize Veterans' Day, which informally began as a series of memorial gestures to celebrate the end of World War I in 1918. Three years later, on the eleventh hour of the eleventh day of the eleventh month, an unknown American soldier of the war was buried on a hillside in Arlington Cemetery, overlooking the Potomac River. This site became a summit of veneration for Americans everywhere. Similarly, at Westminster Abbey in England and the Arc de Triomphe in France, an unknown soldier was buried in each of these places of highest honor.

These three memorial sites are symbols of our reverence; it is only appropriate that we do everything we can to preserve sites like these across America.

There are hundreds of veterans' memorials, on public property, here in the United States. From nationally-known places such as Iwo Jima, to smaller sites such as the Colorado Veterans' Memorial across from the capitol in Denver, each is a site where we go to heal and to remember. As a veteran myself, I am committed to seeing that not a single one is stripped of its dignity.

I encourage my colleagues to work together for swift consideration of this timely and important legislation. I have the support of several veterans' organizations, who have offered words of encouragement for this bill. These Americans know, firsthand, the concept of service. Let's honor what they and thousands of others have done to preserve our freedom.

Madam President, I thank the Chair and ask unanimous consent that letters of support from the American Legion, Rolling Thunder, Inc., and the Paralyzed Veterans of America be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, November 6, 2001.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the 2.9 million members of The American Legion, I would like to express full support for the Veterans' Memorial Preservation and Recognition Act. We applaud your efforts to prohibit the desecration of veterans' memorials, and to permit guide signs to veterans cemeteries on federal highways.

The American Legion recognizes the need to preserve the sanctity and solemnity of veterans' memorials. These historic monuments serve not only to honor the men and women of the nation's armed services, but to educate future generations of the sacrifices endured to preserve the freedoms and liberties enjoyed by all Americans.

Once again, The American Legion fully supports the Veterans' Memorial Preservation and Recognition Act. We appreciate your continued leadership in addressing the issues that are important to veterans and their families.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

ROLLING THUNDER, INC.,
Neshanic Station, NJ, November 5, 2001.

Senator BEN ''NIGHTHORSE'' CAMPBELL,
Russell Senate Office Building,
Washington, DC.

HONORABLE BEN CAMPBELL: I am sending this letter in support of Bill, ''Veterans Memorial Preservation and Recognition Act of 2001.

Rolling Thunder National and our members are in full support of this bill. Those who destroy and deface any Veterans Memorial should be punished and made to pay full restitution for the damages they have caused. Many Americans have fought and died for the freedom of all Americans and their Memorials should be honored and respected by all.

I thank you for your help and support to all American Veterans.

Sincerely,

SGT., ARTIE MULLER,
National President.

PARALYZED VETERANS OF AMERICA,
Washington, DC, November 5, 2001.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support for the ''Veterans' Memorial Preservation and Recognition Act of 2001.''

Memorials to the men and women who have served this Nation, in times of war and in times of peace, are tokens of our gratitude for their service, and their sacrifice. They are tangible reminders of our past, and an inspiration for our future. For this reason they are well worth protecting and preserving. This legislation addresses both of these goals.

Again, thank you for introducing the ''Veterans' Memorial Preservation and Recognition Act of 2001.''

Sincerely,

RICHARD B. FULLER,
National Legislative Director.

By Mr. HELMS:

S. 1645. A bill to provide for the promotion of democracy and rule of law in Belarus and for the protection of Belarus' sovereignty and independence; to the Committee on Foreign Relations.

Mr. HELMS. Madam President, on top of the mayhem and slaughter in New York and at the Pentagon in Washington last September, a travesty against democracy occurred, again, in Belarus. Aleksandr Lukashenka, the dictator controlling this country, stole through intimidation and repression, the presidential elections that took place on September 9.

Tragic as the events in our own country were and as serious an undertaking as the war against terrorism will continue to be, we must not overlook the brutality and injustice of a regime such as the one led by Lukashenka, especially in the heart of Europe.

For this reason, I am introducing today the Belarus Democracy Act of 2001, the purpose of which is to support the people in Belarus who are struggling, often at great peril to their lives, to revive democracy, and to reconsolidate their country's declining independence and sovereignty.

Democracy has been crushed in Belarus by a fanatical dictatorship that can only be described as a brutal throwback to the Soviet era. Aleksandr Lukashenka is an authoritarian obsessed with recreating the former Soviet Union, which he believes he will ultimately lead. Because of Lukashenka, Belarus has emerged as a dark island of repression, censorship, and command economy in a region of consolidating democracies.

Belarus has tragically become the Cuba of Europe. Nonetheless, the people of Belarus have not succumbed to Lukashenka. Independent newspapers struggle to publish. The leadership of the parliament he unconstitutionally dismissed refuses to concede legitimacy to his sham regime. Scores of non-governmental organizations fight to promote the rule of law and to protect fundamental human rights. The vibrancy of Belarus's struggling civil society has been made evident by the ''Freedom Marches'' that have attracted literally tens of thousands of Belarusians to the streets of Minsk and countless other anti-Lukashenka demonstrations elsewhere in Belarus.

Their agenda is the promotion of a free, independent, democratic and Western-oriented Belarus, a sharp contrast to Lukashenka's efforts to reanimate the former Soviet Union.

This is an agenda not without risk. Those who have dared to take a stand against Lukashenka have disappeared. Yuri Zakharenko disapproved soon after he resigned his post as Lukashenka's Minister of Interior and began working with the opposition. Opposition leader Victor Gonchar and his colleague, Anatoly Krasovsky, vanished just hours after Lukashenka, in a drooling rage broadcast on state television, called upon his henchmen to crackdown on the ''opposition scum.''

Other opposition leaders such as Andrei Klimov, have been imprisoned under harsh conditions simply for expressing their opposition to Lukashenka's regime.

This regime has tried to crush opposition marches with truncheon-wielding riot police. The independent press and non-governmental organizations promoting democracy, rule of law and human rights in Belarus are subject to constant government harassment, intimidation, arrests, fines, beatings, and murder. Dmitry Zavadsky, a cameraman for Russian television, known for his critical reporting of the Lukashenka regime, disappeared under mysterious circumstances.

If passed, this bill will impose sanctions against the Lukashenka regime. It will deny international assistance to his government. It will freeze Belarusian assets in the United States. It will prohibit trade with the Lukashenka government and businesses owned by that government. It will also deny officials of the Lukashenka government the right to travel to the United States.

And, if Lukashenka continues to surrender Belarusian sovereignty, this bill will strip his government of the diplomatic properties it currently enjoys in the United States. Indeed, if he is successful in his warped effort to recreate the Soviet Union, the Government of Belarus will sadly have no need for these properties.

This bill supports our Nation's vision of Europe that is democratic, free and undivided. That vision will never be fulfilled as long as Belarus suffers under the tyranny of Aleksandr Lukashenka. It is our moral and strategic interest to support those fighting for democracy and freedom in Belarus and the return of their country to the European community of free states.

To ignore this struggle for democracy and freedom and to turn an indifferent eye upon Lukashenka's effort to reconstruct the former Soviet Union would be a grave error. Not only would it be immoral, it would be strategically shortsighted.

Allowing Moscow to reabsorb a state that was once independent and democratic would only whet Moscow's appetite to restore the old Soviet borders. That would set a precedent that would only jeopardize the security of Ukraine, Lithuania, Latvia, and Estonia. Indulging antiquated Russian imperial pretensions would also undercut the prospects for democratic reform in Russia.

For these reasons the Belarus Democracy Act of 2001 authorizes $30 million in assistance to restore and strengthen the institutions of democratic government in Belarus. It specifically urges the President of the United States to furnish assistance to political parties in Belarus committed to those goals.

It expands the resources available to support radio broadcasting into Belarus that will facilitate the flow of uncensored information to the people of Belarus.

The September elections in Belarus were stained by the Lukashenka regime's cruel suppression of democratic and human rights. Let the Belarus Democracy Act be America's response to Europe's last dictator, Aleksandr Lukashenka.

I ask unanimous consent 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. 1645

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 ''Belarus Democracy Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States has a vital interest in the consolidation and strengthening of the independence and sovereignty of the Republic of Belarus and its integration into the European community of democracies;

(2) the United States supports the promotion of democracy, the rule of law, and respect for human rights in Belarus;

(3) in November 1996, Belarusian President Aleksandr Lukashenka orchestrated an illegal and unconstitutional referendum that enabled him to impose upon the Belarusian people a new constitution, abolish the old parliament, the 13th Supreme Council, replace it with a rubber stamp legislature, and extend his term office to 2001;

(4) in May 1999, the Belarusian opposition challenged Lukashenka's illegal extension of his presidential term by staging alternative presidential elections and these elections were met with repression;

(5) the Belarusian opposition has organized peaceful demonstrations against the Lukashenka regime in cities and towns throughout Belarus, including the Freedom I March of October 17, 1999, the Freedom II March of March 15, 2000, and the Chernobyl Way March of April 26, 2000, each of which took place in Minsk and involved tens of thousands of Belarusians;

(6) the Lukashenka regime has responded to these peaceful marches with truncheon-swinging security personnel, mass arrests, extended incarcerations, and beatings;

(7) Andrei Klimov, a member of the last democratically elected Parliament in Belarus remains imprisoned under harsh conditions for his political opposition to Lukashenka;

(8) Victor Gonchar, Yuri Krasovsky, and Yuri Zakharenka, who have been leaders and supporters of the opposition, have disappeared under mysterious circumstances;

(9) former Belarus government officials, including four police investigators, have come forward with credible allegations and evidence that top officials of the Lukashenka regime were involved in the murders of opposition figures Yury Zakharenka, Victor Gonchar, Anatol Krasovsky, Dmitry Zavadsky, and scores of other people.

(10) the Lukashenka regime systematically harasses and persecutes the independent media and actively suppresses freedom of speech and expression;

(11) Dmitry Zavadsky, a cameraman for Russian public television, known for his critical reporting of the Lukashenka regime, disappeared under mysterious circumstances;

(12) the Lukashenka regime harasses the autocephalic Belarusian Orthodox Church, the Roman Catholic Church, evangelical churches, and other minority groups;

(13) Lukashenka advocates and actively promotes a merger between Russia and Belarus, and initiated negotiations and signed December 8, 1999, the Belarus-Russia Union Treaty even though he lacks the necessary constitutional mandate to do so;

(14) the Belarusian opposition denounces these intentions and has repeatedly called upon the international community to ''unambiguously announce the nonrecognition of any international treaties concluded by Lukashenka'';

(15) the United States, the European Union, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, and other international bodies continue to recognize the 13th Supreme Council as the legal Belarusian Parliament;

(16) the parliamentary elections of October 15, 2000, conducted by Aleksandr Lukashenka were illegitimate and unconstitutional;

(17) these elections were plagued by violent human rights abuses committed by his regime, including the harassment, beatings, arrest, and imprisonment of members of the opposition;

(18) these elections were conducted in the absence of a democratic election law;

(19) the presidential election of September 2001 was fundamentally unfair and featured significant and abusive misconduct by the regime of Aleksandr Lukashenka, including—

(A) the harassment, arrest, and imprisonment of opposition leaders;

(B) the denial of opposition candidates equal and fair access to the dominant state-controlled media;

(C) the seizure of equipment and property of independent nongovernmental organizations and press organizations and the harassment of their staff and management;

(D) voting and vote counting procedures that were not transparent; and

(E) a campaign of intimidation directed against opposition activists, domestic election observation organizations, opposition and independent media, and a libelous media campaign against international observers; and

(20) the last parliamentary election in Belarus deemed to be free and fair by the international community took place in 1995 and from it emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been usurped by the authoritarian regime of Aleksandr Lukashenka.

SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) PURPOSES OF ASSISTANCE.—The assistance under this section shall be available for the following purposes:

(1) To assist the people of Belarus in regaining their freedom and to enable them to join the international community of democracies.

(2) To restore and strengthen institutions of democratic government in Belarus.

(3) To encourage free and fair presidential and parliamentary elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

(4) To sustain and strengthen international sanctions against the Lukashenka regime in Belarus.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c) and primarily for indigenous Belarusian political parties and nongovernmental organizations.

(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

(1) democratic forces, including political parties, committed to promoting democracy and Belarus' independence and sovereignty;

(2) democracy building;

(3) radio and television broadcasting to Belarus;

(4) the development and support of nongovernmental organizations promoting democracy and supporting human rights both in Belarus and in exile;

(5) the development of independent media working within Belarus and from locations outside of Belarus and supported by nonstate-controlled printing facilities;

(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(7) the development of all elements of democratic processes, including political parties and the ability to conduct free and fair elections.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President $30,000,000 for the fiscal year 2002.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 4. AUTHORIZED FUNDING FOR RADIO BROADCASTING IN AND INTO BELARUS.

(a) IN GENERAL.—The purpose of this section is to augment support for independent and uncensored radio broadcasting in and into Belarus that will facilitate the dissemination of information in a way that is not impeded by the government of Lukashenka.

(b) ALLOCATION OF FUNDS.—Not less than $5,000,000 made available under section 3 shall be available only for programs that facilitate and support independent broadcasting into and in Belarus on AM and FM bandwidths, including programming from the Voice of America and RFE/RL, Incorporated.

(c) REPORTING ON RADIO BROADCASTING TO AND IN BELARUS.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on how funds allocated under subsection (b) will be used to provide AM and FM broadcasting that covers the territory of Belarus and delivers to the people of Belarus programming free from censorship of the government of Lukashenka.

SEC. 5. SANCTIONS AGAINST THE LUKASHENKA REGIME.

(a) APPLICATIONS OF MEASURES.—The sanctions described in this section and sections 6, 8, and 9, shall apply with respect to Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The release of all those individuals who have been jailed for their political views.

(2) The withdrawal of politically motivated legal charges against all opposition figures.

(3) The provision of a full accounting of those opposition leaders and journalists, including Victor Gonchar, Yuri Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, who have disappeared under mysterious circumstances, and the prosecution of those individuals who are responsible for those disappearances.

(4) The cessation of all forms of harassment and repression against the independent media, nongovernmental organizations, and the political opposition.

(5) The implementation of free and fair presidential and parliamentary elections.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve basic human needs.

(d) INTERNATIONAL FINANCIAL INSTITUTIONS DEFINED.—In this section, the term international financial institution includes the

International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

SEC. 6. BLOCKING BELARUSIAN ASSETS IN THE UNITED STATES.

(a) BLOCKING OF ASSETS.—All property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that are owned in whole or in part by the Government of Belarus, or by any member of the senior leadership of Belarus, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are hereby blocked.

(b) EXERCISE OF AUTHORITIES.—The Secretary of the Treasury, in consultation with the Secretary of State, shall take such actions, including the promulgation of regulations, orders, directives, rulings, instructions, and licenses, and employ all powers granted to the President by the International Emergency Economic Powers Act, as may be necessary to carry out subsection (a).

(c) PROHIBITED TRANSFERS.—Transfers prohibited under subsection (b) include payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Belarus, or any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by that government, or to any member of the senior leadership of Belarus.

(d) PAYMENT OF EXPENSES.—All expenses incident to the blocking and maintenance of property blocked under subsection (a) shall be charged to the owners or operators of such property, which expenses shall not be met from blocked funds.

(e) PROHIBITIONS.—The following shall be prohibited as of the date of enactment of this Act:

(1) The exportation to any entity owned, controlled, or operated by the Government of Belarus, directly or indirectly, of any goods, technology, or services, either—

(A) from the United States;

(B) requiring the issuance of a license for export by a Federal agency; or

(C) involving the use of United States registered vessels or aircraft, or any activity that promotes or is intended to promote such exportation.

(2) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, or public utility operated, controlled, or owned by the Government of Belarus.

(f) EXCEPTIONS.—Notwithstanding any other provision of this section, this section does not apply to—

(1) assistance provided under section 3 or 4 of this Act;

(2) those materials described in section 203(b)(3) of the International Emergency Economic Powers Act relating to informational materials; or

(3) materials being sent to Belarus as relief in response to a humanitarian crisis.

(g) STATUTORY CONSTRUCTION.—Nothing in this Act prohibits any contract or other financial transaction with any private or nongovernmental organization or business in Belarus.

SEC. 7. DENYING ENTRY INTO THE UNITED STATES TO BELARUSIAN OFFICIALS.

It is the sense of Congress that the President should use his authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to suspend the entry into the United States of any alien who—

(1) holds a position in the senior leadership of the Government of Belarus; or

(2) is a spouse, minor child, or agent of a person inadmissible under paragraph (1).

SEC. 8. PROHIBITION ON STRATEGIC EXPORTS TO BELARUS.

No computers, computer software, goods intended to manufacture or service computers, no technology intended to manufacture or service computers, or any other goods or technology may be exported to or for use by the Government of Belarus, or by any of the following entities of that government:

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

SEC. 9. PROHIBITION ON LOANS AND INVESTMENT.

(a) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance may be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus.

(b) TRADE AND DEVELOPMENT AGENCY.—No funds made available by law may be available for activities of the Trade and Development Agency in or for Belarus.

(c) THIRD COUNTRY ACTION.—Congress urges the Secretary of State to encourage all other countries, particularly European countries, to suspend any of their own programs providing support similar to that described in subsection (a) or (b) to the Government of Belarus, including the rescheduling of repayment of the indebtedness of that government under more favorable conditions.

(d) PROHIBITION ON PRIVATE CREDITS.—No United States person may make or approve any loan or other extension of credit, directly or indirectly, to the Government of Belarus or to any corporation, partnership, or other organization that is owned, operated, or controlled by the Government of Belarus.

SEC. 10. DENIAL OF GSP.

(a) FINDING.—Congress finds that the Government of Belarus has failed to respect internationally recognized worker rights.

(b) DENIAL OF GSP BENEFITS.—Congress approves the decision of the United States Government to deny tariff treatment under title V of the Trade Act of 1974 (the Generalized System of Preferences (GSP)) to Belarus.

SEC. 11. MULTILATERAL SANCTIONS.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this Act, including, as appropriate, encouraging other countries to take measures similar to those described in this Act.

SEC. 12. OWNERSHIP AND USE OF DIPLOMATIC AND CONSULAR PROPERTIES.

It is the sense of Congress that, if an undemocratic and illegitimate Government of Belarus, enters into a union with the Russian Federation that results in the loss of sovereignty for Belarus, the United States should immediately withdraw any and all privileges and immunities under the Vienna Convention on Diplomatic Relations enjoyed by the personnel and property of the Government of Belarus and demand the immediate departure of such personnel from the United States.

SEC. 13. REPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees reporting on—

(1) assistance and commerce received by Belarus from other foreign countries during the previous 12-month period;

(2) the sales of weapons and weapons-related technologies from Belarus during that 12-month period;

(3) the relationship between the Lukashenka regime and the Government of the Russian Federation; and

(4) the personal assets and wealth of Aleksandr Lukashenka and other senior leaders of the Government of Belarus.

(b) REPORT ELEMENTS.—Each report required by subsection (a) shall, for the period covered by the report, contain, to the extent such information is known—

(1) a description of all assistance, including humanitarian assistance, provided to the Government of Belarus by foreign governments and multilateral institutions;

(2) a description of Belarus' commerce with foreign countries, including the identification of Belarus' chief trading partners and the extent of such trade;

(3) a description of joint ventures completed, or under construction by foreign nationals involving facilities in Belarus; and

(4) an identification of the countries that purchase or have purchased, arms or military supplies from Belarus or that have come into agreements with the Belarus Government that have a military application, including—

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Belarus and such countries; and

(B) a listing of the goods, services, credits, or other consideration recieved by the Belarus government in exchange for military supplies, equipment, or material.

SEC. 14. SENSE OF CONGRESS.

Congress hereby—

(1) expresses its support to those in Belarus seeking—

(A) to promote democracy and the rule of law, to consolidate the independence and sovereignty of Belarus; and

(B) to promote its integration into the European community of democracies;

(2) expresses its grave concern about the disappearances of Victor Gonchar, Yuri Krasovsky, Yuri Zakharenka, Dmitry Zavadsky, and other members of the opposition and press;

(3) calls upon Lukashenka's regime to cease its persecution of political opponents and to release those, including Andrei Klimov, who have been imprisoned for opposing his regime;

(4) calls upon the Lukashenka regime to respect the basic freedoms of speech, expression, assembly, association, language, and religion;

(5) calls upon Lukashenka to allow parliamentary and presidential elections to be conducted that are free, fair, and fully meet international standards;

(6) calls upon the Government of Russia, the State Duma, and the Federation Council to end its support, including financial support, to the Lukashenka regime and to fully respect the sovereignty and independence of the Republic of Belarus;

(7) calls upon the Government of Belarus to resolve the continuing constitutional and political crisis through free, fair, and transparent elections, including, as called for by the Organization for Security and Cooperation in Europe (OSCE), of which Belarus is a member—

(A) respect for human rights;

(B) an end to the current climate of fear;

(C) opposition and meaningful access to state media;

(D) modification of the electoral code to make the code more democratic;

(E) engaging in genuine talks with the opposition; and

(F) permitting real power for the parliament.

(8) calls upon other governments to refuse to use as diplomatic residences or for any other purpose properties seized by the Lukashenka regime from the Belarusian political opposition;

(9) calls upon the international community, including the Government of Russia, to refuse to ratify or accept any treaty signed by Aleksandr Lukashenka or any other official of his government.

(10) commends the democratic opposition in Belarus for their commitment to freedom, their courage in the face of Lukashenka's brutal repression, and the unity and cooperation their various political parties and nongovernmental organizations demonstrated during the October 2000 parliamentary elections and the October 2001 presidential elections and calls upon the democratic opposition of Belarus to sustain that unity and cooperation as part of the effort to bring an end to Lukashenka's dictatorship.

SEC. 15. DEFINITIONS.

In this Act:

(1) SENIOR LEADERSHIP OF BELARUS.—The term ''senior leadership of Belarus'' includes—

(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, and deputy ministers of Belarus;

(B) the Governor of the National Bank of Belarus;

(C) officials of the Belarus Committee for State Affairs (BKGB), the police, and any other organ of repression;

(D) any official of the Government of Belarus involved in the suppression of freedom in Belarus, including judges and prosecutors;

(E) any official of the Government of Belarus directly appointed by Aleksandr Lukashenka; and

(F) officials of the presidential administration.

(2) UNITED STATES.—The term ''United States'' means the States of the United States, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States.

(3) UNITED STATES PERSON.—The term ''United States person'' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1646. A bill to identify certain routes in the states of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System; to the Committee on Environmental and Public Works.

Mr. BINGAMAN. Madam President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Union and Colfax Counties and throughout all of Northeastern New Mexico. By improving the transportation infrastructure, I believe this legislation will also help promote tourism across all of northern New Mexico.

The bill we are introducing today completes the designation of the route for the Ports-to-Plains High Priority Corridor, which runs 1,000 miles from Laredo, Texas, to Denver, CO. I am honored to have my colleague, Senator DOMENICI, as a cosponsor of the bill.

I continue to believe strongly in the importance of highway infrastructure for economic development in my State. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways will more readily attract out-of-state visitors and new jobs. Travelers prefer the safety of a four-lane highway rather than sharing a two-lane road with a large number of semi tractor-trailer rigs.

In 1998, Congress identified the Ports-to-Plains corridor between the border with Mexico to Denver, CO, as a High Priority Corridor on the National Highway System. This designation arose in part as a result of the North American Free Trade Agreement. Under NAFTA, commercial border traffic is already increasing, and the Ports-to-Plains corridor was considered to be centrally situated to serve international trade and promote economic development along its entire route. Congress had previously designated a parallel route, the Camino Real Corridor, including Interstate Highway 25 through central New Mexico, as a high priority corridor; this corridor runs from the Mexican border at El Paso, TX, through Albuquerque and Denver, and on to the Canadian border.

Last year, a comprehensive study was undertaken to determine the feasibility of creating a second continuous four-lane highway along the proposed Ports-to-Plains High Priority corridor. Alternative highway alignments for the trade corridor were developed and evaluated. The study was conducted under the direction of a steering committee consisting of the State departments of transportation in Texas, New Mexico, Oklahoma, and Colorado. The Ports-to-Plains feasibility study was completed and a final report circulated earlier this year.

With the results of the feasibility study in hand, representatives of the four State highway departments met on July 30 to reach consensus on the preferred designation for the northern portion of the Ports-to-Plains corridor between Dumas, TX, and Denver, CO. The four representatives agreed to recommend designating the route north of Dumas, TX, along U.S. Highway 287 through Boise City, OK, to Limon, CO, and then along Interstate 70 to Denver. They also recommended including the route from Dumas, TX, along U.S. Highway 87 through Clayton, NM, to Raton in the corridor.

I am pleased the four States were able to come to a unified consensus on the route for the Ports-to-Plains corridor. I ask unanimous consent that a letter from the directors of the four State highway departments to the Federal Highway Administration summarizing the four-State consensus recommendation be printed in the RECORD at the conclusion of my remarks.

I do believe the consensus recommendation is a good result for all four States in the region. Both New Mexico and Texas plan to upgrade their portion of the corridor to the full four lanes envisioned in the feasibility study for the Ports-to-Plains trade corridor. Indeed, the State of Texas will soon begin construction that will four-lane its portion of Highway 87 from Dumas to the New Mexico State line. Meanwhile, Colorado plans to develop it's portion as a super-two-lane highway at a cost of $537 million. The estimated cost to four-lane New Mexico's 81 miles of the corridor between Clayton and Raton is $185 million.

I do believe that once Highway 87 has been upgraded to four lanes between Dumas and Raton, the route will act as a magnet for out-of-state visitors to the year-round tourist attractions throughout northern New Mexico. Tourists in particular will prefer the safety and a convenience of a four-lane highway.

Congress designated the southern portion of the Ports-to-Plains corridor last year. Now the feasibility study has been completed and all four States are in unanimous agreement on the preferred route for the northern portion. The time to act is now. Congress should move quickly to confirm the four-state consensus of the Ports-to-Plains Trade Corridor by passing our bill. I look forward to working with the Chairman of the Environment and Public Works Committee, Senator JEFFORDS and the Ranking Member, Senator SMITH, to confirm the four states' recommendation with this non-controversial, bipartisan legislation.

Once the route is established, I am committed to working to help secure the funding required to complete the four-lane upgrade as soon as possible. I do believe the four-lane upgrade of Highway 87 is vital to economic development for the communities of Raton and Clayton and throughout all of northeast New Mexico.

I again thank Senator DOMENICI for cosponsoring the bill, and I hope all Senators will join us in support of this important legislation.

I ask unanimous consent that the text of the bill and the previously referenced letter be printed in the RECORD.

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

S. 1646

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

SECTION 1. IDENTIFICATION OF PORTS-TO-PLAINS HIGH PRIORITY CORRIDOR ROUTES.

Section 1105(c)(38) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 114 Stat. 2763A–201) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(2) by redesignating subparagraph (A) as clause (i);

(3) by striking ''(38) The'' and inserting ''(38)(A) The'';

(4) in subparagraph (A) (as designated by paragraph (3))—

(A) in clause (i) (as redesignated by paragraph (2))—

(i) in subclause (VII) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(ii) in subclause (VIII) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(IX) United States Route 287 from Dumas to the border between the States of Texas and Oklahoma, and also United States Route 87 from Dumas to the border between the States of Texas and New Mexico.''; and

(B) by adding at the end the following:

''(ii) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the border between the States of Texas and Oklahoma to the border between the States of Oklahoma and Colorado.

''(iii) In the State of Colorado, the Ports-to-Plains Corridor shall generally follow—

''(I) United States Route 287 from the border between the States of Oklahoma and Colorado to Limon; and

''(II) Interstate Route 70 from Limon to Denver.

''(iv) In the State of New Mexico, the Ports-to-Plains Corridor shall generally follow United States Route 87 from the border between the States of Texas and New Mexico to Raton.''; and

(5) by striking ''(B) The corridor designation contained in paragraph (A)'' and inserting the following:

''(B) The corridor designation contained in subclauses (I) through (VIII) of subparagraph (A)(i)''.

DEPARTMENT OF TRANSPORTATION

September 21, 2001.

C.D. REAGAN,
Division Administrator, Federal Highway Administration, Austin, TX.

DEAR MR. REAGAN: We are pleased to inform you that we have finalized the preferred designation for the Ports-to-Plains Corridor.

This letter confirms the consensus reached by the states of Colorado, New Mexico, Oklahoma and Texas on July 30, 2001, whereby the northern portion of the Ports-to-Plains Corridor would be formally designated as routes from Dumas, Texas on U.S. 287 to I-70 at Limon, Colorado and then to Denver, Colorado, and U.S. 87 from Dumas, Texas to Raton, New Mexico.

We submit these routes formally as representing the states agreed unified designation for the Ports-to-Plains Corridor north of Dumas, Texas and request that you submit our recommendation to the appropriate congressional committees.

Thank you for your strong consideration of this issue.

Sincerely,

THOMAS E. NORTON,
Colorado Executive Director, DOT.
MICHAEL W. BEHRENS,
Texas Executive Director, DOT.
PETE RAHN,
New Mexico Executive Director, DOT.
GARY M. RIDLEY,
Oklahoma Executive Director, DOT.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1649. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Madam President, I am introducing legislation today that will reauthorize Federal participation in the historic preservation efforts of one of the most historically significant sites in the Pacific Northwest, the Fort Vancouver National Historic Reserve.

The Historic Reserve is rich in cultural and historic national significance, pre-dating the arrival of Lewis and Clark through the mid-20th century. For more than 10,000 years, Native American groups inhabited the prairies along the Columbia River that include the site of present-day Vancouver and the historic reserve.

Located on the great American waterway, the Columbia River, the Vancouver National Historic Reserve site became the base of Columbia region operations for the Hudson's Bay Trading Company in the early 19th century. As my colleagues know, Hudson's Bay was the powerful British fur trading company that vied for control of the trapping industry in Western lands of the present-day United States, even before political control of those lands were established. At its peak, the company built an enormous network through the region, with Fort Vancouver as the administrative headquarters and supply depot for the hundreds of employees at dozens of posts in the region.

Fort Vancouver became a trade center for the Western territories, with goods arriving frequently from Europe and the Hawaiian Islands and large quantities of furs and other natural resource products returned to London. The Fort came to serve as a hub for numerous other developing industries, including sawmills, dairies, shipbuilders, fishers and tanneries. In essence, Fort Vancouver truly served as a historic foundation for the development of the entire Pacific Northwest region.

But this history of the trapping industry is not the only significant aspect of this site. The Fort also served as the Northwest's military administrative headquarters beginning in 1849. The United States Army continuously occupied the Vancouver Barracks at the historic reserve site for 150 years. In the 1920's, the Army created a small airfield for the Army Air Corps, which is now the site of the oldest operating airfield in the Nation, Pearson Airfield. In the 1930's, the Fort was used as a training camp for those participating in the Civilian Conservation Corps' reforestation program. And, during World War II, General George C. Marshall presided over the Barracks and resided on Officer's Row.

Thanks to the wisdom, respect for history, and foresight of numerous individuals including Representative Russell Mack, the esteemed chairwoman of the House Interior Appropriations Subcommittee, Julia Butler Hansen, Congressman Don Bonker, and Congresswoman Jolene Unsoeld, among many others, the tremendous resources of the site have been protected for future generations.

President Truman signed legislation in 1948 that first authorized for Fort Vancouver National Monument. The act allowed the War Assets Administration to transfer surplus property in Vancouver Barracks to the Secretary of the Interior. On June 30, 1954, the National Monument was officially established and the nearly 60 acres of the Vancouver Barracks were transferred to the National Park Service. Finally, the site was designated as a National Historic Site in 1961.

In 1996, the expanded, 366-acre Vancouver National Historic Reserve was established to protect all of the historically significant historical areas within adjacent to the barracks. The reserve includes Fort Vancouver, the Vancouver Barracks, Officers' Row, Pearson Field, the Water Resources Education Center, and portions of the Columbia River waterfront. The sites serve as an enormously significant resource in Southwest Washington.

The restoration of the barracks alone is an enormously important project to stimulate the economic revitalization of Vancouver. Last year, Congress authorized the transfer of the 16 buildings that comprise the West Barracks to the City of Vancouver, and the partners involved in this tremendous project have devised a Cooperative Management Plan that identifies $40 million in necessary spending to replace failing infrastructure and rehabilitate the 16 buildings to the standards established under the National Historic Preservation Act.

The Partner's Cooperative Management Plan for the Historic Reserve calls for the Barracks to be reused primarily for historic preservation, education, and other forms of public use. But the location of the site near the heart of Vancouver and the potential for drawing additional economic activity back to the city make this vitally important for Southwest Washington.

The public-private partnership plan for the Barracks has also developed a cost-sharing plan between federal, state, and private sources to locate the necessary funds and perform the renovation during the next four to six years. While we at the Federal level have contributed to the project in recent years, the State of Washington and the City of Vancouver have also committed significant resources, and the Vancouver National Historic Reserve Trust has initiated aggressive efforts to raise funds quickly. I have

worked this year, and my colleague Senator MURRAY has successfully worked this year and in years past, to obtain those critical federal dollars for the project.

However, I believe that more can and should be done to keep this project moving ahead. We must never forget our cultural, political, and economic heritage, and our historic resources help educate and remind us of those origins. That is why we have come together to introduce this legislation that will authorize additional federal spending on the project.

I look forward to working with Senator MURRAY and others on the Appropriations Committee to move this legislation quickly and continuing progress on this significant project for the Pacific Northwest and our Nation.

By Mr. CLELAND:

S. 1650. A bill to amend the Public Health Service Act to change provisions regarding emergencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. CLELAND. Madam President, the events of the past month have presented the agencies of the Federal Government with a challenge like none we have ever seen. The anthrax attacks in Florida, New York, New Jersey, and Washington have placed unprecedented demands on both the public health and law enforcement arms of the Federal Government. Yet, in spite of the fact that the men and women of the Federal Government have never before encountered circumstances like these, I am pleased to say that, by and large, their response has been exceptional, and I would like to thank them for their courageous efforts. However, as might be expected, this latest trial has exposed a number of weaknesses in our bioterrorism response mechanism which we must now act swiftly to remedy.

The Federal response to the anthrax crisis has revealed some uncertainty with regard to the precise roles assigned to each of the several Federal agencies with responsibilities in such situations and with regard to coordination between these agencies and the dissemination of public information. For example, while the CDC took the lead in testing anthrax samples from Florida, the anthrax samples found in New York and Washington were collected by the FBI and sent, not to the CDC, but to DoD labs for testing. By sending these samples to different facilities, not only are we duplicating services, but, more importantly, we run the risk of critical results not being expeditiously reviewed by the appropriate health officials thereby unacceptably increasing the response time in what is quite literally a life and death situation.

I believe the uncertainty that has prevailed as to the proper role of the CDC in a bioterrorist incident, particularly vis-a-vis law enforcement agencies, is largely due to ambiguity in present statutes and regulations. Presidential Decision Directive 39 of 1995 clearly designates the FBI as the overall lead federal agency for domestic terrorism incidents. At the same time, per last year's Public Health Threats and Emergencies Act, P.L. 106–505, if the Secretary of Health and Human Services determines, after consulting with the Director of the CDC, that a public health emergency exists, the Secretary is authorized to take such action as may be appropriate to respond to the public health emergency, including conducting and supporting investigations into the cause, treatment, or prevention of a disease. Further, the Federal Response Plan designates HHS as the primary federal agency for the medical and public health response to emergencies. So it seems that, under current law and regulation, the FBI is the lead agency in the event of a terrorist attack, and HHS has significant authority to act in the event of a public health emergency. But if a terrorist attack is also a public health emergency, as has been the case of late, it is not readily evident who is in charge. Clearly, both the FBI and the CDC have essential roles in such a situation. These roles are distinct but do occasionally overlap, necessitating a clarification of how precisely the agencies are to coordinate with one another in a bioterrorism crisis.

While the law enforcement and public health response to terrorist attacks are both vital, in the event of a public health emergency, the unique life and death health ramifications of such an attack mandate, in my view, that public health experts take the lead role in investigating and treating the attack. Bioterrorism is a new arena for us all, including the CDC and in such uncharted territory nothing we do can guarantee that no mistakes will be made. However, with adequate funding and armed with their training and expertise, the public health experts of the CDC constitute our best defense against this emerging threat. Therefore, the measure I am introducing today will clarify the role of the CDC and minimize the problems caused by bureaucratic infighting over agency roles, thereby preventing time from becoming an additional enemy.

Law enforcement agencies and the CDC have equally important, but separate, roles in the event of a terrorist attack involving biological, chemical, or radiological weapons. Such an attack allows us absolutely no room for confusion over these roles, however, as evidenced by the tragic results of the current anthrax attacks. While I am eagerly awaiting further definition of the role of the new Office of Homeland Security and I will support giving it the necessary authority to get the job done, the American people cannot afford any delay in eliminating existing uncertainties in the federal response to bioterrorism.

My Public Health Emergencies Accountability Act is an attempt to eliminate the confusion of the current system and address the immediate threats stemming from this uncertainty. In proposing this measure, I am building upon current law by clarifying the role of the CDC when acting during a public health emergency. Furthermore, my measure is consistent with the proposed Kennedy-Frist Bioterrorism Preparedness Act and builds on our work in last year's Public Health Threats and Emergencies Act. We have already had to endure the consequences of the current confusion over the important, but distinct, roles of public health and law enforcement in responding to terrorist attacks. It is our responsibility to act immediately to rectify this situation in order to assure public health, safety, and security.

The Public Health Emergencies Accountability Act changes current law in several ways. First, it redefines ''public health emergency'' to include chemical and radiological attacks, in addition to bioterrorism, and to make suspected as well as proven such attacks eligible for emergency designation. Second, as under last year's Public Health Threats and Emergencies Act, the Secretary of HHS, acting in consultation with CDC, is given the authority to determine the existence of a public health emergency, and to respond to such an emergency by making grants and conducting investigations. My measure provides additional authority for the Secretary and CDC in these cases to take the lead in ''directing the response of other Federal departments and agencies'' and in ''disseminating necessary information'' to the general public. Third, the time period of the emergency is to be set by the Secretary and is not to exceed 180 days, but may be extended by the Secretary after notification of Congress and other Federal agencies.

Finally, and most importantly, the determination of a public health emergency by the Secretary of HHS, in consultation with CDC, is made the defining action in clarifying who should take the lead role in handling a biological, chemical or radiological attack. Thus, when it is determined that a given situation does not rise to the level of a public health emergency, law enforcement will assume the lead position. On the other hand, when the Secretary of HHS has identified and declared a public health emergency, public health and the CDC will take the leading role. In either case, my proposal mandates that the lead agency keep all other relevant authorities, including the Congress, fully and currently informed. If there is one message that emerges time and time again about shortcomings in the Federal Government's current response to terrorism, especially bioterrorism, it is that the relevant Federal agencies don't talk to each another soon enough or completely enough. The Public Health Emergencies Accountability Act will put an end to that.

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. 1650

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

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Public Health Emergencies Accountability Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

''SEC. 319. PUBLIC HEALTH EMERGENCIES.

''(a) EMERGENCIES.—If the Secretary determines, after consultation with the Director of the Centers for Disease Control and Prevention and other public health officials as may be necessary, that—

''(1) a disease or disorder presents a public health emergency; or

''(2) a detected or suspected public health emergency, including significant outbreaks of infectious diseases or terrorist attacks involving biological, chemical, or radiological weapons, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and, acting through the Centers for Disease Control and Prevention, conducting and supporting investigations into cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2), directing the response of other Federal departments and agencies with respect to the safety of the general public and Federal employees and facilities, and disseminating necessary information to assist States, localities, and the general public in responding to a disease or disorder as described in paragraphs (1) and (2).

''(b) DETERMINATION.—A determination of an emergency by the Secretary under subsection (a) shall supersede all other provisions of law with respect to actions and responsibilities of the Federal Government, but in all such cases the Secretary shall keep the relevant Federal departments and agencies, including but not limited to the Department of Justice, the Federal Bureau of Investigation, the Office of Homeland Security, and the committees of Congress listed in subsection (f), fully and currently informed.

''(c) FULL DISCLOSURE.—In cases involving, or potentially involving, a public health emergency, but where no determination of an emergency by the Secretary, under the provisions of subsection (a), has been made, all relevant Federal departments and agencies, including but not limited to the Department of Justice, the Federal Bureau of Investigation, the Office of Homeland Security, shall keep the Secretary and the Centers for Disease Control and Prevention and the committees of Congress listed in subsection (f), fully and currently informed.

''(d) PUBLIC HEALTH EMERGENCY FUND.—

''(1) IN GENERAL.—There is established in the Treasury a fund to be designated as the ''Public Health Emergency Fund'' to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

''(2) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

''(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

''(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(f) EMERGENCY DECLARATION PERIOD.—A determination by the Secretary under subsection (a) that a public health emergency exists shall remain in effect for a time period specified by the Secretary but not longer than the 180-day period beginning on the date of the determination. Such period may be extended by the Secretary if the Secretary determines that such an extension is appropriate and notifies the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations of the Senate and the Committee on Commerce of the House of Representatives and the Committee on Appropriations of the House of Representatives.''.

By Mr. DORGAN (for himself, Mr. BROWNBACK, and Mr. CONRAD):

S. 1651. A bill to establish the United States Consensus Council to provide for consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Governmental Affairs.

Mr. DORGAN. Madam President, today I am introducing legislation that would create the United States Consensus Council. This council would be a non-profit, quasi-governmental entity that would serve both the legislative and executive branches of government. Its role would be to build agreements among stakeholders primarily on legislative issues where there are diverse and conflicting views and bring these agreements back to Congress or other decision-makers for action.

Leaders from the Administration and the Congress have worked together in recent weeks to respond to the terrorist attacks against our country. This has shown the benefit of working across party lines to develop consensus on a variety of policy issues. At a time when the Nation is unified and focused on these unprecedented challenges, the Consensus Council can help institutionalize this spirit of comity. The Council can provide ongoing support to Congress by bringing stakeholders to the table to resolve a wide range of difficult national issues.

The North Dakota Consensus Council in my home State serves as a model for this national proposal. In North Dakota, the Consensus Council has helped to find common ground on the use of grasslands in the western part of the State, the structure of judgeships across the State, and flood mitigation efforts in the Red River Valley. By bringing together all of the interested parties, the North Dakota Consensus Council was able to find solutions to problems that had previously seemed unsurmountable. Washington, DC, is ripe with opportunity for the same kind of consensus building and mediation. We can not only build on the experience of consensus building in North Dakota, but similar successes in Montana, Florida, Oregon and many other States.

The United States Consensus Council would bring people together and then help to develop recommendations. These recommendations would be advisory, subject to normal legislative or regulatory processes. The board of directors would be appointed by the President and the bipartisan Congressional leadership. The council would remain neutral on substantive policy matters.

The Council would focus primarily on issues that Congressional leaders and the White House have agreed are appropriate. These could be issues that are contentious or deadlocked, or they could be emerging issues where mediation could help to prevent later polarization.

The Council's role will be to design and conduct processes that lead to common ground on effective public policy for a particular issue. The Council could be called upon to convene key stakeholders in face-to-face meetings over time to build agreements on complex issues.

The legislation authorizes $5 million for the first year and would also allow private contributions to the Council. The Council would not be a part of the Federal Government and its employees would not be considered Federal workers.

I have long been a supporter of building consensus and finding ways to reach compromise. I believe that this legislation could help the Congress and the administration to find that middle ground. There are so many important issues that get deadlocked in Washington, and this approach will help to break that logjam. Recent weeks have shown that it can be done. I hope that this bill will allow it to happen more often. I look forward to working with my colleagues on both sides of the aisle to move this bill through the process.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1651

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 ''United States Consensus Council Act of 2001''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) throughout the Nation there is increasing success in the use of collaborative and consensus-building approaches to address critical public policy issues at the national, State, and local levels;

(2) there is a need for a national Council that can promote and conduct consensus-

building processes that primarily address legislative policy issues of national importance;

(3) such a Council may enroll specific stakeholders, both public and private, to build agreements that ultimately may be implemented by Congress, Federal agencies, or other policymaking bodies;

(4) such a Council will strive to create public policy agreements that integrate differing perspectives into highest common denominator solutions;

(5) the establishment of such a Council is an appropriate investment by the people of this Nation in a capacity that works in cooperation with Congress, the executive branch, and others and complements current public policymaking processes on selected issues;

(6) the existence of such a Council could contribute especially to resolving differences on contentious policy issues, preventing polarization on emerging policy issues and addressing issues of complexity that involve multiple parties and perspectives;

(7) the establishment of such a Council may contribute significantly to a renewed sense of civility and respect for differences, while at the same time promoting vigorous interchange and open communications among those with differing points of view; and

(8) the Council may become a repository of wisdom and experience on public policy collaboration and consensus-building that can be shared with public and private sector policymakers and the public in the interest of promoting more effective public policy and the increased use of collaborative processes.

(b) PURPOSE.—The purpose of this Act is to establish an independent, nonprofit, national Council to serve the people and the Government by constructing an adjunct to the existing legislative and regulatory process that seeks to produce consensus on Federal policy issues through collaborative processes open to key stakeholders.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) ''Board'' means the Board of Directors of the Council;

(2) ''Council'' means the United States Consensus Council established under this Act; and

(3) ''Director'' means an individual appointed to the Board of Directors of the Council.

SEC. 4. UNITED STATES CONSENSUS COUNCIL.

(a) ESTABLISHMENT.—There is established the United States Consensus Council.

(b) STATUS; RESTRICTIONS.—The Council is an independent nonprofit corporation and shall be treated as an organization described under 170(c)(2)(B) of the Internal Revenue Code of 1986. The Council does not have the power to issue any shares of stock or to declare or pay any dividends. The Council is not an agency or instrumentality of the United States.

(c) ESTABLISHMENT OF OR AFFILIATION WITH A UNITED STATES CONSENSUS COUNCIL FOUNDATION.—As determined by the Board, the Council may establish or affiliate with a nonprofit legal entity which is capable of receiving, holding, expending, and investing public or private funds for purposes in furtherance of the Council under this Act. Such legal entity may be designated as the ''United States Consensus Council Foundation''.

(d) TRADE NAME AND TRADEMARK RIGHTS; VESTED RIGHTS PROTECTED; CONDITION FOR USE OF FEDERAL IDENTITY.—

(1) IN GENERAL.—The Council has the sole and exclusive right to use and to allow or refuse others the use of the terms ''United States Consensus Council'' and ''United States Consensus Council Foundation'' and the use of any official United States Consensus Council emblem, badge, seal, and other mark of recognition or any colorable simulation thereof.

(2) UNITED STATES REFERENCES.—The Council may use ''United States'' or ''U.S.'' or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations, or appropriations, for the Council for such fiscal year provided by law.

SEC. 5. POWERS AND DUTIES.

(a) DISTRICT OF COLUMBIA NONPROFIT-CORPORATE POWERS.—The Council may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301 et seq.) consistent with this Act.

(b) DESCRIPTION OF SPECIFIC ACTIVITIES.—

(1) IN GENERAL.—Acting through the Board, the Council may—

(A) promote and advance programs based on consensus building as a complement to the current deliberative processes employed by Congress and the executive branch;

(B) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this Act;

(C) receive referrals from Congress, the President, executive departments, agencies, private groups, or organizations that request the Council's expertise in building a consensus on a particular public policy issue;

(D) coordinate with, make referrals to and receive referrals from, other consensus-building instrumentalities of the United States, including the United States Institute for Environmental Conflict Resolution or the Federal Mediation and Conciliation Service; and

(E) develop and apply assessment plans for the purpose of reviewing such referrals.

(2) CONSENSUS-BUILDING PROCESS.—Acting through the Board, the Council may, for each consensus-building process—

(A) consider such factors as issue complexity, cost, ripeness, likelihood of participation by key stakeholders, and any other relevant indices that may assist the Council in determining whether to accept a referral;

(B) identify any appropriate facilitator for the negotiation process;

(C) identify the key stakeholders involved or interested in the outcome of a particular issue, including those individuals who have the authority to implement the Council's recommendations;

(D) develop and publish a common set of facts to inform and assist consensus-building processes;

(E) establish ground rules, including matters related to confidentiality, representation of counsel, and ex parte communications;

(F) work to promote consensus among the stakeholders by methods such as negotiation, discussion, meetings, and any other process of dispute resolution;

(G) build and construct agreements among stakeholders;

(H) draft, present, and submit recommendations to the legislative, executive, or judicial body with oversight of the particular issue; and

(I) provide training and technical assistance in response to the request of a department, agency, or instrumentality of the Government to investigate, examine, study, and report on any issue within the Council's competence.

(3) OTHER ACTIVITIES.—The Council also may engage in any other activity consistent with its mission.

(c) GENERAL AUTHORITY.—The Council may do any and all lawful acts necessary or desirable to carry out the objectives and purposes of this Act.

(d) GUIDELINES FOR COUNCIL OPERATIONS.—As necessary, the Council shall develop guidelines, through its bylaws or otherwise, to address—

(1) policies relating to personal service contracts;

(2) standards to ensure that the Council, its Directors, employees, and agents, avoid conflicts of interest that may arise;

(3) fundraising policies, donor development programs, and matters related to the acceptance of private donations;

(4) the duties and responsibilities of the Council, its Board, officers, employees, and agents; and

(5) the establishment of advisory committees, councils, or other bodies, as the efficient administration of the business and purposes of the Council may require.

(e) ADMINISTRATIVE SERVICES FROM GENERAL SERVICES ADMINISTRATION.—The Council may obtain administrative support services from the Administrator of General Services and use all sources of supply and services of the General Services Administration on a reimbursable basis.

SEC. 6. BOARD OF DIRECTORS.

(a) VESTED POWERS.—The powers of the Council shall be vested in a Board of Directors unless otherwise specified in this Act.

(b) APPOINTMENTS.—The Board of Directors shall consist of 16 voting members as follows:

(1) Eight individuals, including private citizens, State or local employees, or officers or employees of the United States, appointed by the President, except that no more than 4 of such individuals may share the same political party affiliation.

(2) Two individuals, including private citizens, State or local employees, Senators, or officers or employees of the United States, appointed by the Majority Leader of the Senate.

(3) Two individuals, including private citizens, State or local employees, Senators, or officers or employees of the United States appointed by the Minority Leader of the Senate.

(4) Two individuals, including private citizens, State or local employees, Members of the House of Representatives, or officers or employees of the United States appointed by the Speaker of the House of Representatives.

(5) Two individuals, including private citizens, State or local employees, Members of the House of Representatives, or officers or employees of the United States appointed by the Minority Leader of the House of Representatives.

(c) TERM OF OFFICE: COMMENCEMENT AND TERMINATION, INTERIM AND REMAINDER SERVICE, LIMITATION.—

(1) TERM OF OFFICE.—Directors appointed under subsection (b) of this section shall be appointed to 4-year terms, with no Director serving more than 2 consecutive terms except that—

(A) as designated by the President, the terms of 4 of the Directors initially appointed under subsection (b)(1) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section;

(B) as designated by the Speaker of the House of Representatives, the terms of the 2 Directors initially appointed under subsection (b)(4) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section; and

(C) as designated by the Minority Leader of the House of Representatives, the terms of

the 2 Directors initially appointed under subsection (b)(5) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section.

(2) INTERIM SERVICE.—Any Director appointed to the Board may continue to serve until his or her successor is appointed.

(3) REMAINDER SERVICE.—Any Director appointed to the Board to replace a Director whose term has not expired shall be appointed to serve the remainder of that term.

(4) PRESIDENT OF COUNCIL.—The President of the Council shall serve as a nonvoting Director of the Board.

(d) QUALIFICATIONS.—A demonstrated interest in the mission of the Council or expertise in consensus building may be considered in appointments made under this section.

(e) REMOVAL FROM OFFICE.—A Director may be removed by a process to be determined by the Council's bylaws.

(f) MEETINGS; NOTICE IN FEDERAL REGISTER.—Meetings of the Board shall be conducted pursuant to the Council's bylaws, except as provided in the following:

(1) MEETINGS; QUORUM.—The Board shall meet at least semiannually. A majority of the Directors in office shall constitute a quorum for any Board meeting.

(2) OPEN MEETINGS.—All official governing meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of Directors present and with the vote taken in public session, which are likely to disclose information or that may adversely affect any ongoing proceeding or activity or to disclose information or matters exempted from public disclosure under subsection (c) of section 552b of title 5.

(g) COMPENSATION.—Directors shall be compensated at a rate not to exceed the daily equivalent of the rate payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which they are engaged in the performance of the duties of the Council. The Directors shall not be employees of the United States.

(h) TRAVEL EXPENSES.—While away from home or regular place of business in the performance of duties for the Board, a Director may receive reasonable travel, subsistence, and other necessary expenses.

SEC. 7. OFFICERS AND EMPLOYEES.

(a) APPOINTMENT, COMPENSATION, AND STATUS OF PRESIDENT OF COUNCIL AND OTHER OFFICERS.—There shall be a President who shall be appointed by the Board. The President shall be the chief executive officer of the Council and shall carry out or cause to be carried out the functions of the Council subject to the supervision and direction of the Board.

(1) COMPENSATION OF PRESIDENT OF THE COUNCIL.—The President of the Council shall be compensated at an annual rate of pay not to exceed the rate payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) ASSIGNMENT OF FEDERAL OFFICERS OR EMPLOYEES TO THE COUNCIL.—The Council may request the assignment of any Federal officer or employee to the Council by an appropriate executive department, agency, or congressional official or Member of Congress and may enter into an agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(3) PERSONNEL.—The President of the Council, with the approval of the Board, may appoint and fix the compensation of such additional personnel as determined necessary. The President and employees of the Council shall not be employees of the United States.

(4) COMPENSATION FOR SERVICES OR EXPENSES; PROHIBITION ON LOANS TO COUNCIL DIRECTORS AND PERSONNEL.—

(A) IN GENERAL.—No part of the financial resources, income, or assets of the Council or of any legal entity created by the Council shall inure to any agent, employee, officer, or Director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the Directors, officers, employees, and agents of the Council in amounts approved in accordance with this Act.

(B) LOANS.—The Council shall not make loans to its Directors, officers, employees, or agents.

SEC. 8. PROCEDURES AND RECORDS.

(a) MONITORING AND EVALUATION OF PROGRAMS.—The Council shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this Act to ensure that the provisions of this Act and the bylaws, rules, regulations, and guidelines promulgated under this Act are adhered to.

(b) ACCOUNTS OF RECEIPTS AND DISBURSEMENTS; FINANCIAL REPORTS.—The Council shall keep correct and complete books and records of accounts, including separate and distinct accounts of receipts and disbursements of Federal funds. The Council's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Council.

(c) MINUTES OF PROCEEDINGS.—The Council shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(d) RECORD AND INSPECTION OF REQUIRED ITEMS.—

(1) IN GENERAL.—The Council shall keep a record of—

(A) the names and addresses of its Directors, copies of this Act, and any other Act relating to the Council;

(B) all Council bylaws, rules, regulations, and guidelines;

(C) required minutes of proceedings;

(D) all applications and proposals and issued or received contracts and grants; and

(E) financial records of the Council.

(2) INSPECTION.—All items required by this subsection may be inspected by any Director or any agent or attorney of a Director for any proper purpose at any reasonable time.

(e) AUDITS.—The accounts of the Council shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Council are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Council and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(f) REPORT TO CONGRESS; COPIES FOR PUBLIC.—The Council shall provide a report to the President and to each House of Congress not later than 6 months following the close of the fiscal year for which the audit is made. The report shall set forth such statements of the Council's activities for the prior year. The report shall be made available to the public.

SEC. 9. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out this Act, there are authorized to be appropriated $5,000,000 for fiscal year 2002 and such sums as may be necessary for succeeding fiscal years.

(2) AVAILABILITY.—Funds appropriated under the authority of paragraph (1) shall remain available until expended.

(b) TRANSFER OF UNOBLIGATED FUNDS; REPORTS OF USE OF FUNDS TO CONGRESS AND PRESIDENT.—The Board may transfer to the legal entity authorized to be established under section 4(c) any funds not obligated or expended from appropriations to the Council for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of Congress and to the President.

SEC. 10. DISSOLUTION OR LIQUIDATION.

Upon dissolution or final liquidation of the Council, all income and assets appropriated by the United States to the Council, but not any other funds, shall revert to the United States Treasury.

By Mr. SANTORUM (for himself and Mr. MCCAIN);

S. 1652. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans and to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Madam President, I rise today to introduce the Sugar Program Reform Act. This bill is a continuation of my ongoing efforts to bring needed reform to Federal agriculture programs that have perpetuated Federal control over prices and production.

While the 1996 farm bill modernized Federal agriculture policy for some commodities, the sugar program, however, only realized minor reforms. As a result, trade opportunities for other agriculture producers have been hampered, and Americans have been twice affected, both as consumers and taxpayers.

A GAO report released in June 2000, presents information suggesting the Federal sugar program is not serving consumers and taxpayers well. That report, an update to a 1993 report on the same matter, estimated that the sugar program resulted in net losses to the U.S. economy of about $700 million in 1996, and about $900 million in 1998. Moreover, it found that the primary beneficiaries of the sugar program's higher prices are domestic sugar beet and cane producers who were estimated to receive benefits of about $800 million in 1996 and nearly $1 billion in 1998.

In terms of trade opportunities, the sugar program harms other agricultural producers by slowing efforts to

open foreign markets for American farm products. As long as the United States uses restrictive sugar import quotas to stiffle trade, these counties have a ready excuse not to drop their own trade barriers.

The Sugar Program Reform Act, which I am pleased to introduce with Senate MCCAIN, will finally bring major change to the sugar program. It will accomplish that goal by: reducing support prices and ending them after 2004; requiring that loans be repaid ending sugar processors' ability to turn over surplus sugar to the government instead of repaying the amounts they have borrowed; and assuring adequate supplies, requiring that import quotas be administered to maintain prices at no more than the price support level established by Congress.

When the Senate considers legislation to reauthorize farm programs, I look forward to a spirited debate on the necessity of reforming policies that have not served the best interests of taxpayers or the agricultural community at large.

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. 1652

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 ''Sugar Program Reform Act''.

SEC. 2. RECOURSE LOANS FOR PROCESSORS OF SUGARCANE AND SUGAR BEETS AND REDUCTION IN LOAN RATES.

(a) GRADUAL REDUCTION IN LOAN RATES.—

(1) SUGARCANE PROCESSOR LOANS.—Section 156(a) of the Agricultural Market Transition Act (7 U.S.C. 7272(a)) is amended by striking ''equal to 18 cents per pound for raw cane sugar.'' and inserting the following: '', per pound for raw cane sugar, equal to the following:

''(1) In the case of raw cane sugar processed from the 1996 through 2000 crops, $0.18.

''(2) In the case of raw cane sugar processed from the 2001 crop, $0.17.

''(3) In the case of raw cane sugar processed from the 2002 crop, $0.16.

''(4) In the case of raw cane sugar processed from the 2003 crop, $0.15.

''(5) In the case of raw cane sugar processed from the 2004 crop, $0.14.''.

(2) SUGAR BEET PROCESSOR LOANS.—Section 156(b) of the Agricultural Market Transition Act (7 U.S.C. 7272(b)) is amended by striking ''equal to 22.9 cents per pound for refined beet sugar.'' and inserting the following: '', per pound of refined beet sugar, that reflects—

''(1) an amount that bears the same relation to the loan rate in effect under subsection (a) for a crop as the weighted average of producer returns for sugar beets bears to the weighted average of producer returns for sugarcane, expressed on a cents per pound basis for refined beet sugar and raw cane sugar, for the most recent 5-year period for which data are available; and

''(2) an amount that covers sugar beet processor fixed marketing expenses.''.

(b) CONVERSION TO RECOURSE LOANS.—Section 156(e) of the Agricultural Market Transition Act (7 U.S.C. 7272(e)) is amended—

(1) in paragraph (1), by inserting ''only'' after ''this section''; and

(2) by striking paragraph (2) and inserting the following:

''(2) NATIONAL LOAN RATES.—Recourse loans under this section shall be made available at all locations nationally at the rates specified in this section, without adjustment to provide regional differentials.''.

(c) CONVERSION TO PRIVATE SECTOR FINANCING.—Section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i) CONVERSION TO PRIVATE SECTOR FINANCING.—Notwithstanding any other provision of law—

''(1) no processor of any of the 2005 or subsequent crops of sugarcane or sugar beets shall be eligible for a loan under this section with respect to the crops; and

''(2) the Secretary may not make price support available, whether in the form of loans, payments, purchases, or other operations, for any of the 2005 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.''; and

(3) in subsection (j) (as redesignated by paragraph (1))—

(A) by striking ''subsection (f)'' and inserting ''subsections (f) and (i)''; and

(B) by striking ''2002'' and inserting ''2004''.

(d) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) TERMINATION.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking ''sugar cane for sugar, sugar beets for sugar,''.

(e) OTHER CONFORMING AMENDMENTS.—

(1) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—

(A) DESIGNATED NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking ''milk, sugar beets, and sugarcane'' and inserting ''and milk''.

(B) OTHER NONBASIC AGRICULTURAL COMMODITIES.—Section 301 of the Agricultural Act of 1949 (7 U.S.C. 1447) is amended by inserting ''(other than sugarcane and sugar beets)'' after ''title II''.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting ''(except for the 2005 and subsequent crops of sugarcane and sugar beets)'' after ''agricultural commodities''.

(3) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph by inserting ''(other than sugarcane and sugar beets)'' after ''commodity'' the last place it appears.

(f) ASSURANCE OF ADEQUATE SUPPLIES OF SUGAR.—Section 902 of the Food Security Act of 1985 (7 U.S.C. 1446g note; Public Law 99–198) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Beginning with the quota year for sugar imports that begins after the 2000/2001 quota year, the President shall use all authorities available to the President as may be necessary to enable the Secretary of Agriculture to ensure that adequate supplies of raw cane sugar are made available to the United States market at prices that are not greater than the higher of—

''(1) the world sugar price (adjusted to a delivered basis); or

''(2) the raw cane sugar loan rate in effect under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272), plus interest.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2109. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

SA 2110. Mrs. HUTCHISON (for herself and Mr. SESSIONS) proposed an amendment to the bill H.R. 2944, supra.

SA 2111. Mr. DURBIN (for himself and Mrs. BOXER) proposed an amendment to the bill H.R. 2944, supra.

SA 2112. Mr. DORGAN proposed an amendment to the bill H.R. 2944, supra.

SA 2113. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, supra.

TEXT OF AMENDMENTS

SA 2109. Ms. LANDRIEU (for herself, and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 6, line 25, insert the following after ''inserting ''1,100''.'':

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking ''in excess of $250,000''; and

(2) by striking ''and approved by'' and all that follows and inserting a period.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

On page 12, line 7, after ''Agency,'' insert the following: ''the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region''.

Page 12, line 7, after ''and'' and before ''state'' insert the following: ''the respective''.

Page 12, line 8, after ''emergency'' and before ''plan'' insert: ''operations''.

Page 13, line 14, strike ''$500,000'' and insert: ''$250,000''.

Page 13, line 15, strike ''McKinley Technical High School'' and insert the following: ''Southeastern University''.

Page 13, line 16, strike ''Southeastern University'' and insert the following: ''McKinley Technical High School.''.

Page 13, line 14, insert after ''students;'': ''$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools;''.

Page 16, line 3, strike ''U.S. Soccer Foundation, to be used'' and insert: ''Washington, D.C. Sports and Entertainment Commission which in coordination with the U.S. Soccer Foundation, shall use the funds''.

Page 17, line 18, insert after ''families'' the following: ''and children without parents, due to the September 11, 2001 terrorist attacks on the District of Columbia,''.

Page 18, line 8, after ''*Provided*,'' and before ''That'' insert the following: ''That funds

made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2001: *Provided*,''.

Page 34, line 4, District of Columbia Funds—Public Works, insert after ''available'': ''*Provided*, That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.''.

Page 37, line 4, insert the following after ''service'': ''Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the ''District of Columbia Emergency Assistance Act of 2001'': *Provided*, That the District of Columbia shall use local funds for any payments under this heading: *Provided further*, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.''.

Page 63, line 8, after ''expended.'' insert the following new subsection:

''(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.''.

Page 68, line 6, insert the following as a new General Provision:

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001 (D.C. Act 14–106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SA 2110. Mrs. HUTCHISON (for herself and Mr. SESSIONS) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Under ''General Provisions'' insert the following new section:

SEC. . (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) If—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. §1415, 42 U.S.C. §1988, 29 U.S.C. §794a, or any other law, none of the funds appropriated under this Act, or in appropriations acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorneys' fees by prior appropriations acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. §1400 et seq.).

SA 2111. Mr. DURBIN (for himself and Mrs. BOXER) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . The limitation on attorneys fees paid by the District of Columbia for actions brought under I.D.E.A. (20 U.S.C. 1400 et seq.) (Sec. 138) shall not apply if the plaintiff's a child who is

(a) from a family with an annual income of less than $17,600; or

(b) from a family where one of the parents is a disabled veteran; or

(c) where the child has been adjudicated as neglected or abused.

SA 2111. Mr. DORGAN proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 68, between lines 4 and 5, insert the following:

SEC. 137. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

''SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SA 2113. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 68, after line 4, insert:

SEC. . The GAO, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on DC Appropriations shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Act (20 U.S.C. §1400 et. seq.). Provided further, that such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, November 7, 2001. The purpose of this hearing will be to continue markup on the next Federal farm bill.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 7, 2001, at 2 p.m., to hold a nomination hearing.

Agenda

Nominees

Panel 1: John Marshall, of Virginia, to be an Assistant Administrator (Management) of the United States Agency for International Development and Constance Newman, of Illinois, to be an Assistant Administrator (for Africa) of the United States Agency for International Development.

Panel 2: Cynthia Perry, of Texas, to be United States Director of the African Development Bank for a term of five years; Jose Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank for a term of three years; and Jorge Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank.

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

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President: I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, November 7, 2001, at 10 a.m., in Dirksen room 226, to consider the nominations of Joe L. Heaton, to be United States District Judge for the Western District of Oklahoma, Clay D. Land, to be United States District Judge for the Middle District of Georgia, Frederick J. Martone, to be United States District Judge for the District of Arizona, Danny C. Reeves, to be United States District Judge for the Eastern District of Kentucky, Julie A. Robinson, to be United States District Judge for the District of Kansas, and James Edward Rogan, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Witnesses will include Senators DON NICKLES, MITCH MCCONNELL, JAMES INHOFE, JON KYL, SAM BROWNBACK, PAT ROBERTS, MAX CLELAND, JIM BUNNING, and ZELL MILLER.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters on Wednesday, November 7, 2001, at 3:30 p.m.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, November 7, 2001, at 2 p.m., in Dirksen 226.

Tentative witness list for ''International Aviation Alliances: Market Turmoil and the Future of Airline Competition'': Donald Carty, President and Chief Executive Officer, American Airlines; Leo Mullen, Chief Executive Officer, Delta Airlines; Richard Anderson, Chief Executive Officer, Northwest Airlines; Richard Branson, Chief Executive Officer, Virgin Atlantic Airlines; Roger Maynard, Director of Alliances and Strategy, British Airways; and Larry Kellner, President, Continental Airlines.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Wednesday, November 7, 2001, at 2:30 p.m., to hold a hearing entitled ''Current and Future Weapons of Mass Destruction Proliferation Threats.''

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

USE OF CONTROLLED SUBSTANCES FOR PHYSICIAN ASSISTED SUICIDE

Mr. NICKLES. Madam President, in a memorandum issued yesterday to Drug Enforcement Administration chief Asa Hutchinson, Attorney General Ashcroft overturned a 1998 decision by Attorney General Janet Reno that allowed for the use of controlled substances for physician assisted suicide.

Until June 5, 1998, everyone understood that assisted suicide was not a ''legitimate medical purpose.'' On that date, Attorney General Janet Reno issued a letter carving out an exception for Oregon to use Federally-controlled substances for assisted suicide, a decision that overturned an earlier determination by the Drug Enforcement Administration and which was in direct conflict with 29 years of practice under the Controlled Substances Act.

Attorney General Ashcroft wrote that assisting in a suicide is not a ''legitimate medical purpose'' under federal law and determined that prescribing, dispensing, or administering federally controlled substances to assist suicide violates the Controlled Substances Act, regardless of whether State law authorizes or permits such conduct by practitioners.

This important decision restores the uniform national standard that federally-controlled substances can not be used for the purpose of assisted suicide by applying the law to all 50 states.

Federal law is clearly intended to prevent use of these drugs for lethal overdoses, and contains no exception for deliberate overdoses approved by a physician. The Controlled Substances Act requires that these substances can only be used for a ''legitimate medical purpose'' in the interest of ''public health and safety''. Assisted suicide can neither be counted as a ''legitimate medical purpose'' or in the interest of ''public health and safety.''

I have personally been a long, strong advocate of States' rights and the limited role of the Federal Government. This decision neither overturns or preempts any State legislation related to suicide. Instead, it clarifies that the dispensing of controlled substances for the purpose of assisted suicide is prohibited under longstanding federal law.

Because of Attorney General Reno's letter, for three years the federal government has been complicite in allowing the use of Federally controlled substances for the specific purpose of causing death—in my opinion, in violation of Federal law. There is no role for the Federal Government in providing assisted suicide. I compliment Attorney General Ashcroft's decision to return to the correct and only reasonable interpretation of the Controlled Substances Act. Federally controlled substances should be used for a ''legitimate medical purpose'' and not for assisted suicide.

In my opinion, this is very good news for patients and health care providers in all 50 States. Yesterday's decision encourages doctors to aggressively use Federally-controlled drugs to treat pain while making sure that one State cannot overturn Federal law. This move by Attorney General Ashcroft was absolutely the right thing to do and I applaud him for it.

A couple of other editorial comments: I heard someone say, Well, wait a minute; this directly overturns Oregon law. It does not. Conversely, the State of Oregon cannot overturn Federal law, and that is what the State of Oregon tried to do.

Federal law has been in effect for 29 years. The Controlled Substances Act goes way back, and it said the Federal Government regulates the use of these very strong and in some cases deadly drugs. The Federal law states it can only be used for a legitimate medical purpose.

The State of Oregon tried to pass by referendum a law that says these drugs can be used for assisted suicide. The Drug Enforcement Administration said they cannot be used for assisted suicide.

Attorney General Reno made a serious mistake 3 years ago when she said it was okay. She was wrong. She was overturning basically and not interpreting the law correctly, not agreeing with the Drug Enforcement Agency that said they never could be used. They reviewed it extensively. I think she made a serious mistake, and as a result some physicians in Oregon were using federally controlled drugs to assist in death.

Attorney General Ashcroft has overturned her letter. Her letter, in my opinion, was in direct contradiction of law. It was very explicit. These drugs can only be used for a legitimate medical purpose, and assisted suicide was never considered a legitimate medical purpose.

Attorney General Ashcroft has now corrected that. Somebody says he has overturned Oregon law. No. What he did was interpret the Federal statute exactly as it was written, exactly as it has been interpreted for the last 30 years, and overturned Attorney General Janet Reno's mistaken interpretation of law.

The fact is, neither Oregon nor Oklahoma can overrule Federal law. If so—we have Federal laws against cocaine—some States could say, we are going to legalize cocaine. But they cannot do that. Individual States cannot overturn Federal statutes. That is exactly what the State of Oregon tried to do. They were mistaken in their legislative approach through the referendum.

Some people say this is denying the people of Oregon their right to vote. That is not correct. The people of Oregon can vote all they want. They just cannot change public law by a public referendum. That is what they tried to do.

So again I compliment Attorney General John Ashcroft for his decision and for his memorandum to Asa Hutchinson, who is the Drug Enforcement Administration chief. I think both are doing an outstanding job, and I think the decision is good news for patients because now these drugs can be used to alleviate pain.

I still hope we will pass legislation to encourage the use of these very strong drugs to alleviate pain. We have thousands of citizens all across this country who are suffering greatly, and they should be allowed and encouraged to use these very strong drugs to alleviate the pain. If that is the purpose, that is fine. If the purpose is to cause their death by suicide, assisted by a doctor or not, that is not right. That is not allowed under this statute. This statute cannot allow these very strong drugs to be used to alleviate pain.

We should encourage that. Senator LIEBERMAN and I have introduced legislation to that end, and I hope and expect we can get that passed in the not-too-distant future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 1428

Mr. REID. Madam President, I ask unanimous consent that at 10 a.m. on Thursday, November 8, the Senate proceed to the consideration of Calendar No. 214, S. 1428, the intelligence authorization bill; that other than committee-reported amendments, all amendments be limited to relevant amendments, and any second-degree amendments be relevant to the amendment to which it was offered with the exception of the Smith of New Hampshire amendment relating to immigration deportation, and a Leahy or designee amendment on the same subject as the Smith amendment; that relevant second-degree amendments be in order to these two amendments; that upon the disposition of all amendments the bill be read a third time, and the Senate then proceed to Calendar No. 188, H.R. 2883, the House companion; that all after the enacting clause be stricken, and the text of S. 1428, as amended, if amended, be inserted in lieu thereof, the bill be read a third time and passed, the motion to reconsider be laid upon the table; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no further intervening action or debate.

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

MEASURE PLACED ON THE CALENDAR—S. 1428

Mr. REID. Madam President, I ask unanimous consent that S. 1428 be returned to the calendar.

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

ORDERS FOR THURSDAY, NOVEMBER 8, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, November 8; that 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 that the Senate begin consideration of the intelligence authorization bill.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:51 p.m., adjourned until Thursday, November 8, 2001 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 2001:

DEPARTMENT OF THE INTERIOR

REBECCA W. WATSON, OF MONTANA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE SYLVIA V. BACA, RESIGNED.

DEPARTMENT OF STATE

JOHN V. HANFORD III, OF VIRGINIA, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE ROBERT A. SEIPLE.

FEDERAL HOUSING FINANCE BOARD

FRANZ S. LEICHTER, OF NEW YORK, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2006, VICE DANIEL F. EVANS, JR., TERM EXPIRED.

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2007, VICE BRUCE A. MORRISON, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, VICE SARAH MCCRACKEN FOX, RESIGNED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 7, 2001, withdrawing from further Senate consideration the following nomination:

W. MICHAEL COX, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF LABOR, WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2001.

EXTENSIONS OF REMARKS

TRIBUTE TO LOURDES M. DENNISON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Asian-American Medical Society will be hosting the 25th Annual Asian-American Medical Society Gala on Saturday, November 10, 2001, at Avalon Manor in Hobart, Indiana. Each year, this society honors prominent, extraordinary residents of Northwest Indiana for their contributions to the community. In recognition of their tremendous efforts for the betterment of Northwest Indiana, they are honored at a banquet and awarded the prestigious Crystal Globe Award. This Saturday, Lourdes M. Dennison will be presented with the Crystal Globe Award for her dedication and devotion to her community.

Lourdes M. Dennison exemplifies the sense of selflessness that is prevalent among the citizens of Indiana's First Congressional District. Her dedication to improving the welfare of the citizens of Northwest Indiana is evident as one learns of the various organizations that are enriched by her involvement. As a registered nurse, Mrs. Dennison's abilities focus upon caring for individuals whose lives are affected by an illness or by a disability. Drawing upon the knowledge gleaned from this intimate patient/caregiver relationship, Mrs. Dennison has extended her commitment to others by serving on the boards of the Hospice of Calumet Region, the Lake Area United Way, the Tradewinds Rehabilitation Center, and the Saint Mary Medical Center Foundation. In addition, she served as the past president of the Lake County Medical Auxiliary.

Mrs. Dennison offers her services and time to other professional organizations as well. She has been involved with the Women's Association of the Northwest Indiana Symphony Society, with the Endowment Board of Northern Indiana Arts Association, and with the Indiana Dunes Environmental Learning Center, all of which play an essential part in the cultural development of the First Congressional District. Furthermore, in spite of her taxing schedule, Mrs. Dennison received her real estate education from Indiana University, a feat that has allowed her to be an active partner in real estate developments in both Lake and Porter counties. While the above mentioned endeavors consume a significant amount of her time, Mrs. Dennison manages to serve on the Catholic Board of Trustees. The medical, cultural, and religious communities of Northwest Indiana are all enriched by her active participation.

By recognizing the efforts of Mrs. Dennison, a native Filipino, the Asian-American Medical Society offers to the Asian-American community a role model whose achievements have contributed significantly to the betterment of Northwest Indiana. As a testament to her professionalism, she was granted the honor of being named a lifetime member of the Philippine Professionals Association. Her success is to be applauded.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Lourdes M. Dennison for receiving the 2001 Crystal Globe Award from the Asian-American Medical Society. Her service and dedication inspire us all to greater deeds.

100TH ANNIVERSARY OF THE McKINLEY BAPTIST CHURCH, WILLOW GROVE, PENNSYLVANIA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today in celebration of the one hundredth anniversary of the McKinley Baptist Church in Willow Grove, Pennsylvania. The church has had a long commitment to serving the spiritual needs of the community.

The McKinley Memorial Baptist Church was established in 1901. The founding members of the church named it in honor of the late President William McKinley. The church began as a prayer group with the original members belonging to the Salem Baptist Church in Jenkintown, Pennsylvania. The new church members met at the home of A.T. Cottom to organize a new church, which would be formally recognized as a Baptist Church in June, 1902. The church began a new era in 1970 under the inspiring leadership of the Reverend Lowell M. McCown, Sr.

Through the years both the McKinley Church family and the programs offered have grown in Christian brotherhood. The church continues its tradition of developing and sponsoring community outreach programs. These include the Youth Scholarship Fund, the President's Council, the Board of Christian Education, the Missionary Circle, the Young Adult Ministry, and the Drama Ministry.

In 1976, McKinley Memorial Baptist Church created the Willow Grove Senior Citizen Center and named Pastor McCown as its executive director. The Center serves the needs of the elderly in the community, providing them with an atmosphere of Christian fellowship.

Throughout its history, McKinley Baptist Church has served the needs of many parishioners. It has been successful in bringing many people together in Christian brotherhood. As one of the oldest churches in Montgomery County, it stands as a pillar of strength and prosperity in the Willow Grove community. It is a privilege to recognize McKinley Memorial Baptist on its one hundredth anniversary.

PETER B. MARSHALL, 2001 WACHUSETT CHAMBER OF COMMERCE ''PERSON OF THE YEAR''

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. McGOVERN. Mr. Speaker, I rise to honor Peter B. Marshall of West Boylston, Massachusetts, an outstanding citizen of the 3rd Congressional District. Mr. Marshall was selected the 2001 ''Person of the Year'' by the Wachusett Chamber of Commerce. He was chosen from three dozen nominees based upon his dedication, hard work, and commitment to improving the quality of life for everyone in the Waschusett Chamber area. Mr. Marshall has contributed and continues to play an important role in the community. He served as President of the Clinton Rotary Club, and Chairman of the Wachusett Chamber of Commerce. Currently, he is Corporator of the Clinton Savings Bank, a member of the Clinton Hospital Foundation, and Chairman of the Clinton High School-Nypro First Partnership. Those who nominated him describe Mr. Marshall as a leader who brings out the best in others and a man of integrity and passion for his family and community. Mr. Marshall has been instrumental in the success of the Clinton High School-Nypro participation in the First Science & Robotics program which has grown into an international event. Because of his leadership in this endeavor, the partnership has received many prestigious awards including a national championship in this event.

Mr. Marshall recently retired as Vice President after 25 years with Nypro, Inc., a world renowned injection molding company based in Clinton, Massachusetts. He has been a vital part of that company which is ranked in the top ten among North American injection molding companies with annual sales of over 600 million dollars. Mr. Marshall is truly deserving of recognition for his professional accomplishments and community leadership. I would like to join his family, friends, and business colleagues in paying tribute to him for his exceptional service and offer my very best wishes for the future.

HONORING MID VALLEY PACKAGING

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. RADANOVICH, Mr. Speaker, I rise today to honor Mid Valley Packaging on the occasion of their 21st year anniversary. Mid Valley Packaging has been a supplier of quality packaging since its inception in 1980.

Mid Valley Packaging is a distributor of agricultural and industrial packaging supplies. Their business is a great service in an area

where agriculture and agriculture distribution supplies are very necessary and important.

Husband and wife John and Lorrie Gahvejian started Mid Valley Packaging in January of 1980. The Gahvejian's began as the first two employees of Mid Valley Packaging.

Today, Mid Valley Packaging employs over 50 people out of their headquarters in Fowler, California. Mid Valley Packaging has always been located in the quaint city of Fowler, which is famous for their abundant raisin production.

John and Lorrie's business philosophy has always been to offer customers the highest level of service combined with the most competitive price. Much of their growth can be attributed to their willingness and ability to respond quickly to their customer's needs.

Mid Valley Packaging has been recognized by many vendors and customers as a leader in the packaging industry. In 1997, the Fowler Chamber of Commerce selected Mid Valley Packaging as the ''Industry of the Year.''

Mr. Speaker, I rise to pay tribute to Mid Valley Packaging on the occasion of their 21st year anniversary celebration. I urge my colleagues to join me in honoring Mid Valley Packaging and wishing the Gahvejian family many more years of continued success.

EAST BAY CENTER FOR THE PERFORMING ARTS CELEBRATES 33RD ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to commend the East Bay Center for the Performing Arts on the occasion of its 33rd Anniversary. Each year, East Bay Center programs benefit more than 25,000 members of the ethnically diverse, low-income, inner-city communities in and around Richmond, California. Since its founding in 1968, East Bay Center has directly touched the lives of over 700,000 people. Its Art and Public Education Outreach Program reaches an average of 2,500 students per week in 24 schools in two school districts. Center faculty, staff and board members reflect the community they serve in terms of ethnicity, economic background and family structure. Together, the staff and faculty speak more than 15 languages.

The Center nurtures a critical range of minority and mainstream arts, including over 12 culturally distinct repertoire forms, and sustains nine culturally distinct Resident Companies providing 30–40 low or no-cost performances each year. Those resident companies are: Iron Triangle Theater, Richmond BLOCO, Son de la Tierra, Mien Legends, My View Film Crew, Richmond Jazz Collective, Youth West African Music And Dance Ensemble, Richmond Chamber Ensemble, and Richmond Ballet Theater. The Center's Living the Mission programs involve the Center in ongoing partnerships with social service providers such as group homes, domestic violence agencies, homeless shelters, and juvenile hall.

The East Bay Center for the Performing Arts has been the recipient of many awards and honors over the years. Among those recently received by the Center are: a ''2001 Youth to Youth Award'' from the San Francisco Foundation's Youth Initiative Leadership Program; ''2001 Community Impact Award'' from the Iron Triangle Neighborhood Council and Community Collaborative; ''1999 Coming Up Taller Award'' supported by the President's Commission on the Arts and the Humanities and the National Endowment for the Arts, ''1999 Cyril Magnin Award for Outstanding Achievement in the Arts'' presented by the Business Arts Council, a project of the San Francisco Chamber of Commerce; ''Governors Award for Community Service for 1999'' from the Board of Governors of the San Francisco Chapter of the National Academy of Recording Arts and Sciences (NARAS); and ''1998 Honor Roll Winner'' in the category of ''Communities that are Safe and Provide a High Quality of Life'', awarded by the Contra Costa Children and Families Policy Forum.

Mr. Speaker, I commend the East Bay Center for the Performing Arts for its commitment to excellence and its efforts to ensure that the opportunities for a quality education in the arts should be available to all persons, regardless of background, age, physical disabiilty, previous experience or ability to pay standard fees. I applaud the Center for its efforts to engage the arts, which speak to our common humanity, as a vehicle for social reconciliation and social change.

CONGRATULATIONS TO CHURCH WOMEN UNITED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and high regard that I congratulate a very special group of women within Indiana's First Congressional District. On Friday, November 9, 2001, the members of Church Women United of Gary, Indiana will be holding their Recognition Dinner at Turkey Creek Banquet Facilities in Merrillville, Indiana.

Church Women United is a national ecumenical movement of Christian women whose life centers around prayer, Bible study, advocacy and action. Founded in 1951, Church Women United is organized in over 1,400 local and state units in the United States and Puerto Rico.

The members of Church Women United are Protestant, Roman Catholic, Orthodox and other Christian women who are called by the Holy Spirit to act for justice on behalf of women and children throughout the global community. Biblically based through their shared Christian faith, the women are gifted by their diversity of race, economics, age, culture and theology.

Church Women United brings Christian women together for spiritual nourishment and faith based advocacy. The Church Women United local and state units are active in a broad spectrum of community ministries, including prison ministries, food pantries, tutoring and child care, and job skills training. On a national level, Church Women United works in coalition with partner groups around common issues and concerns.

On Friday, the Gary Chapter of Church Women United will honor all of its past presidents for their devotion to Christianity. Those being honored include: Clara Guster Nicholson, elected in 1971; Mary Glidewell, elected in 1980; Mynette Cope, elected in 1987; Maxine Watts Levels, elected in 1992; Velma Richardson, elected in 1996; Susie Threatt, elected in 1999; and current president, Madlyn C. Adams, elected in 2001. These women have come together in fellowship to witness to their faith in Jesus Christ and, enabled by the Holy Spirit, to go out together in every neighborhood as instruments of reconciling love.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the past presidents of Church Women United of Gary, Indiana for their strong commitment to social justice, to human rights, to civil rights and to the welfare and benefit of women and children so that all may flourish.

HONORING GUIDO J. MARTINELLI, MONTGOMERY COUNTY, (PENNSYLVANIA) CHAMBER OF COMMERCE OUTSTANDING CITIZEN AWARD

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Guido J. Martinelli, who has been awarded the Montgomery County, (Pennsylvania) Chamber of Commerce ''Outstanding Citizen Award,'' for his many years of dedicated service to his community.

Guido was born and raised in Conshohocken, Pennsylvania as the fourth of five children of Italian immigrants. After graduating from Norristown High School in 1955, he took a position with the Montgomery-Norristown Penn Trust which was the forerunner of the PNC bank. He quickly ascended through the ranks of the bookkeeping departments, advancing all the way to assistant branch manager and then was granted the first corporate title of assistant secretary. Guido received numerous promotions culminating with the rank of branch manager of the Continental Bank, in Norristown. He retired from PNC Bank in 1998 after forty-three years' service. But his retirement did not last long as he accepted the position of vice president in business development with the Progress Bank where he still is currently employed.

In addition to his stellar career in the financial services sector, community service has been extremely important to Guido. He currently serves on the board of the Montgomery County Chamber of Commerce and has been active with the organization for seventeen years. He currently serves as a board member of the Senior Adult Activities Center of Montgomery County. He participates in the Norristown Lions Club, the Norristown Rotary Club and the Meals on Wheels program.

Guido and his wife Janet have been married for forty years. They are the proud parents of three children and three grandchildren.

I am pleased and honored to present this award to Guido Martinelli. His dedication to his community is commendable.

HONORING SUPERVISOR SHARON LEVY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Fresno County Supervisor Sharon Levy for her years of dedicated service to the community.

Sharon Levy was first elected to the Fresno County Board of Supervisors in 1975 and was reelected for a 7th term in March of 1996. She served as Governor Deukmejian's Appointee to the State Board of Corrections and currently serves as a member of Fresno County Children & Families First Commission (Chairman), Fresno County Transportation Authority, San Joaquin River Conservancy, Selma-Kingsburg-Fowler County Sanitation, Fresno Rotary, Board of Governors of the California State University (Fresno Foundation), Airport Land Use Commission, Co-Chairman of Adult Volunteer Crossing Guard Program, COG Rail Committee, Domus Mitis Foundation.

Supervisor Levy's past committee and board Memberships include: Fresno County Planning Commission, Workforce Development, Fresno Convention Visitors Bureau, Philharmonic Board, Valley Children's Hospital Board, Past-President of Jr. League of Fresno, Past-President of Women's Symphony League, Past-President of Mallock PTA, Former Den Mother.

Sharon is married to Joe Levy. They have three children and 8 grandchildren.

Mr. Speaker, I rise to pay tribute to Sharon Levy for her active and distinguished community involvement. I urge my colleagues to join me in wishing Sharon Levy many more years of continued success.

TRIBUTE TO MR. EUGENE A.R. MONTGOMERY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Eugene A.R. Montgomery who was a longtime friend and mentor. Mr. Montgomery was a true champion of civil rights, a reputable leader in the business and real estate arenas, and an inspiration to all members of his community. The Eugene A.R. Montgomery Foundation at South Carolina State University carries on the legacy of service that Mr. Montgomery began and cultivated throughout his lifetime.

I commend the Eugene A.R. Montgomery Foundation for helping students with dreams of entering the business world turn those dreams into reality. Through programs that provide incentives for young African-Americans pursuing careers in entrepreneurial business—particularly the fields of real estate and insurance—the Foundation also encourages students to remain sensitive to the civil issues surrounding them. The mission of the foundation is one which seeks to foster and encourage the success, commitment, and character that Mr. Montgomery exemplified with his many accomplishments and achievements.

As an active participant in the landmark Clarendon County school desegregation case, Briggs vs. Elliott—one of the five cases which became Brown vs the Board of Education of Topeka, Kansas, Mr. Montgomery demonstrated tremendous courage and determination. He worked very closely with Thurgood H. Marshall coordinating many activities of the plaintiffs and the NAACP attorneys.

He served as the First Executive Secretary of the South Carolina Branches of the NAACP, Treasurer of the Orangeburg NAACP, and was a Life Member of the NAACP. He was a faithful member of Trinity United Methodist Church, a partner in the first black-owned real estate and insurance company in Orangeburg, South Carolina, and owner of Montgomery and Company Insurance Company. He was a Postal Service retiree, a Mason, and an active member of the Veterans of Foreign Wars (VFW).

A former member of the Orangeburg Zoning and Appeals board, the Human Rights Council, the South Carolina Governor's School for the Arts, Junior Achievement, and a founder of the National Association for Real Estate Brokers, Mr. Montgomery was a member of the Orangeburg Chamber of Commerce and the Orangeburg School District Five Foundation Committee at the time of his death in 1996.

Mr. Montgomery was a fine citizen in every respect. His wife Georgia continues much of his ideas and ideals today with her own community service endeavors and support of the Foundation named in his honor.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to Eugene A.R. Montgomery, whose life's visions live on and continue to foster and encourage young people through the Eugene A.R. Montgomery Foundation. I wish the Foundation good luck and Godspeed in carrying out the visions and honoring the legacy of a fine American who exemplified the concept of leading by example.

60TH ANNIVERSARY OF BOYD HOSPITAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Boyd Hospital on this, the 60th Anniversary of its service to Carrollton and Greene County, Illinois.

For over half a century, the Boyd Hospital has been administering to the needs of the people of Carrollton and the surrounding areas. And they have been successful; in this last year alone, they have admitted hundreds of patients to their full-time care and helped thousands more on an outpatient basis. Moreover, Boyd also has a strong physical therapy program and a crack ER staff—this hospital has undoubtedly saved many hundreds of lives. Especially in these troubled times, it is comforting for the people of Carrollton to know that they are being served by such a skilled institution.

Over the last sixty years, the staff of Boyd Hospital has acted with care, compassion, and competence. And though the deeds themselves are perhaps reward enough for the staff of Boyd Hospital, I think it appropriate that on this special day they are recognized.

So, on behalf of the people of Carrollton and of the great State of Illinois, I would like to thank them for their efforts—they are greatly needed and greatly appreciated. As a token of that appreciation, I would like to list some of their names here for the CONGRESSIONAL RECORD: Dr. Adams, Dr. Reid, Dr. Turpin, Dr. Mapue, Dr. Khalisia, Dr. Parcon, Dr. Casleton, Dr. Voights, Dr. Harmon, Dr. McNeer, Dr. Dizon, Dr. Palcheff, and Deb Campbell.

Thank you all, and may God bless you and your work.

RESERVISTS EDUCATION PROTECTION ACT OF 2001

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I am pleased to introduce the Reservists Education Protection Act of 2001. Original cosponsors of this legislation include my good friend Lane Evans (D–IL), the Ranking Democratic Member of the VA Committee and 31 other Members of the House. This bill would reinstate VA educational entitlement to certain Active Duty servicemembers and veterans in reserve components called up for Operation Enduring Freedom and future national emergencies.

Up to 10,000 of the 50,000 Reservists recently called to active duty by President Bush as a result of the September 11th attacks against the United States would lose educational assistance entitlement if they are forced to disenroll from school. Many of them would also lose the tuition they paid.

The Reservists Education Protection Act of 2001 would restore monthly entitlement to (a) veterans in reserve components who are using the Montgomery GI Bill (MGIB) earned by prior active duty, and (b) regular Active Duty servicemembers and veteran reservists who are transferred to a new duty station or assignment.

The Reservists Education Protection Act of 2001 would cover any such servicemember involved in a national emergency after September 11, 2001. (Note: Reservists using the MGIB-Selected Reserve program already have entitlement restoration benefits, and additional time to use their benefit.)

Active Duty servicemembers and veterans are currently entitled to 36 months of educational benefits; this bill assures that no entitlement is lost due to mobilization. The Reservists Education Protection Act of 2001 is similar to the relief that Congress provided during the Persian Gulf War.

The servicemember would also regain time to attend school by extending their Montgomery GI Bill delimiting date by their mobilization tour of duty, plus four months, to the 10 years that they already have. For example, if a servicemember is mobilized for six months, he or she would have 10 months added to their delimiting date.

Active Duty servicemembers and veterans enrolled in the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) (chapter 32) and Survivors and Dependants Educational Assistance (chapter 35) would also be included in the Reservists Education Protection Act of 2001.

EXPAND EFFECTIVENESS OF U.S. BROADCASTING

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. BLUMENAUER. Mr. Speaker, today we adopted H.R. 2998 authorizing the establishment of Radio Free Afghanistan to create a surrogate radio broadcasting service in Afghanistan. I am a cosponsor of this legislation and I look forward to its serving as a valuable complement to the important contribution already made by the Voice of America (VOA). We need to increase and improve our public diplomacy in the Arabic-speaking world. We can reach millions and provide fair, accurate information about America, its principles and policies by increasing our VOA broadcasting in this way.

A constituent of mine who is an Arabic linguist has written to me regarding his thoughtful idea about how we can better utilize information we already receive and make it even more useful in our information-sharing efforts here and abroad.

The Smith-Mundt Act (22 U.S.C. 1461) should be amended to allow the release of materials such as manuscripts upon request and further assist U.S. linguists to receive these materials. As we respond to the events of September 11, I believe this modification would expand the effectiveness of VOA and allow qualified private institutions greater access to information so vital for intercultural exchange.

I urge my colleagues' consideration of allowing this greater use of the information we are already receiving, and will be working to accomplish this through my membership on the House International Relations Committee.

CONGRATULATING MARIO G. OBLEDO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to Honor Mario G. Obledo for receiving the Lifetime Achievement Award from the City of Orange Cove. Mr. Obledo received the award at a ceremony held on July 20, 2001.

Obledo has an extensive educational background as well as a long career in public service. He received a degree in pharmacy in 1957. Three years later he earned a Doctor of Law degree. Mr. Obledo served as Assistant Attorney General for the State of Texas, and also served as Secretary of Health and Welfare in the State of California. He has also served as a member of the faculty at Harvard Law School.

Along with his time in public office and teaching in the classroom, Mr. Obledo is active in several community organizations. He is the co-founder and president of the National Hispanic Bar Association and the Mexican-American Legal Defense Fund. He was national president of the League of United Latin American Citizens and co-founded the Southwest Voter Registration Project.

Mr. Obledo has received several prestigious awards. In 1998, he received the Presidential Medal of Freedom, the highest civilian award in the United States. He also received Mexico's highest civilian award to a foreigner. He was Pharmaceutical Planning Service, Inc.'s Distinguished Person of the Year in 1999 and in the same year was given the National Hispanic Hero Award by the United States Hispanic Leadership Institute.

Mr. Speaker, I congratulate Mario G. Obledo for receiving the Lifetime Achievement Award from the City of Orange Cove. I urge my colleagues to join me in wishing Mr. Obledo many more years of continued success.

PERSONAL EXPLANATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidable detained from the House of Representatives on November 6, 2001. I therefore missed Rollcall votes Nos. 426, 427, and 428. Had I been present, I would have voted ''yes'' on all three items. And I ask for unanimous consent that my votes and remarks be included in the proper place in the RECORD.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. FOSSELLA. Mr. Speaker, on Rollcall No. 428, I was unavoidably detained. Had I been present, I would have voted ''yea''.

RECOGNIZING MARCIA CAMPBELL MATHEWS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Marcia Campbell Mathews for being named a Farm Advisor Award finalist by the Friends of Agricultural Extension. The Friends of Agricultural Extension will recognize Marcia at their annual awards dinner.

Marcia is the Stanislaus County Agronomy Farm Advisor. She has developed a program on the subject of the ''Use of Dairy Lagoon Water as a Nutrient Source for Crops.'' Through her program she has developed practical tools, such as a Nitrogen Quick Test and a flow meter/valve configuration, to help crop producers evaluate nutrient levels achieved by the application of manure products. Marcia is continuing to refine and promote the use of these procedures, as well as several other valuable nutrient management techniques.

Mr. Speaker, I congratulate Marcia Campbell Mathews for being named a Farm Advisor Award finalist by the Friends of Agricultural Extension. I urge my colleagues to join me in wishing Marcia Mathews many more years of continued success.

ADDITIONAL COSPONSORS FOR H.R. 3167

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. BEREUTER. Mr. Speaker, due to House Rules, unfortunately there were several Members of Congress who wanted to cosponsor, H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act of 2001, but were unable to be officially listed by the House Bill Clerk under our House Rules. The distinguished gentleman from Texas [Mr. THORNBERRY], the distinguished gentleman from Maryland [Mr. WYNN], the distinguished gentleman from Pennsylvania [Mr. BORSKI] and the distinguished gentleman from New York [Mr. SWEENEY] all contacted my office to cosponsor; however, their names were not added as cosponsors since the House International Relations Committee reported the bill on November 5th. This Member regrets that they were not added, but wants to recognize their intentions in this fashion.

COURT RULING ON PROJECT LABOR AGREEMENTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to commend the United States District Court for the District of Columbia for upholding the rights of workers and preventing the President from arbitrarily unilaterally, and unfairly restricting those rights.

On February 17, 2001, President Bush issued Executive Order 13202 prohibiting Federal agencies or recipients of federal funds from entering project labor agreements, prehire agreements that typically establish wages and working conditions for the employees of contractors and subcontractors on a construction project. Bush's Executive Order was permanently enjoined today in a decision issued today by Judge Emmet G. Sullivan. The lawsuit overturning the Executive Order, Building and Construction Trades Department, AFL–CIO, et al., v. Joe M. Allbaugh, Director Federal Emergency Management Agency, et al., was brought by the Building and Construction Trades Department, the City of Richmond, California and the Contra Costa County Building and Construction Trades Council. My congressional district includes Richmond and Contra Costa County.

Today's decision is a clear victory for working Americans. The court found that project labor agreements are expressly protected by the National Labor Relations Act and that the President's Executive Order harms workers by altering the bargaining power between employers and unions. In effect, by trying to impose new limits on the right of the workers to bargain collectively, the President was undermining the ability of workers to protect and improve their wages and working conditions. In our system of government, however, a President may not unilaterally undermine the laws that Congress has enacted. The District Court's decision is a victory for due process

and the rule of law as well as the rights of workers.

I strongly commend the Mayor and City Council of Richmond and the Contra Costa County Building and Construction Trades Council and its president, Greg Feere, all of whom I am proud to represent in Congress, as well as the Building and Construction Trades Department of the AFL–CIO, for their role in standing up for the rights and well being of workers.

PROCLAMATION FOR DAVID ANTHONY FUCALORO

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young men, David Fucaloro. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on Friday, December 7th 2001.

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. Fucaloro, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Edward and his family.

EXPRESSING APPRECIATION TO THE COUNTRY OF TURKEY

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. WYNN. Mr. Speaker, I rise to introduce a resolution to express my appreciation for Turkey's offer to provide special forces in support of Operation Enduring Freedom—the war against terrorism.

As a member nation of the North Atlantic Treaty Organization located closest to Afghanistan, Turkey is the first Muslim country to offer direct military participation in Operation Enduring Freedom. Turkey's offer is further proof that our coalition against terror is not a war against Islam, but a war against evil.

Mr. Speaker, during this critical time of international cooperation, it is encouraging to see Turkey, a key Muslim ally, offer to join forces with our forces to combat a heinous world evil—terrorism. I welcome this offer and urge the passage of this resolution.

FRANCE'S LAW AFFECTS FREEDOM OF WORSHIP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I take this opportunity to salute France's historic leadership in the defense of human rights. After the events of September 11th, as freedom-loving people wrestle with the scourge of terrorism, they will look to countries like France to see whether the torch of human rights is being held high. Therefore, mindful of France's historic work and current commitments to defend human rights, it was with remorse and surprise that I observed this summer the National Assembly's approval of the law for the ''Prevention and Repression of Cultic Movements.''

As participating States of the Organization for Security and Cooperation in Europe (OSCE), France and the United States share the commitment and responsibility to observe and uphold religious freedom, including the right of the individual to profess and practice religion or belief. Through my work as Co-Chairman of the U.S. Helsinki Commission, I am alarmed by recent developments in Europe that impinge on this fundamental freedom. Recently, it would appear that certain OSCE friends and allies have forgotten that religious movements can play a positive role in society, providing impetus for important social change. For instance, the role of the Catholic Church in Poland during the cold war or the activism of some churches and religious leaders in the Southern United States during the Civil Rights Movement offered vital moral and ethical guidance and support.

Mr. Speaker, particularly in Western Europe, we have observed an increase in laws calibrated specifically to target religious groups. The United States shares with Western Europe core values regarding human dignity and rights, and we gratefully acknowledge Western Europe's traditional openness toward religious minorities. However, the development of ''anti-cult '' laws threatens this tradition.

At the same time, I understand and appreciate the dangers of criminal activity operating under the guise of religion. However, I strongly believe that any religious movement violating the rule of law should be prosecuted using mainstream law enforcement tools, as opposed to special laws or extra-judicial investigations not in harmony with the core values enshrined in the OSCE's Helsinki Final Act and other international documents regarding human dignity and rights. In sum, I am concerned about vaguely crafted government regulations against religious organizations and adherents that serve to foster intolerance against individuals because of their beliefs.

In France, such a law entered into effect this summer.

Provisions of the law, Mr. Speaker, provide governmental entities and private citizens the ability to apply civil and criminal sanctions against any so-called ''cult'' or its de facto leader. Other extensive powers include the removal of basic civic freedoms if an individual is found guilty of using ''techniques likely to alter judgment.'' Despite the law's obvious bent against minority faiths, its broad powers, combined with the vague wording, could permit arbitrary application and abuse.

Overall, I find the creation of such a law, especially in a mature democracy like France, alarming and incongruent with the nation's long history of supporting human rights. I had the opportunity this past summer to meet with the President of the National Assembly, Mr. Raymond Forni, as well as one of the key author's of the bill, Mme. Catherine Picard, and shared with them these concerns. Considering France's position as a world leader, this domestic action will cause repercussions elsewhere, such as in emerging democracies which will have and look to French leadership on these matters.

Often, the U.S. Government and Congress are criticized for ''meddling'' in the internal affairs of another sovereign nation. I feel certain detractors in France will level the same argument. However, the OSCE Moscow Concluding Document (1991) speaks directly to this issue, declaring ''The participating State emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of international order. *They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension * * * are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned*.'' [emphasis added]

Mr. Speaker, religious believers in France have already offered concerns about the effects of the new French law on their right to profess and practice their faith in their own country. Statutes of this nature, which target individuals with unpopular belief systems, are antithetical to democracies in the twenty first century. Accordingly, I join them in urging French authorities to fully respect France's commitments as an OSCE participating State when implementing the new law.

AFGHAN WOMEN'S RESOLUTION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce a resolution commending the work of organizations led by Afghan women that are providing substantial education, health and relief services during a time of humanitarian crisis in Afghanistan. This resolution also urges the President to ensure that any new government established in Afghanistan include women as full and active participants.

Since 1996, when the Taliban regime took over, the women of Afghanistan have lived in absolute fear. To be a woman in Afghanistan

under the Taliban's rule is to be considered little more than chattel. Women are banned from receiving an education, holding a job or engaging in conversations outside the home. They can be arrested for venturing outside their house without a male relative or stoned to death if they are married and accompanied by an unrelated male. The Taliban enforces these draconian decrees in a brutal and capricious fashion that does not begin to resemble due process or a fair judicial system.

Prior to the Taliban's rule, women held careers as doctors, nurses, and teachers. They were free to exercise their rights as citizens, move about, and speak freely. Many of them were considered leaders in their communities, educated, and well-respected. Since 1996, these women have gone into hiding. They are forced to be mere shadows of their former selves.

To women like myself who live in a free democracy, these severe restrictions of movement, speech, and dress are unimaginable. And, without question, the laundry list of blatant human rights violations would not be tolerated against any other population in the world, particularly not in the United States. So how can we, as decent, intelligent people stand by and watch?

Thankfully, a few courageous organizations led by Afghan women are taking action. These organizations are often clandestine in nature and strive to improve the status of women and girls in Afghanistan through underground circles. At this time, it is by their valiant efforts alone that many women and girls in Afghanistan have received an education or health and relief services.

One of the most prominent examples of such an organization is the Revolutionary Association of the Women of Afghanistan, or RAWA. Established in 1977, this organization offers relief to the women and girls of Afghanistan by running primary and secondary schools for refugee girls, creating mobile health teams in Pakistan, and running handicrafts, carpet and tailoring workplaces.

Engaging in these modest activities, however, is only one way in which RAWA serves Afghan women. Despite the risk to their own lives, many RAWA activists have also carried video cameras under their burqas to record executions of Afghan women and other similar punishments. In many cases, these videotapes have been the key to exposing the inhuman acts of the Taliban and proving to the Western world that these women need help.

While efforts like RAWA's relieve some of the worst excesses of the Taliban's regime, however, they do not fix the problem. Afghan women will never regain their freedom in the future unless a constitutional democracy is restored in Afghanistan and Afghan women play a leadership role in rebuilding their country.

Fortunately, for the first time since the Taliban regime took over, the U.S. is in a strong position to make this happen and to provide substantial help to Afghan women.

As our government fights to eliminate the Taliban and those who support them in Afghanistan, we must ensure that not only are the rights of women and girls in Afghanistan preserved, but that their full citizenship is restored.

In addition, we must call upon the U.S. government and the United Nations to provide direct funding to these Afghan women's organizations. If provided, this funding would strengthen their ability to deliver services and to enhance their role in fostering a more civil society. Finally, we must urge the Administration to encourage any new government in Afghanistan to include women as leaders.

After five years of enduring the wrath of the Taliban regime, it is time to restore basic human rights to all Afghan people, especially women and girls, and to end these repressive policies. The women of Afghanistan have proven their ability to lead; they simply need the opportunity to exercise it.

Mr. Speaker, on behalf of Rep. ROS-LEHTINEN and myself, I am proud to introduce H.Res_____and urge my colleagues to support it.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Ms. KILPATRICK. Mr. Speaker, due to personal business in my District, I am unable to be present for legislative business scheduled for today, Wednesday, November 7th. Had I been present, I would have voted ''aye'' on (1) Rollcall No. 429, H.R. 2998, the Radio Free Afghanistan Act; (2) Rollcall No. 430, H.R. 852, designating the Nathaniel R. Jones and Frank J. Battisti Federal Building and Courthouse; (3) Rollcall No. 431, H.R. 3167, the Gerald B. H. Solomon Freedom Consolidation Act; and (4) Rollcall No. 432, H. Con. Res. 262.

TRIBUTE TO DR. LEE HARTWELL

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. INSLEE. Mr. Speaker, I rise today to pay very special tribute to a truly outstanding individual from Seattle, Washington. On October 8, 2001, Dr. Lee Hartwell, president and director of the Fred Hutchinson Cancer Research Center, was awarded the Nobel Prize in Physiology or Medicine 2001 for his pioneering work in yeast genetics.

Dr. Hartwell's three-decade devotion to the study of and his insight into yeast cells provide the foundation for understanding how normal cells divide and the mechanisms leading to the uncontrolled growth of cancer cells. He has consistently contributed experimental and theoretical insights. Thanks to Dr. Hartwell's groundbreaking efforts, scientists have a fundamental understanding of how cancer cells mutate. This research is allowing the development of approaches that predict, prevent or reverse that mutation so that someday we can develop cancer cures. Today, the yeast related research of Dr. Hartwell and his colleagues is being used at the Fred Hutchinson Cancer Research Center to develop drugs for use against cancer and other diseases.

Dr. Hartwell is a man of great accomplishment. After earning B.S. at the California Institute of Technology and a Ph.D. from the Massachusetts Institute of Technology, he did postdoctoral work at the Salk Institute for Biological Studies. In 1968 he joined the University of Washington's faculty and, since 1973, has been a professor of genetics at that institution. He joined the faculty of Seattle's Fred Hutchinson Cancer Research Center in 1996 and became its president and director in 1997.

Dr. Hartwell is the recipient of many honors including the Albert Lasker Basic Medical Research Award, the Gairdner Foundation International Award and the Alfred P. Sloan Award in cancer research. The 2001 Nobel Prize in Physiology or Medicine is the ultimate recognition of his life's work.

I ask my colleagues to join me in saluting Dr. Lee Hartwell, a man whose dedication and achievements are a credit to the State of Washington, our country, and indeed the world.

A TRIBUTE TO ELIE WIESEL ON THE OCCASION OF HIS RECENT ARTICLE IN ''PARADE'' WITH REGARD TO TERRORISM AND RESISTANCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. GILMAN. Mr. Speaker, the evil, despicable, barbaric terrorist acts that are still producing fear among the people of our country—and the tragic scale of which we still have not fully realized—were not motivated by the zeal we usually associate with individual acts of crime. These acts were not committed with the purpose of enrichment. They are not logical responses to America's actions, real or imagined, abroad. Rather, they were the result of a kind of deep hatred towards our freedom loving life style and our proud democratic traditions.

This hatred is almost incomprehensible to the modern mind. As my good friend author Elie Wiesel has recently eloquently pointed out, the terrorism we have until now experienced is only the tip of the iceberg. If the terrorists could, they would take us all out. Their hatred is an all-encompassing drive to deprive mankind of freedom and safety. The terrorists do not intend to stop halfway.

Elie Wiesel, the holder of numerous academic titles, recipient of many distinguished honors and awards—among them the Nobel Prize for Peace in 1986—and author of several world renowned books, was only fifteen years old when he and his family were deported by the Nazis to the Aushwitz concentration camp. His mother and younger sister perished while only his two older sisters survived. He wrote about his experiences in the death camps in his internationally acclaimed memoir, ''Night,'' and in 1978, President Jimmy Carter appointed him as Chairman of the President's Commission on the Holocaust.

A dedicated supporter of Israel, Elie Wiesel has also seen it as his duty to defend the causes of various persecuted minority groups. For this reason, in 1986 along with his wife, Marion Wiesel, he established the Elie Wiesel Foundation for Humanity. Through his indefatigable efforts Mr. Wiesel has continuously reminded us of our duty to hold life sacred, to honor liberty, fairness and peace and to resist fanaticism in whatever shape we might encounter it. In submitting to the CONGRESSIONAL

RECORD Mr. Wiesel's contemplative reflections on the nature of resistance that he recently contributed to ''Parade'' I desire not only to inform my colleagues of his views, but also to pay tribute to his remarkable service to mankind.

In the spirit of Elie Wiesel, the resolve that America, since September 11, has implemented in its struggle to free the world of this terrible hatred has been a source of bipartisanship and unity. We must continue to work towards this end, in this same spirit.

[From Parade Magazine, Oct. 26, 2001]

WE CHOOSE HONOR

(By Elie Wiesel)

None of us will ever forget that sunny day in September when the United States was subjected to a manmade nightmare: a heinous terror attack unprecedented in contemporary history. It will remain shrouded in mourning in the violated memory of our country.

Would this terrible act drive us apart, I asked myself, or draw us together as a nation?

My wife and I were in a taxi in midtown Manhattan. We looked with disbelief at the gigantic clouds of smoke and ashes hanging over the lower part of the city. We listened to the radio and couldn't understand what we heard. Suddenly our hearts sank: Someone we love worked on Wall Street. Cell phones remained mute. At home, we found a message: He was all right.

Glued to television like so many others, we watched the first pictures. They were both surreal and biblical: the flames, the vertical collapse and disappearance of the world's two proudest towers. Many of us were stunned into silence. Rarely have I felt such failure of language.

I remember what I was thinking: ''That's madness, madness.'' Two banal words, like an accursed mantra. Sheer madness. Terrorists wanted to die in order to spread death around them. They demanded neither ransom nor concessions. They proclaimed no belief and left no testament. But then what did they wish to affirm, negate or prove? Simply that life is not worth living? Some observers insisted that they were ''courageous,'' since they wanted to die. I disagree: They wanted to kill and to do so anonymously. It would have taken more courage to live and explain why they had chosen murder.

More questions, many of them, came later: Faced with such immense suffering, how can one go on working, studying and simply living without sinking into despair? How is one to vanquish the fear that infiltrated our very existence? And how are we to console the families and friends of the more than 5000 victims?

The pictures of missing victims, the sobbing of relatives, the farewell words on cell phones, the sight of hardened journalists weeping . . . Days and days elapsed, and the devastated site was still reminiscent of war-torn Europe in 1945.

I checked history books for a semblance of precedent for this terror. There may be one. In the 11th century, a certain Hasan-e Sabbāh founded a secret small sect of assassins in Persia. Known as the Messengers of Death, they roamed around Islam clandestinely for years before fulfilling their mission. They killed people they did not know, for motives they themselves did not comprehend. Is Osama bin Laden a reincarnation of Husan-e Sabbāh? No. Those times and those violent ''dreamers'' are gone. The 21st century will not be theirs.

Why, then, the mass murder now? A human earthquake, it was caused by people whose faith had been perverted. There can be no justification for it. Can it be explained? Yes, by hatred. Hatred is at the root of evil everywhere. Racial hatred, ethnic hatred, political hatred, religious hatred. In its name, all seems permitted. For those who glorify hatred, as terrorists do, the end justifies all means, including the most despicable ones. If they could, fanatics of violence would slaughter all those who do not adhere to their ideological or religious principles. But this they cannot achieve and so they resort to simply arousing fear, the goal of terrorists since they emerged in history.

Only this time, they failed. The American people reacted not with fear and resignation but with anger and resolve. Here and there it was misguided and misdirected: Individual Muslims were assaulted and humiliated. That was and is wrong. Collective blame is unwarranted and unjust. Islam is one of the world's great religions and most of its believers in our country are good and decent citizens. That had to be said and our leaders said it.

On the highest level of government, President Bush immediately charted the right path to follow by declaring war against terrorist leaders and all those who harbor and aid them. His address before the joint session of Congress made the American people experience a moment of greatness. The Senate and the House made us proud. Democrats and Republicans spoke with one voice. The White House, the State Department, the Pentagon lost no time in preparing for the battle to come. In a very short while, our entire nation and its allies were mobilized to wage a new world war whose aims are to identify, uproot, disarm and apprehend all those who were and are directly, or indirectly, linked to terrorist practitioners of mass murder.

One thing is clear: By their magnitude as well as by their senselessness, the terrorist atrocities constitute a watershed. Yes, life will go back to normal; it always does. But now there is a before and an after. Nothing will be the same. The political philosophy of governments, the national economy, the concern over security, the psychology of citizens, the weight of comradeship and hope: Everything has changed. One will not, as before, take a plane without considering the possibility of sabotage. Nor will one look at his or her neighbors without suspicion. We may never visit Lower Manhattan without pangs of sadness; we all know of someone who perished simply because he or she was there.

But the American people did not bend. Never have they been more motivated, more generous. Their behavior was praised the world over. Instead of trying to save themselves, men and women, young and old, ran to Ground Zero to offer assistance. Some stood in line for hours to donate blood. Hundreds of thousands of sandwiches, sodas and mineral waters were distributed. Those who were evacuated from their buildings were offered food and shelter by neighbors and strangers alike. Rudy Giuliani, the most admired New Yorker of the day, appealed in vain over radio and television for volunteers to stay away; they kept coming. And then, one had to see the outpouring of affection and gratitude toward policemen and firefighters to believe it.

And so, the terrorists achieved the opposite of what they wanted. They moved people to transcend themselves and choose that which is noble in man.

For in the end, it is always a matter of choice. Even when faced with the murderous madness of criminals, and in the presence of the silent agony of their victims, it is incumbent upon us to choose between escape and solidarity, shame and honor. The terrorists have chosen shame. We choose honor.

I belong to a generation that thinks it knows all that is possible to know about the thousand manners of dying but not about the best way of fighting death. And I know that every death is unjust, that the death of every innocent person turns me into a question mark. Human beings are defined by their solidarity with others, especially when the others are threatened and wounded. Alone, I am on the edge of despair. But God alone is alone. Man is not and must not be alone.

If the terrorists believe they can isolate their living targets by condemning them to fear and sadness, they are mistaken. Americans have never been as united.

Nor has our hope been as profound and as irresistibly contagious.

RADIO FREE AFGHANISTAN ACT OF 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Ms. MILLENDER-McDONALD of California. Madam Speaker, I rise in full support of H.R. 2998, ''The Radio Free Afghanistan Act,'' of which I am an original cosponsor. This legislation creates a ''Radio Free Afghanistan'' under Radio Free Europe/Radio Liberty (RFE/RL). It will revive the broadcasts that RFE/RL conducted when the Soviets invaded Afghanistan during the Cold War. Europe is very familiar with the challenges of broadcasting to Afghanistan, and it has the institutional knowledge necessary to perform these broadcasts and get them up and running quickly. This bill authorizes the funds necessary to allow broadcasting into Afghanistan for 12 hours a day. This vital legislation will provide the voice the US currently lacks within the region.

At the present time there is no alternative to the hateful propaganda that is being aired in support of Afghani terrorism. One such example is a bogus story that reported that 4,000 Jews did not go to work on Sept. 11th at the World Trade Center. This false information insinuates that Israel is somewhat responsible for the attacks—unfortunately these lies are not being responded to. The Afghan people deserve an alternative to listen to—the truth.

Prior to September 11, tragic conditions existed in Afghanistan. The Afghanis had endured their worst drought in 30 years, 23 years of military fighting, and oppressive and barbaric treatment of women and minorities by the Taliban regime. All of these circumstances contributed to massive numbers of Afghan refugees who migrated to Pakistan. Some 3.5 million Afghan refugees fled to Pakistan, two million to refugee camps and 1.5 million to the cities and villages. Since September 11, the number of people attempting to flee Afghanistan and its cities has increased dramatically, and the plight of refugees and displaced persons has become even more perilous. These figures are a prime example of why the people of Afghanistan need to know the truth—that America stands in support of their freedom and is not the cause of their strife. They need to know that humanitarian aid is just that and nothing more.

Author Henry Peter Brougham once said ''Education makes people easy to lead, but difficult to drive; easy to govern, but impossible to enslave.'' The people of Afghanistan

are being enslaved because they have no access to accurate information. We must empower the people of Afghanistan, counter the lies and false propaganda, and allow free flowing the factual information to be presented to Afghanis. ''Radio Free Afghanistan,'' will allow us to do just that.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mrs. CAPPS. Mr. Speaker, I was detained in returning from my district last night due to delays in my flights and missed three votes. Had I been here I would have made the following votes: Rollcall Nos. 426—''aye'', 427—''aye'', 428—''aye.''

IN RECOGNITION OF THOMAS J. NOWIERSKI, R.PH., M.PH AND ROSE MARIE POVEROMO, BEING HONORED BY THE TAMINENT REGULAR DEMOCRATIC CLUB, INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Thomas J. Nowierski and Rose Marie Poveromo who are being honored on November 3, 2001 at this year's annual Taminent Regular Democratic Club, Inc. dinner and dance. Taminent's two honorees have made outstanding contributions to the civic life of the community.

For twenty-five years, Thomas J. Nowierski has served this community's pharmacological needs. He opened his first pharmacy, Ravenswood Drugs, in the Ravensview projects in Long Island City. He purchased Astoria Chemists at Astoria General Hospital, now known as The Mount Sinai Hospital of Queens, three years later.

In 1984, he opened Chris Drug, named for his daughter Christine, at Astoria Medical Group. Mr. Nowierski established one of the first programs in the state where seniors could receive information about their medications free of charge, in various languages.

Mr. Nowierski has spent much of his career working to address the needs of others. This is precisely what led him to open the Western Queens Dialysis Center almost two years ago. His goal was to ensure that patients in need of dialysis can get the quality of care they require.

Over the last decade Thomas Nowierski has worked on behalf of the Variety Boys and Girls Club. He became President of its Board of Directors in 1999. Tom has also dedicated his time and energy to SHAREing & CAREing, work he has done largely in memory of his late mother who battled breast cancer.

For two decades Rose Marie Poveromo has been a dedicated community activist in Astoria and Jackson Heights. A native New Yorker, she owns and operates Rose Marie Realty, while also working as an aide to City Council Speaker Peter Vallone.

She served as President of the United Community Civic Association for 9 years, during which time she organized one of the most successful Town Hall Meetings coordinated by a civic association in Queens County, with more than 600 residents participating to discuss community needs and concerns. She also organized a ''Community Health Fair,'' which attracted over 700 attendees. Rosemarie is a tireless advocate for a better quality of life in Queens, and I have often worked with her on issues relating to the noise and congestion generated by the airports.

Rose Marie Poveromo has also served her community in numerous other capacities. She was a member of Community Board #1, Vice-President of the Astoria Heights Homeowners and Tenants Association and Vice President of Kiwanis Club of Jackson Heights. She currently serves on the Queens Borough President's Air Monitoring Task Force and the Queens Borough President's Aviation Advisory Council.

Mr. Speaker, today I ask that my colleagues join me in honoring Thomas J. Nowierski and Rose Marie Poveromo for their contributions to their community.

A TRIBUTE TO THE LATE HONORABLE MARY WARREN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in recognition of the Honorable Mary Warren for her life long commitment to serving her community.

Sadly, Mary passed away suddenly on this past Sunday, November 4, 2001. She began her long career in community service with the New York City Housing Authority (NYCHA). During her thirteen years at NYCHA, Mary held a variety of positions; she worked as a Community Associate, Community Liaison, and Community Service Aide. She was an expert on New York City Housing programs. While she worked for NYCHA, she volunteered for her East New York community as the spokesperson for the Community Police Precinct Council. In addition, she organized tenant patrols, youth patrols, and led her tenant association.

After a rewarding career at NYCHA, I was able to lure Mary and her housing expertise to my staff as my Special Assistant. In this role, Mary proved herself to be an outstanding advocate on behalf of community residents. Also, she was a tireless worker, organizing events, working with constituents, and acting as my liaison to groups and agencies concerning crime, drugs, and, most importantly, housing.

Of course, Mary's service to her community never ended at the end of the work day, she also continued to be involved with both the youth and elderly in her community. As the Community Relations Associate for the Wartburg Lutheran Home for the Aging, Mary developed and implemented marketing strategies to increase participation for Meals-on-Wheels, Adult Day Health Care, Senior Housing and at the nursing home itself. This effort required the ability to work closely with people from the community of all different backgrounds, an area in which Mary excelled. Her outgoing personality served her well as the Recreation Specialist for the New York City Parks Department's Brownsville Recreation Center. Here, she served as Program Coordinator and Registration Supervisor for the various school and summer programs.

In addition, Mary had five children, 15 grandchildren, and one great-grandchild and was still an active volunteer in her Brooklyn community. She served as the District Leader for the 40th Assembly District for three terms. Finally, as a testimonial of her passion for providing affordable housing to her community and her devotion to the children of East New York, she served as the President of the Long Island Baptist Tenant Association at Unity Plaza Housing for over 20 years.

Mr. Speaker, the Honorable Mary Warren devoted her life to serving her community on all levels and was an invaluable member of the community and my staff. She will truly be missed. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring the life of this truly remarkable community leader.

TRIBUTE TO STATE SENATOR PAULA J. CARTER

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. CLAY. Mr. Speaker, I rise today to express my profound sadness over the passing on Monday of Missouri State Senator Paula J. Carter, one of Missouri's most distinguished and respected public servants. She was a powerful force in the state legislature and represented her St. Louis constituents well during her combined 15 years of service in the Missouri Senate and House of Representatives.

Paula Carter was a dear friend of a former colleague of mine in the Missouri General Assembly, and her passing is a tremendous loss to those of us who had the privilege of serving with her. She will be greatly missed.

Paula Carter began her career as a public servant in 1984, when she was elected Committeewoman of the 27th Ward in St. Louis and two years later she was elected to her first term in the Missouri House of Representatives. While in the House, she became an outspoken champion of the poor, the disabled and the disenfranchised, and she worked tirelessly to make Missouri government more caring and responsive to our state's neediest citizens. Through her efforts in the House, Missouri improved its assistance and care of those with mental illness and disabilities, and expanded employment and educational opportunities for women and minorities.

In March 2000, Senator Carter was elected to the Fifth Senate District seat in a special election and subsequently re-elected to her first full term in November 2001. She wasted little time in making her presence felt in the upper chamber. She served on the Senate Appropriations Committee; the Civil and Criminal Jurisprudence Committee; the Insurance and Housing Committee; and the Aging, Families and Mental Health Committee. She also served as President of the Missouri Legislative Black Caucus.

Despite her illness, just two months ago in a special legislative session, Paula Carter played an instrumental role in the passage of

a critical prescription drug benefit plan for Missouri senior citizens. As always, Paula Carter never let her own physical limitations get in the way of her commitment to helping those less fortunate.

So on behalf of the Missouri delegation of the U.S. House of Representatives, I want to offer our deepest sympathies and condolences to the family of Senator Paula Carter. She will be greatly missed, both in our state capital and in her beloved City of St. Louis, but her legislative legacy and accomplishments will endure in the thousands of people she touched through her leadership and determination.

TALIBAN HUMAN RIGHTS ABUSES NOT COMPARABLE TO CIVILIAN DEATHS RESULTING FROM U.S. BOMBING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the October 27, 2001, editorial from the Omaha World-Herald entitled ''Taliban Atrocities.''

Despite its great efforts to prevent civilian deaths in Afghanistan, the U.S. will inadvertently kill some civilians as it continues its bombings against Taliban-held areas. The civilian deaths which have already occurred (and those which likely will occur) certainly and very obviously are not part of a concerted scheme to kill the Afghan people. They are (and will be) an unfortunate consequence of the war on terrorism and those who continue to harbor terrorists. Unfortunately, civilian deaths simply are a part of any war.

Contrast that fact with the conditions, as outlined in the editorial, which the Taliban has inflicted upon the Afghan people.

Mr. Speaker, it is critical that the U.S. win not only the war on terrorism but also the media war to uncover the horrific human rights abuses systematically implemented by the Taliban against the Afghan people.

[From the Omaha World-Herald, Saturday, October 27, 2001]

TALIBAN ATROCITIES

(By John Cottschalk)

The Taliban's ambassador to Pakistan sounded a hypocritical note when he claimed that the United States is carrying out genocide against the Afghan people.

On the contrary, the United States has gone to great lengths to minimize civilian casualties. Although accidental bombings of residential structures have occurred, military analyst William Arkin noted in The Washington Post that for U.S. military planners, ''avoidance of civilian casualties has become institutionalized even to the point of rejecting important targets if there is a high probability of civilian harm.''

The Taliban's claim of the moral high ground is further undermined by the fact that it is using Afghan civilians as human shields by relocating its military hardware into schools and mosques.

It is especially brazen of the Taliban to pose as a champion of human rights, considering the horrors it has imposed on the Afghan people in recent years. Here are only a few incidents in the lengthy inventory of human rights abuses by the Taliban:

In January of this year, the organization Human Rights Watch reports, the Taliban conducted a summary execution of 300 civilian adult males after it retook the town of Yorkaolang.

In September 2000, Taliban forces used bombs, shells and cluster munitions indiscriminately against residential areas in the town of Taloquan and surrounding villages before capturing the area, according to statements by refugees.

In May 2000, Taliban forces summarily executed at least 200 prisoners near a mountain pass northwest of the town of Pul-i Khumri.

In August 1998, the Taliban captured Mazar-i Sharif, a strategic city in northern Afghanistan. Here is how Human Rights Watch described the Taliban's subsequent actions:

''Within the first few hours of seizing control of the city, Taliban troops killed scores of civilians in indiscriminate attacks, shooting noncombatants and suspected combatants alike in residential areas, city streets and markets. Witnesses described it as a 'killing frenzy' as the advancing forces shot at 'anything that moved.' ''

Anti-Taliban guerrilla groups, including fighters for the Northern Alliance now supported by the United States, by no means have a spotless human rights record either. Over the past decade, such forces have attacked residential areas with artillery fire and carried out summary executions of Taliban soldiers and suspected supporters, according to Human Rights Watch.

Such considerations indicate the difficulties that lie ahead in erecting a stable, democratic government in Afghanistan in the post-Taliban era.

As for the Taliban, it stands damned by its own disreputable actions. In light of its appalling record, it has no moral standing to lecture the United States about respect for human life and protection of innocent civilians.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 8, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 13

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine how the Immigration and Naturalization Service processes persons arrested for illegal entry into the U.S. outside ports of entry.
SD–342

10 a.m.
Judiciary
To hold hearings to examine homeland defense issues, focusing on sharing information with local law enforcement.
SD–226

NOVEMBER 14

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the nomination of Kathleen Burton Clarke, of Utah, to be Director of the Bureau of Land Management, Department of the Interior.
SD–366

10:30 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold joint hearings to examine improvement processes concerning airline security.
SD–342

Foreign Relations
Business meeting to consider pending calendar business.
SD–419

2 p.m.
Environment and Public Works
Superfund, Toxics, Risk, and Waste Management Subcommittee
To hold hearings on S. 1602, to help protect the public against the threat of chemical attack.
SD–406

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold oversight hearings to examine the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.
SD–366

Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine hawala—referring a creditor to a third party to receive his/her money; and underground terrorist financing mechanisms.
SD–538

NOVEMBER 15

9:15 a.m.
Governmental Affairs
To hold oversight hearings to examine the Medicare payment policies for ambulance services of the Centers for Medicare and Medicid Services of the Department of Health and Human Services.
SD–342

Daily Digest

HIGHLIGHTS

Senate passed District of Columbia Appropriations Act.

House committees ordered reported 11 sundry measures.

The House passed H.R. 3167, Gerald B.H. Solomon Freedom Consolidation Act.

Senate

Chamber Action

Routine Proceedings, pages S11505–S11566

Measures Introduced: Ten bills were introduced, as follows: S. 1643–1652. **Pages S11548–49**

Measures Reported:

S. 942, to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002, with an amendment in the nature of asubstitute. (S. Rept. No. 107–94) **Page S11548**

Measures Passed:

District of Columbia Appropriations Act: By 75 yeas to 24 nays (Vote No. 331), Senate passed H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, after taking action on the following amendments proposed thereto: **Pages S11505–44**

Adopted:

Landrieu/DeWine Amendment No. 2109, making certain technical corrections. **Page S11507**

By 51 yeas to 49 nays (Vote No. 329), Hutchison/Sessions Amendment No. 2110, to cap the allowable fees an attorney may charge when challenging special education placement in the District of Columbia. **Pages S11515–29**

By 73 yeas to 26 nays (Vote No. 330), Durbin/Boxer Amendment No. 2111, to provide for certain exceptions to the limitations on fees an attorney may charge when challenging special education placement in the District of Columbia. **Pages S11529–31**

Dorgan Amendment No. 2112, to provide for mandatory advanced electronic information for air cargo and passengers entering the United States. **Pages S11531–32**

Landrieu/DeWine Amendment No. 2113, to direct the General Accounting Office to provide a report detailing the awards in judgement rendered that were in excess of the caps on the allowable fees an attorney may charge when challenging special education placement in the District of Columbia. **Page S11532**

Rejected:

Allen Amendment No. 2107, to prohibit the use of local funds to carry out needle exchange programs in the District of Columbia. (By 53 yeas to 47nays (Vote No. 328), Senate tabled the amendment.) **Pages S11507–15**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Landrieu, Durbin, Reed, Inouye, DeWine, Hutchison, and Stevens. **Page S11544**

Aviation Security Bill: Senate disagreed to the amendment of the House to S. 1447, to improve aviation security, agreed to the House request for a conference thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Hollings, Inouye, Rockefeller, Kerry, Breaux, Dorgan, Wyden, McCain, Stevens, Burns, Lott, Hutchison, and Snowe. **Page S11510**

Intelligence Authorization Agreement: A unanimous-consent agreement was reached providing for consideration of S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and certain amendments to be proposed thereto, at 10 a.m., on Thursday, November 8, 2001. Further,

that the bill be advanced to third reading, the Senate then proceed to H.R. 2883 (House companion measure), that all after the enacting clause be stricken, the text of S. 1428 as amended, if amended, be inserted in lieu thereof, that the House bill be read a third time, passed; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S11565**

Nominations Received: Senate received the following nominations:

Rebecca W. Watson, of Montana, to be an Assistant Secretary of the Interior.

John V. Hanford III, of Virginia, to be Ambassador at Large for International Religious Freedom.

Franz S. Leichter, of New York, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2006.

Allan I. Mendelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2007.

Dennis P. Walsh, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2004.

Pages S11565–66

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

W. Michael Cox, of Georgia, to be an Assistant Secretary of Labor, which was sent to the Senate on October 18, 2001. **Page S11566**

Messages From the House: **Page S11548**

Measures Referred: **Page S11548**

Additional Cosponsors: **Page S11549**

Statements on Introduced Bills/Resolutions: **Pages S11550–62**

Additional Statements: **Page S11548**

Amendments Submitted: **Pages S11562–64**

Authority for Committees to Meet: **Page S11564**

Record Votes: Four record votes were taken today. (Total—331) **Pages S11515, S11529, S11531, S11535**

Adjournment: Senate met at 10 a.m., and adjourned at 5:51 p.m., until 10 a.m., on Thursday, November 8, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11565.)

Committee Meetings

(Committees not listed did not meet)

NEW FEDERAL FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee met and approved Title III (Trade) of S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, and to ensure consumers abundant food and fiber.

Committee will meet again tomorrow.

BUDGET AND EMERGENCY DEFICIT

Committee on the Budget: Committee met and began consideration of S.J. Res. 28, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, but did not take final action thereon, and recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of John Marshall, of Virginia, to be Assistant Administrator for Management, and the nomination of Constance Berry Newman, of Illinois, to be Assistant Administrator for Africa, both of the United States Agency for International Development, Cynthia Shepard Perry, of Texas, to be United States Director of the African Development Bank, Jose A. Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank, and Jorge L. Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank, after the nominees testified and answered questions in their own behalf. Mr. Marshall was introduced by Senators Allen and Hagel, Ms. Newman was introduced by Senator Stevens and District of Columbia Delegate Eleanor Holmes Norton, and Mr. Fourquet was introduced by Senators Torricelli and Corzine.

WPD PROLIFERATION

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine current and future weapons of mass destruction proliferation threats, focusing on key policy instruments including

international treaties, multilateral export control arrangements, U.S. export controls, and security assistance to other countries, after receiving testimony from Joseph A. Christoff, Director, International Affairs and Trade, General Accounting Office; Michael L. Moodie, Chemical and Biological Arms Control Institute, Jonathon B. Tucker, Monterey Institute of International Studies, Rose Gottemoeller, Carnegie Endowment for International Peace, Richard T. Cupitt, Center for International Trade and Security, and James A. Lewis, Center for Strategic and International Studies, all of Washington, D.C.; and Gary Milhollin, University of Wisconsin Project on Nuclear Arms Control, Madison.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Joe L. Heaton, to be United States District Judge for the Western District of Oklahoma, Clay D. Land, to be United States District Judge for the Middle District of Georgia, Frederick J. Martone, to be United States District Judge for the District of Arizona, Danny C. Reeves, to be United States District Judge for the Eastern District of Kentucky, Julie A. Robinson, to be United States District Judge for the District of Kansas, and James Edward Rogan, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, after the nominees testified and answered questions in their own behalf. Mr. Heaton was introduced by Senators Nickles and Inhofe, Mr. Land was introduced by Senators Cleland and Miller, Mr. Martone was introduced by Senator Kyl, Mr. Reeves was introduced by Senators McConnell and Bunning, and Ms. Robinson was introduced by Senators Brownback and Roberts.

INTERNATIONAL AVIATION ALLIANCES

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings to examine international aviation alliances, focusing on market turmoil and the future of airline competition, after receiving testimony from Donald J. Carty, American Airlines, Fort Worth, Texas; Leo F. Mullin, Delta Air Lines, Atlanta, Georgia; Richard Anderson, Northwest Airlines, Eagan, Minnesota; Richard Branson, Virgin Atlantic Airways Limited, West Sussex, England; Roger Maynard, British Airways, London, England; and Larry Kellner, Continental Airlines, Inc., Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 3240–32; and 6 resolutions, H.J. Res. 73; H. Con. Res. 264–265, and H. Res. 278, 280–281 were introduced. **Pages H7908–09**

Reports Filed: Reports were filed today as follows:

H. Res. 279, waiving points of order against the conference report on H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, (H. Rept. 107–273). **Page H7908**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shaw to act as Speaker pro tempore for today. **Page H7855**

Guest Chaplain: The prayer was offered by the Rev. Dr. John S. Reist, Jr., Professor of Christianity and Literature, Hillsdale College, Hillsdale, Michigan and Pastor of Somerset Congregational Church of Somerset, Michigan. **Page H7855**

Foreign Operations Appropriations—go to Conference: The House disagreed with the Senate amendment to H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Kolbe, Callahan, Knollenberg, Kingston, Lewis of California, Wicker, Bonilla, Sununu, Obey, Lowey, Pelosi, Jackson of Illinois, Kilpatrick, and Rothman. **Page H7859**

Suspensions: The House agreed to suspend the rules and pass the following measures that were debated on Nov. 6:

Radio Free Afghanistan: H.R. 2998, amended, to authorize the establishment of Radio Free Afghanistan (agreed to by a yea-and-nay vote of 405 yeas to 2 nays, Roll No. 429); **Pages H7859–60**

Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse, Youngstown, Ohio: H.R. 852, to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse'' (agreed to by a yea-and-nay vote of 410 yeas with none voting ''nay'', Roll No. 430); and **Pages H7860–61**

Preservation of Anti-Dumping and Countervailing Duty Laws: H. Con. Res. 262, expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries (agreed to by a yea-and-nay vote of 410 yeas to 4 nays, Roll No. 432). **Page H7877**

Committee Election: The House agreed to H. Res. 278, electing Representative Lynch to the Committees on Government Reform and Veterans' Affairs. **Page H7861**

Gerald B. H. Solomon Freedom Consolidation Act: The House passed H.R. 3167, to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, by a yea-and-nay vote of 372 yeas to 46 nays, Roll No. 431. **Pages H7865–77**

Earlier, the House agreed to H. Res. 277, the rule that provided for consideration of the bill by voice vote. **Pages H7861–65**

Recess: The House recessed at 1:55 p.m. and reconvened at 4:36 p.m. **Page H7882**

Commerce, Justice, State Appropriations—Motion to Instruct Conferees: Representative Rohrabacher gave notice of his intent to offer a motion to instruct conferees on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, to insist on the language contained in Section 626 of the House-passed bill and Section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Justice Department or the State Department to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or force labor. **Page H7894**

Senate messages: Messages received from the Senate appear on pages H7855, H7880–81, H7907–08.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear on pages H7859–60, H7860–61, H7876–77, H7877. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:36 p.m.

Committee Meetings

ENSURING DOMESTIC SECURITY

Committee on the Budget: Held a hearing on Ensuring Domestic Security: Issues and Potential Costs,. Testimony was heard from David M. Walker, Comptroller General, GAO; and the following members of the U.S. Commission on National Security/21st Century: former Speaker Newt Gingrich, State of Georgia; and former Representative Lee H. Hamilton, State of Indiana.

FTC—CHALLENGES FACING

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled ''Challenges Facing the Federal Trade Commission.'' Testimony was heard from Timothy J. Muris, Chairman, FTC.

PHYSICAL SECURITY—NIH AND CDC FACILITIES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''HHS Inspector General's Review of Physical Security at NIH and CDC Facilities.'' Testimony was heard from the following officials of the Department of Health and Human Services: Janet Rehnquist, Inspector General; Virginia Bales, Deputy Director, Program Management, Centers for Disease Control and Prevention; and Stephen A. Ficca, Associate Director, Research Services, NIH.

TERRORISM RISK PROTECTION ACT

Committee on Financial Services: Ordered Reported, as amended, H.R. 3210.

DOD MEDICAL READINESS

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs, and International Relations hearing on ''Chemical and Biological Defense: DoD Medical Readiness.'' Testimony was heard from Nancy Kingsbury, Managing Director, Applied Research and Methods, GAO; and William

Winkenwerder, M.D., Assistant Secretary, Health Affairs, Department of Defense.

AFGHANISTAN'S FUTURE

Committee on International Relations: Held a hearing on the Future of Afghanistan. Testimony was heard from public witnesses.

ANTI-HOAX TERRORISM ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 3209, Anti-Hoax Terrorism Act of 2001. Testimony was heard from the following officials of the Department of Justice: James F. Jarboe, Section Chief, Counterterrorism Division, Domestic Terrorism, FBI; and James Reynolds, Chief, Terrorism and Violent Crime Section, Criminal Division.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported, as amended, the following bills: H.R. 2828, Klamath Basin Emergency Operation and Maintenance Refund Act of 2001; and H.R. 3208, to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection..

OVERSIGHT

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on the views and vision of the Under Secretary, Natural Resources and Environment, Department of the Interior. Testimony was heard from Mark Rey, Under Secretary, Natural Resources and Environment, Department of the Interior.

CONFERENCE REPORT—VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and against its consideration . The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Walsh and Mollohan.

SPACE STATION TASK FORCE REPORT

Committee on Science: Held a hearing on the Space Station Task Force Report. Testimony was heard from Sean O'Keefe, Deputy Director, OMB; and a public witness.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 525, amended, Preparedness Against Domestic Terrorism Act of 2001; H.R. 2841, to designate the building located at 1 Federal Plaza in New York, New York the "James L. Watson United States Court of International Trade Building;" H.R. 2972, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse;" H.R. 3093, to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse;" H.R. 2546, Real Interstate Driver Equity Act of 2001; H.R. 2776, to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex;" S. 378, to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center."

The Committee also approved miscellaneous public building resolutions.

RETIREMENT SECURITY ADVICE ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 2269, Retirement Security Advice Act of 2001.

Joint Meetings

AVIATION SECURITY

Conferees met and began to resolve the differences between the Senate and House passed versions of S. 1447, to improve aviation security, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(*For last listing of Public Laws, see* DAILY DIGEST, November 6, 2001, *p. D 1106*)

H.R. 182, to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System. Signed November 6, 2001. (Public Law 107–65)

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 8, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to mark up S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, 10:30 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Treasury and General Government, to hold hearings to examine the financial conditions of the U.S. Postal Service, 10 a.m., SD–124.

Committee on Armed Services: to hold hearings on the nomination of R. L. Brownlee, of Virginia, to be Under Secretary of the Army; the nomination of Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and the nomination of Peter B. Teets, of Maryland, to be Under Secretary of the Air Force, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Conrad Lautenbacher, Jr., of Virginia, to be Under Secretary of Commerce for Oceans and Atmosphere, 2:30 p.m., SR–253.

Committee on Environment and Public Works: business meeting to consider pending calendar business, 2 p.m., SD–406.

Committee on Finance: business meeting to mark up the Economic Recovery and Assistance for American Workers Act of 2001, proposed as a substitute for H.R. 3090, to provide tax incentives for economic recovery, 2 p.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of 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; the nomination of Christopher Bancroft Burnham, of Connecticut, to be Assistant Secretary of State for Resource Management; the nomination of Sichan Siv, of Texas, to be an 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 on the Economic and Social Council of the United Nations; and the nomination of Richard S. Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, 10 a.m., SD–419.

Committee on the Judiciary: business meeting to consider S. 1630, to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; S. 986, to allow media coverage of court proceedings; S. Res. 23, expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian; the nomination of Terry L. Wooten, to be United States District Judge for the District of South Carolina; and the nomination of John P. Walters, of Michigan, to be Director of National Drug Control Policy, 10 a.m., SD–226.

House

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing on Impact Aid: Ensuring All Children Receive a Quality Education, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform, hearing on ''The Status of Insurance Restitution for Holocaust Victims and Their Heirs,'' 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on ''Intellectual Property Litigation,'' 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following measures: H.R. 1071, National Sea Grant College Program Authorization Enhancement Act; and the National Sea Grant College Program Act Amendments of 2001, 10 a.m., 1324 Longworth.

Committee on Science, hearing on the Decontamination of Anthrax and Other Biological Agents, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing entitled ''EPA Rulemaking: Do Bad Analyses Lead to Irrational Rules?'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on Right-to-Know after September 11, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on the Response by Charitable Organizations to the Recent Terrorist Attacks, 9:30 a.m., 1100 Longworth.

Subcommittee on Social Security and the Subcommittee on Oversight and Investigations of the Committee on Financial Services, joint hearing on preventing the identity theft by terrorists or criminals, 10 a.m., 2128 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, 9:30 a.m., S–128, Capitol.

Conference: meeting of conferees on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, 4 p.m., S–128, Capitol.

Next Meeting of the SENATE

10 a.m., Thursday, November 8

Senate Chamber

Program for Thursday: Senate will begin consideration of S. 1428, Intelligence Authorization Bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 8

House Chamber

Program for Thursday: Consideration of Motions to go to Conference on:

(1) H.R. 3061, Labor, HHS, and Education Appropriations; and

(2) H.R. 2944, District of Columbia Appropriations Act.

Consideration of conference report on H.R. 2620, VA, HUD Appropriations (rule waiving points of order).

Extensions of Remarks, as inserted in this issue

HOUSE

Bereuter, Doug, Nebr., E2026, E2031
Blumenauer, Earl, Ore., E2026
Capps, Lois, Calif., E2030
Clay, Wm. Lacy, Mo., E2030
Clyburn, James E., S.C., E2025
Fossella, Vito, N.Y., E2026
Gilman, Benjamin A., N.Y., E2028
Hoeffel, Joseph M., Pa., E2023, E2024
Inslee, Jay, Wash., E2028
Israel, Steve, N.Y., E2027
Jackson-Lee, Sheila, Tex., E2026
Kilpatrick, Carolyn C., Mich., E2028
McGovern, James P., Mass., E2023
Maloney, Carolyn B., N.Y., E2030
Millender-McDonald, Juanita, Calif., E2029
Miller, George, Calif., E2024, E2026
Radanovich, George, Calif., E2023, E2025, E2026, E2026
Shimkus, John, Ill., E2025
Slaughter, Louise McIntosh, N.Y., E2027
Smith, Christopher H., N.J., E2025, E2027
Towns, Edolphus, N.Y., E2030
Visclosky, Peter J., Ind., E2023, E2024
Wynn, Albert Russell, Md., E2027

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $197.00 for six months, $393.00 per year, or purchased for $4.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.